



PLANNING AND DEVELOPMENT COMMITTEE

Date: Wednesday, 19 February 2025

Time: 6.30pm,

Location: Council Chamber

Contact: Gemma O'Donnell

committees@stevenage.gov.uk

Members: Councillors: C Parris (Chair), N Chowdhury (Vice-Chair), J Ashley-Wren, R Broom, F Chowdhury, K Choudhury, P Clark, A Elekolusi, L Guy, C DeFreitas, E Plater, C Veres, A Wells and S Booth

AGENDA

PART 1

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

2. **MINUTES - 7 JANUARY 2025**

To approve as a correct record the Minutes of the previous meeting held on 7 January 2025

3 – 18

3. **24/00701/FPM - BARNWELL MIDDLE SCHOOL**

To consider the provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site A.
19 – 32

4. **24/00700/FPM - BARNWELL MIDDLE SCHOOL**

To consider the provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site B.
33 – 46

5. **24/00706/FPM - BARNWELL MIDDLE SCHOOL**

To consider the provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site C.
47 – 60

6. **24/00743/FPM - 9 - 11 THE FORUM**

To consider the demolition of the existing buildings and structures and re-development to provide new homes (Use Class C3), flexible commercial floorspace (Use Class E), amenity space, landscaping, new cycle parking, and other associated works.

61 – 106

7. INFORMATION REPORT - DELEGATED DECISIONS

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

107 – 120

8. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

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

121 – 132

9. URGENT PART I BUSINESS

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

10. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions that:

1. Under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as described in paragraphs 1-7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports (if any) being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

11. URGENT PART II BUSINESS

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

STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 7 January 2025

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Claire Parris (Chair), Nazmin Chowdhury (Vice Chair), Julie Ashley-Wren, Stephen Booth, Rob Broom, Forhad Chowdhury, Peter Clark, Lynda Guy, Coleen De Freitas, Ellie Plater CC and Carolina Veres

Start / End Time: Start Time: 6.30pm
End Time: 6.50pm

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

The Chair opened the meeting and informed members of the passing of Alderman David Cullen who was a former Councillor and long-time Chair of Planning. The Chair advised Members that there would be an opportunity for tributes at the meeting of the Council on 22 January 2025.

Apologies for absence were received from Councillor Kamal Choudhury and Councillor Anne Wells

There were no declarations of interest.

2 **MINUTES - 29 OCTOBER 2024 & 3 DECEMBER 2024**

It was **RESOLVED** that the Minutes of the meetings of the Planning and Development Committee held on 29 October 2024 and 3 December 2024 be approved as correct records and signed by the Chair.

3 **24/00821/FP - 2-16 WALDEN END**

At this juncture, the Interim Assistant Director advised the Committee that the four applications being considered at the meeting were all for identical bin enclosures outside four different flat blocks all on Walden End. As such, the presentations would contain a lot of duplication. The Interim Assistant Director reminded the Committee that each application had to be considered on its own merits.

The Committee received a presentation from the Interim Assistant Director (Planning and Regulation). The Committee were informed about refurbishment works which had taken place at the flats, and the proposal that each flat block would have a dedicated bin enclosure to house 10no. 360 litre wheelie bins.

The Interim Assistant Director advised Members that the proposed bin enclosures

would be constructed from Timber and would have a height of 1.45 metres. All four stores would be located at the front of the flat blocks.

The Committee heard that the main principles were the design of the visual impact, the impact on the area of open space and the impact of residential amenity. It was also noted that officers had considered the proposals acceptable in relation to the local plan and national planning policy framework.

The Interim Assistant Director advised the Committee that an addendum report circulated with the agenda papers, included comments from Cycle UK regarding the installation of cycle storage facilities at these flat blocks to encourage a modal shift. This however was not part of the original application but could be discussed with the applicants in the future.

The Committee was informed of an objection from HCC Highways, which raised concerns about the potential highway safety issue with the unit's door opening out onto public highway. The Interim Assistant Director advised the Committee that the door in question would only be used for refuse collections thus minimising the potential for any obstruction.

In response to a question regarding access to the codes on the bin enclosures, the Interim Assistant Director advised that the refuse team would have access to this code and residents would use the back of the bin store for access.

At this juncture, Members commented on the similarity of these four reports and questioned why they could not reference back to the first item, to which the officer responded that each submission was an individual application and therefore a statutory requirement to review each application separately.

Members sought clarification on environmental waste and the risk of fly tipping. The Interim Assistant Director responded that it was a matter for Stevenage Direct Services and did not form part of the planning application being considered.

At this junction the Chair of the Environment and Economy Select Committee advised Members of an upcoming session on waste and recycling which covered these policies and welcomed members to attend.

A recorded vote* was taken on the application and it was **RESOLVED** 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:
Location Plan; 267/586;
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.

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>

5. Biodiversity Net Gain

Applications where Biodiversity Net Gain is not required as development is considered De Minimis

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- e. a Biodiversity Gain Plan has been submitted to the planning authority, and
- f. the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

3. Development below the de minimis threshold, meaning development which:
 - e. does not impact an onsite priority habitat (a habitat specified

in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
f. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

*** Recorded Vote**

For – Councillors Julie Ashley-Wren, Stephen Booth, Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Peter Clark, Lynda Guy, Coleen Houlihan, Claire Parris, Ellie Plater and Carolina Veres

Against – 0

Abstentions – 0

Absent – Councillors Kamal Choudhury, Akin Elekolusi and Anne Wells

4 **24/00818/FP - 18 - 32 WALDEN END**

The Interim Assistant Director informed the committee that the application was identical to item three but for flat block 18-32 Walden End and offered to reprise the presentation.

A recorded vote* was taken on the application and it was **RESOLVED** 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:
Location Plan; 267/587;
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

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3. Building Regulations

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- Insulation
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- g. a Biodiversity Gain Plan has been submitted to the planning authority, and
- h. the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a

Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

4. Development below the de minimis threshold, meaning development which:
 - f. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - g. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

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More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

*** Recorded Vote**

For – Councillors Julie Ashley-Wren, Stephen Booth, Rob Broom, Forhad

Chowdhury, Nazmin Chowdhury, Peter Clark, Lynda Guy, Coleen Houlihan, Claire Parris, Ellie Plater and Carolina Veres

Against – 0

Abstentions – 0

Absent – Councillors Kamal Choudhury, Akin Elekolusi and Anne Wells

5 **24/00819/FP - 34 - 48 WALDEN END**

The Interim Assistant Director informed the committee that the application was identical to item three but for flat block 34-48 Walden End and offered to reprise the presentation.

Members commented on the location of the enclosure at this flat block being in close proximity to a lamppost and BT column, to which the Interim Assistant Director confirmed they had been positioned to avoid utilities where possible.

A recorded vote* was taken on the application and it was **RESOLVED** 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:
Location Plan; 267/588
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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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.

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5. Biodiversity Net Gain

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The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

- i. a Biodiversity Gain Plan has been submitted to the planning authority, and
- j. the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

5. Development below the de minimis threshold, meaning development which:
 - g. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - h. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

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*** Recorded Vote**

For – Councillors Julie Ashley-Wren, Stephen Booth, Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Peter Clark, Lynda Guy, Coleen Houlihan, Claire Parris, Ellie Plater and Carolina Veres

Against – 0

Abstentions – 0

Absent – Councillors Kamal Choudhury, Akin Elekolusi and Anne Wells

6 **24/00820/FP - 50 - 64 WALDEN END**

The Interim Assistant Director informed the committee that the application was identical to item three but for flat block 50-64 Walden End and offered to reprise the presentation.

A recorded vote* was taken on the application and it was **RESOLVED** that planning permission be GRANTED subject to the following conditions and informatives:

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- l. the planning authority has approved the plan.

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6. Development below the de minimis threshold, meaning development which:
 - h. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - i. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

*** Recorded Vote**

For – Councillors Julie Ashley-Wren, Stephen Booth, Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Peter Clark, Lynda Guy, Coleen Houlihan, Claire Parris, Ellie Plater and Carolina Veres

Against – 0

Abstentions – 0

Absent – Councillors Kamal Choudhury, Akin Elekolusi and Anne Wells

7 INFORMATION REPORT - DELEGATED DECISIONS

It was **RESOLVED** that the Information Report – Delegated Decision be noted.

8 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

The Interim Assistant Director provided the Committee with a brief verbal update to accompany the information report:

- Boxfield Green
The Planning Inspector stated there was an error in the enforcement notice which has been withdrawn and reproduced.

- Aintree Way
A site visit was conducted by the Planning Inspector. Awaiting decision on the enforcement notice.
- Land West of Lytton Way (ICON Site)
A recent site visit was conducted by the inspector. A decision was expected imminently, with full details to be shared with the Committee once the decision was received.

It was **RESOLVED** that the Information Report – Appeals / Called In Decisions be noted.

9 **URGENT PART I BUSINESS**

There was no Urgent Part I Business.

10 **EXCLUSION OF THE PRESS AND PUBLIC**

It was **RESOLVED**:

1. That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports 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.

11 **PART II MINUTES OF PREVIOUS MEETING - 29 OCTOBER 2024 & 3 DECEMBER 2024**

It was **RESOLVED** that the Part II Minutes of the previous meetings of the Planning & Development Committee held on 29 October 2024 and 3 December be approved as correct records.

12 **URGENT PART II BUSINESS**

There was no Urgent Part II Business.

CHAIR

Meeting: Planning and Development Agenda Item:
Committee

Date: 19 February 2025

Author: Linda Sparrow

Lead Officer: James Chettleburgh

Contact Officer: Linda Sparrow

Application No : 24/00701/FPM

Location : Barnwell Middle School Shephall Green

Proposal : The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site A.

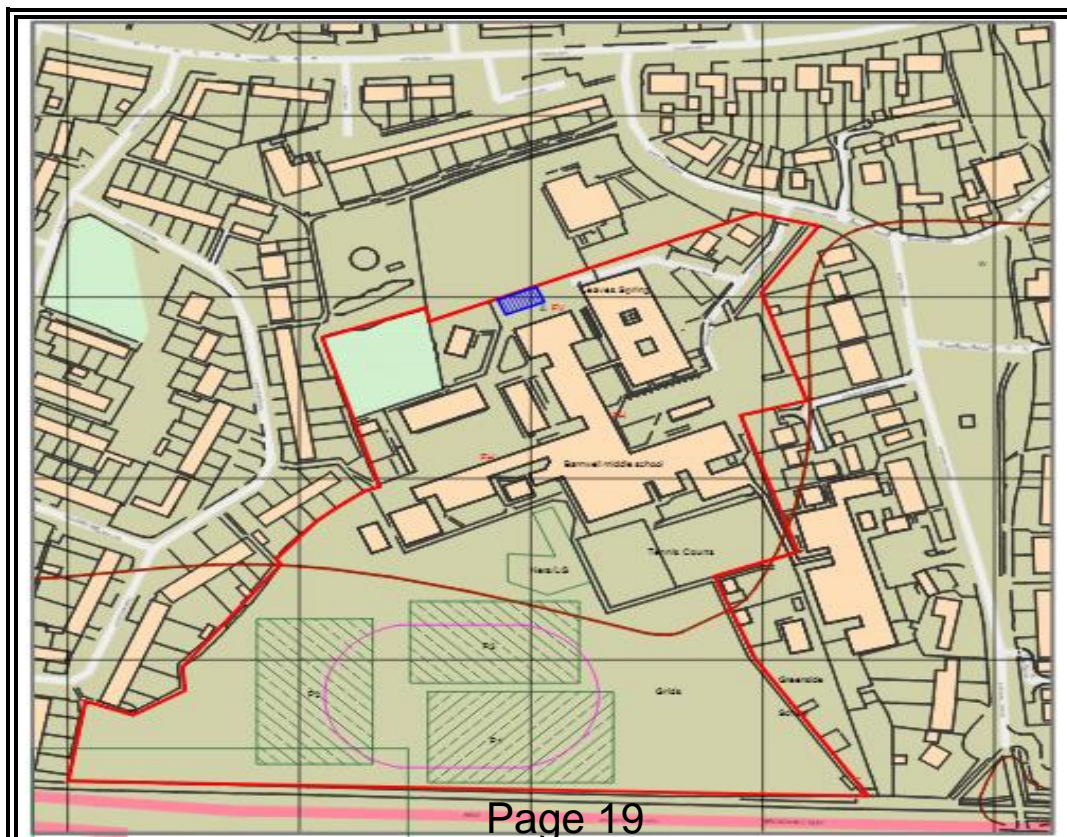
Drawing Nos.: BMS-MB 01; BMS-MB 02;

Applicant : Mr Alex Petitt

Agent: Mr Simon Gurd

Date Valid: 21 October 2024

Recommendation: **GRANT PLANNING PERMISSION**



1. SITE DESCRIPTION

- 1.1 The application site is located on the western side of Shephall Green. The site comprises Barnwell Middle School (formerly Heathcote School) which has a number of single storey and two-storey utilitarian designed school blocks. The blocks are generally a steel frame construction with crittall windows and steel cladding.
- 1.2 The surrounding area comprises post-war suburban style terrace properties within regimented building as well as detached properties which have a unique architectural style and a church dating back to the 14th Century.

2. RELEVANT PLANNING HISORY

- 2.1 01/00107/REG3 Consultation by Hertfordshire County Council under Regulation 3: Single storey building to accommodate four new classrooms 10.05.2001 OBJ
- 2.2 04/00026/REG3 Mobile learning support unit 19.02.2004 NOOBJ
- 2.3 04/00513/REG3 5-bay double mobile classroom unit 17.11.2004 NOOBJ
- 2.4 13/00004/CC Herts County Council consultation for 1no. eight classroom teaching block, 1no. two classroom teaching block, external canopy, construction of new footpath, covered walkway, new pedestrian access, new informal recreation space, fencing and associated matters 04.02.2013 NOOBJ
- 2.5 14/00414/FP Installation of 2-class mobile classroom (relocated from Barnwell School East Campus) 12.12.2014 PER
- 2.6 19/00283/FP Extension and resurfacing of playing courts, erection of 12no. 8m high floodlights, installation of 4.5m high fencing and siting of storage container. 19.06.2020 PER
- 2.7 24/00700/FPM The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site B. PCO
- 2.8 24/00706/FPM The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site C. PCO

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping around the building.
- 3.2 This application covers Site A. Sites B and C are dealt with under separate cover.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters, a site notices, and a press notice, no comments were received.

5. CONSULTATIONS

5.1. Herts County Council as Highways Authority

- 5.1.1 The applicant has submitted 3 separate applications (SV/22564/2024; SV/22536/2024; SV/22537/2024) to identify different potential locations for the new classroom building, the design of which will not change. Bearing in mind these are all within the school complex, it is considered that any of these identified locations will not result in any significant highways implications. Therefore, the Highway Authority has no objection to the proposal. Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

5.2 Environmental Health

- 5.2.1 No objection subject to conditions.

5.3 Arboricultural and Conservation Manager

- 5.3.1 I have carefully analysed this application, inspected the site and can confirm that I do not support the proposed development. I believe it would be a substantial loss, from an Arboriculture viewpoint to completely remove the large, mature, category A London Plane tree T4. If, however, once all other factors are considered, the decision is made to grant permission, then I suggest a substantial tree replacement scheme is requested.

They were advised of the biodiversity net gain that would be provided on site by way of mini-orchard and new hedgerow. Additional comments were then received as follows:

- 5.3.2 I believe that a mini orchard and a minimum of 10 metres of new hedgerow should go some way in mitigating the loss of T4.

5.4 Sport England

- 5.4.1 No objections.

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 on 12th December 2024. This made significant changes to the December 2023 version and revised policy with respect to the following:

- Overhauling Green Belt policies.
- Re-introducing mandatory housing delivery targets.

- Strengthening policies around 5-year land supply of housing.
- Strengthening policies relating to strong and competitive economy.
- Refusal of permissions for fast food outlets and hot food takeaways close to schools or where there is evidence of an existing concentration of such uses.
- Strengthening policies on delivering school places.
- Strengthening policies on sustainable transport.
- Updating climate change policies.

6.2.2 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 In order for a Local Plan to be effective, they need to be kept up-up-date. The NPPF states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years. This is reflected under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which sets out local planning authorities must review local plans every 5 years from their adoption to ensure that policies remain relevant and effectively address the needs of the local community.

6.2.4 The Stevenage Borough Local Plan (2011 – 2031) was formally adopted by the Council on the 22nd May 2019. As of the 22nd May 2024, the adopted Local Plan is 5 years old and as such, is deemed to be out-of-date. This means that the policies contained in the local plan are deemed to have limited weight with greater weight applied to the framework of policies in the NPPF.

6.2.5 The council is currently carrying out a partial review and update of the local plan. On 21 November 2024, a schedule of proposed changes was published for the second stage of public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This is where a further opportunity for representations can be made on the amendments to the Local Plan before it is submitted for examination to a planning inspector. The Council intends to submit the Local Plan for Examination in Public (EiP) in early 2025 with the aim to adopt an updated Local Plan by June 2025. As the updated Local Plan progresses through the relevant stages outlined above, more weight can be applied to the respective policies until its formal adoption by the Council. Please refer to point 6.6 below for more information.

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 2011-2031 (Adopted 2019)

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

- Policy SP8: Good design;
- Policy IT5: Parking and access;
- Policy GD1: High quality design;
- Policy NH5: Trees and woodland;
- Policy NH6: General protection for open space;
- Policy HC6: Existing leisure and cultural facilities.

6.6 Local Plan Partial Review (2024)

6.6.1 Local Plan Partial Review and Update

In accordance with paragraph 48 of the NPPF (2023) with regards to the determination of planning applications, it states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Based on the above, policies of emerging plans gain weight as they progress through the process of consultation, examination, and whether they attract objections. Therefore, the weight that can be applied to the policies contained in the Stevenage Local Plan 2011-2031 Partial Review and Update (2024) are set out as follows:

- Low Weight – Regulation 18 pre-consultation.
- Moderate Weight – Regulation 18 post-consultation.
- Substantial weight – Regulation 19.*
- Full weight – Adoption.

* Given that any new and significantly revised Local Plan policies are subject to Examination in Public by the Secretary of State, respective weighting of the Local Plan policies under the Local Plan Partial Review and Update at Regulation 19 consultation stage will vary. Weighting of policies applied to decision making will be assessed on a policy-by-policy basis.

In order to view an updated tracked change copy of the Local Plan Partial Review (LPPR), please see the link below:

<https://democracy.stevenage.gov.uk/documents/s37641/4%20Appendix%20A%20LPPR%202024%20-%20Track%20Changes%20Reg%2018%20to%20Reg%2019.pdf>

6.7 Supplementary Planning Documents

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

- Parking Provision Supplementary Planning Document (October 2020);
- Stevenage Design Guide Supplementary Planning Document (January 2023);
- Developer Contributions Supplementary Planning Document (March 2021);

6.8 Community Infrastructure Levy

6.8.1 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.

7. APPRAISAL

7.1. The main issues in the assessment of the application are the impact on the character and appearance of the area, impact on neighbouring amenities, car parking provision and impacts on trees, landscaping and school playing fields.

7.1.1 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 **Design and visual impact**

National Planning Policy Framework and Planning Practice Guidance

7.2.1 Chapter 12. (Achieving well-designed places) of the NPPF (2024) stipulates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. Where development is not well designed, permission should be refused.

7.2.2 The National Design Guide 2021, 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.

7.2.3 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.

Development Plan

7.2.4 Policy SP8 of the Local Plan Partial Review (2024), generally reflects the requirements of the NPPF in that it requires new development to achieve the highest standards of design and sustainability. In addition, Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment, and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.2.5 In the emerging local plan partial review and update, criterion (e) is updated to refer to “unacceptable” adverse impacts. The intention behind the change is to make clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker. Policy GD2 is a new policy emerging from the local plan partial review and update. It states that proposals which demonstrate they have been designed to achieve a rating of excellent or higher against a relevant BREEAM standard and/or to achieve the BRE Home Quality Mark will be strongly supported, although this is not mandatory.

Supplementary Planning Document

7.2.6 The Council’s Design Guide SPD (Jan 2023) sets out that an understanding and analysis of the original New Town design concepts identified some key issues. These have been used as key themes, which run throughout the entirety of the Design Guide. Considering

these concepts at all stages of the development process provides 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.

7.2.7 The modular building would be sited to the north of the main school building. The building would be single storey with a maximum height of 3.1m, with projecting rooflights in the centre of the roof approximately 0.3m high. A small compound to the rear of the building would house external condensing units, 1m high and 1.1m deep and 0.6m wide.

7.2.8 The materials would be of a suitable appearance, commensurate with a school site and can be conditioned to be as per submitted documentation. The height of the building is lower than the height of the building to which it would be seen against when viewed from neighbouring residential dwellings.

7.3 Impact on Neighbouring residential amenity

National Planning Policy Framework and Planning Practice Guidance

7.3.1 Paragraph 135 of the NPPF (2024) sets out that planning decision should ensure create places with a high standard of amenity for existing and future residents. Paragraph 124 of the National Design Guide states that “*Good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability*”. Paragraph 126 of the National Design Guide also emphasises that “*well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. The quality of internal space needs careful consideration in higher density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important*”.

Development Plan

7.3.2 Policies SP8 and GD1 of the Local Plan Partial Review (2024) are deemed to carry significant weight, this is because they generally reflect the good design principles outlined in the NPPF and National Design Guide, i.e., that these policies require developments do not adversely impact the amenities of neighbouring occupiers as a good design principle.

7.3.3 There are no residential dwellings close to the proposed site; it lies to the south of the rear amenity area of the Shephall Community Centre.

7.3.4 However, Environmental Heath assessed the application and advised that there is potential for noise nuisance to occur from the air conditioning units. In this regard, they are satisfied that a suitably worded condition would ensure the proposed development is acceptable in this regard.

7.4 Car Parking and Cycle Provision

National Planning Policy Framework and Planning Practice Guidance

7.4.1 Chapter 9. (Promoting Sustainable Transport) of the NPPF (2024) sets out a requirement to consider transport issues, which includes parking, at the earliest stages of a development proposal. Paragraph 116 of the NPPF (2024) states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would*

be severe.”. Taking this into consideration, paragraph 117 of the NPPF (2024) stipulates that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Development Plan

7.4.2 Policy IT5 of the Local Plan Partial Review (2024), which carries significant weight, requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.

Policy SP6: Sustainable Transport, has been significantly updated. This policy requires, amongst other things, for developments to demonstrate they are in a sustainable location and will promote active travel by non-car modes of transport by providing appropriate cycle parking and prioritise public transport.

7.4.3 The proposed building would not reduce any car parking on site. HCC Highways have assessed the application and advised they have no concerns or objections in relation to impacts on highway safety.

7.5 Trees, Landscaping, and Playing Fields

7.5.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. In the emerging Local Plan Partial Review and update (2024), policy NH5 is replaced by two new policies: Policy NH5a, which relates to trees and woodland; and Policy NH5b, which relates to tree-lined streets. Policy NH5a continues to provide a general presumption against the loss of healthy trees but also introduces a new tree replacement standard and offsetting mechanism where replacement planting cannot be provided on site. Policy NH5b requires new streets to be tree-lined, mirroring paragraph 136 and footnote 52 of the NPPF. Having regard to paragraph 49 of the NPPF (2024), this emerging version of the policy is afforded limited weight in the assessment of the application, and this has not changed as a result of the progression of the review to Regulation 19 stage on 21 November 2024.

7.5.2 The application was accompanied by an Ecological Appraisal and Planning Statement with a number of appendices, which include tree assessments. The site to which this application relates would result in the loss of up to 2 London Plane trees. These trees have been identified as having moderate ecological value, to the immediate site area only.

7.5.3 The Council's Arboricultural and Conservation Manager has assessed the application and initially advised that the loss of one of the London Plane trees is unacceptable in amenity terms. However, following discussions, they agreed that the mitigation measures proposed in order to achieve a 10% biodiversity net gain on site, would, in his opinion, be acceptable if planning permission was granted.

- 7.5.4 When considering the public benefits of the proposal, through the increased provision of school places, and the biodiversity net gain that would be achieved on the site which exceeds the required 10%, the loss of the trees is considered to be suitably mitigated against such that their loss is acceptable in this instance.
- 7.5.5 The school's playing fields are protected by Policy HC6 which ensures that any development resulting in loss of existing facilities will only be granted if the facility can be re-located, there is no longer a need for said facility, or, the development is for alternative leisure or cultural facilities.
- 7.5.6 Further, the site is designated as an area of informal open space and is protected by Policy NH6 of the Stevenage Local Plan. Policy NH6 for general protection of open space states that planning permission for development of any existing, unallocated open space will be permitted where the loss of the open space is justified having regard to the quality and accessibility of the open space, the existence of any interventions to improve quality or access, whether the open space is serving its function or purpose and whether alternate spaces would remain available for community use.
- 7.5.7 The proposed development would be utilised as additional classrooms for the Barnwell Middle School. The porta-cabin would be located adjacent to the brick-built classroom block on existing hardstanding to the north of the school building. Consequently, the development would not result in the loss of any outdoor sport facilities and pitches.
- 7.5.8 Further to the above, Sport England considers that the proposal would not harm the sport and recreation provision of the school.
- 7.5.9 Given the aforementioned comments, the proposed development would not harm the Structural Open Space/School Playing Field; therefore, the proposal complies with Policies HC6 and NH6 of the adopted Local Plan (2019) and the NPPF (2024).

7.6 Biodiversity, Ecology and Protected Species

- 7.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply in some circumstances.
- 7.6.2 Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted, and, if it does not apply, under which exemption they are applying.
- 7.6.3 The accompanying Ecological Appraisal (EA) and appendices include a biodiversity assessment and mandatory metric calculations. The EA confirms that a 10% net gain cannot be provided within the red line of the site as this is tightly constrained to the plot of the building, however, within the wider site plan of the Barnwell School site, a 0.13ha mini orchard would be planted that would provide a 12.6% BNG and a new native hedgerow measuring 10m would also be provided to create 100% net gain in hedgerow habitat. As such, the BNG is met on site and is acceptable. Suitably worded conditions can ensure this is provided.

7.7 Other Matters

Published Admission Numbers

- 7.7.1 It is noted that the application is submitted due to Herts County Council requiring the school to increase its student admissions to year 7 in 2024/25. The current Published Admissions Numbers (PAN) is 240 and HCC require this to be increased to 270.

- 7.7.2 The applicant is undecided on the best site to locate the proposed building and as such has submitted 3no. separate applications to cover sites A, B, and C. Each application is assessed individually, however, the cumulative impact on neighbouring properties and the local highway network if all three are granted permission and implemented, could potentially exceed the assessment of each building individually.
- 7.7.3 To mitigate potential impacts, it is considered acceptable to impose condition on all applications granted, that, if the implementation of said permission will result in the PAN exceeding 270, then further planning applications would be required to assess potential impacts.

7.8 Equality, Diversity and Human Rights

- 7.8.1 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.
- 7.8.2 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.
- 7.8.3 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.
- 7.8.4 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.
- 7.8.5 In terms of inclusive access, the scheme has been designed to be Disability Discrimination Act compliant with ramped and level access to all entrance points.

8. CONCLUSIONS

- 8.1 In conclusion, the proposed development is considered to be in accordance with the development plan taken as a whole and there are no other material considerations which warrant a decision other than in accordance with the development plan.

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:
BMS-MB 01; BMS-MB 02;
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 construction of the external surfaces of the proposed development hereby permitted shall as per the submitted plans and associated documents to the satisfaction of the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance.
- 4 If the implementation of this planning permission would result in the Published Admissions Number (PAN) exceeding 270 students then a further planning application shall be submitted to the Local Planning Authority to assess any potential impacts.
REASON:- In the interests of neighbouring amenities and highway safety.
- 5 No demolition or construction work, including site clearance and demolition, that is audible at the site boundary, relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays. These restrictions also apply to deliveries arriving at, and leaving, the site.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
- 6 Any installation of air-conditioning units, air-handling units or any plant and machinery, shall be subject to the following:
For areas above WHO Guideline levels, where the existing external ambient noise level exceeds WHO Guideline levels of either LAeq, 16hrs 55dB daytime (07.00-23.00 hrs) or LAeq, 8hrs 45dB night-time (23.00-07.00hrs).
- (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
REASON:- In the interests of neighbouring amenities.
- 7 No additional external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to operation. Any external lighting shall accord with the details so approved.
REASON:- In the interests of neighbouring amenities.
- 8 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment dated 17 September 2024 and prepared by ELMAW Consulting.
REASON:- To ensure the development delivers a biodiversity net gain on site.
- 9 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
(a) a non-technical summary;
(b) the roles and responsibilities of the responsible person or organisation(s) delivering the HMMP;

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan; (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority

has been submitted to, and approved in writing by, the local planning authority. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

REASON:- To ensure the development delivers a biodiversity net gain on site.

- 10 Notice in writing shall be given to the Council when the:
- (a) HMMP has been implemented; and
 - (b) Habitat creation and enhancement works as set out in the HMMP have been completed.

REASON:- To ensure the development delivers a biodiversity net gain on site.

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>

5 **Biodiversity Net Gain**

Applications where Biodiversity Net Gain is not required as development is considered De Minimis

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

1. Development below the de minimis threshold, meaning development which:
 - a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019 and Local Plan Partial Review (2024).
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework December 2024 and Planning Practice Guidance.

Meeting: Planning and Development Agenda Item:
Committee

Date: 19 February 2025

Author: Linda Sparrow

Lead Officer: James Chettleburgh

Contact Officer: Linda Sparrow

Application No : 24/00700/FPM

Location : Barnwell Middle School Shephall Green

Proposal : The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site B.

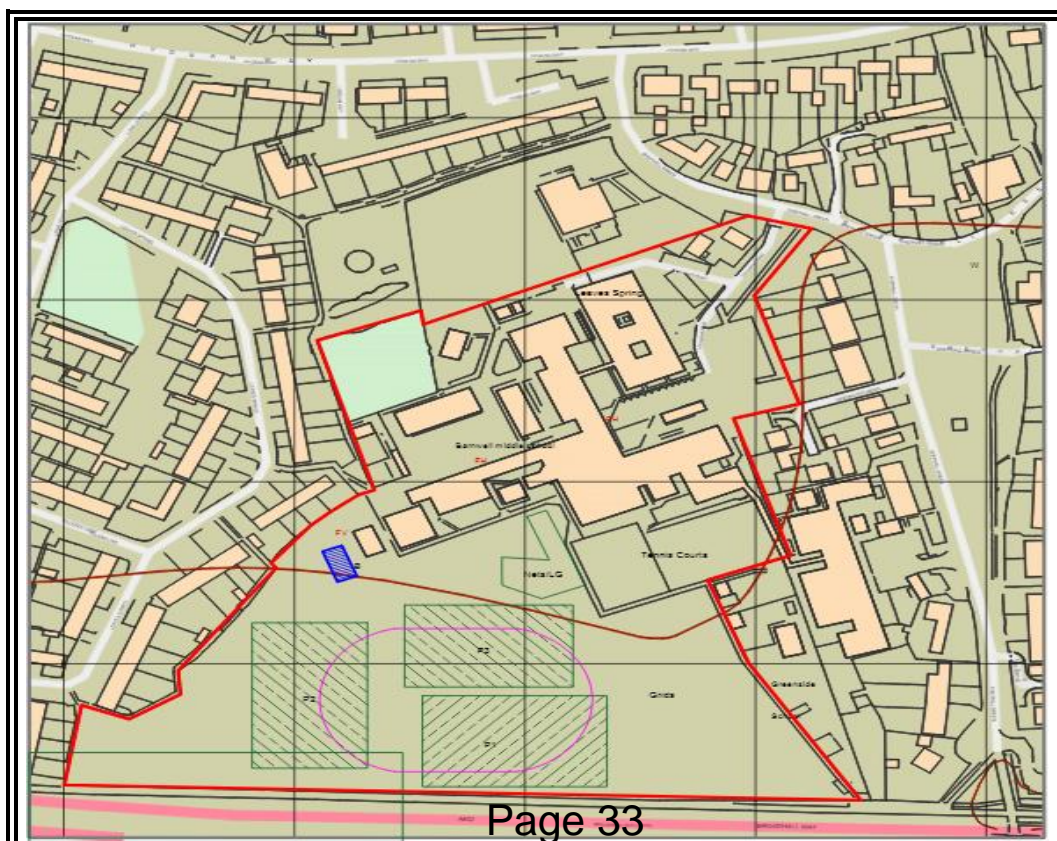
Drawing Nos.: BMS-MB 03; BMS-MB 04;

Applicant : Mr Alex Petitt

Agent: Mr Simon Gurd

Date Valid: 21 October 2024

Recommendation: **GRANT PLANNING PERMISSION**



1. SITE DESCRIPTION

- 1.1 The application site is located on the western side of Shephall Green. The site comprises Barnwell Middle School (formerly Heathcote School) which has a number of single storey and two-storey utilitarian designed school blocks. The blocks are generally a steel frame construction with crittall windows and steel cladding.
- 1.2 The surrounding area comprises post-war suburban style terrace properties within regimented building as well as detached properties which have a unique architectural style and a church dating back to the 14th Century.

2. RELEVANT PLANNING HISORY

- 2.1 01/00107/REG3 Consultation by Hertfordshire County Council under Regulation 3: Single storey building to accommodate four new classrooms 10.05.2001 OBJ
- 2.2 04/00026/REG3 Mobile learning support unit 19.02.2004 NOOBJ
- 2.3 04/00513/REG3 5-bay double mobile classroom unit 17.11.2004 NOOBJ
- 2.4 13/00004/CC Herts County Council consultation for 1no. eight classroom teaching block, 1no. two classroom teaching block, external canopy, construction of new footpath, covered walkway, new pedestrian access, new informal recreation space, fencing and associated matters 04.02.2013 NOOBJ
- 2.5 14/00414/FP Installation of 2-class mobile classroom (relocated from Barnwell School East Campus) 12.12.2014 PER
- 2.6 19/00283/FP Extension and resurfacing of playing courts, erection of 12no. 8m high floodlights, installation of 4.5m high fencing and siting of storage container. 19.06.2020 PER
- 2.7 24/00701/FPM The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site A. PENDING.
- 2.8 24/00706/FPM The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site C. PENDING.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping around the building.
- 3.2 This application covers Site B. Sites A and C are dealt with under separate cover.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters, site notices, and press notices, public representations have been received from the following properties:

50 Shephall Green

I live at number 50 Shephall Green so the back of my house overlooks the car park of the school what I would like to know is where about the building is going to be built? How long the work is going to take as the School is noisy enough from the teachers and parents dropping kids off in the morning, also is this going to create more traffic in this road as all the residents on Shephall green struggle to get in and out of our road when we need to get to work and our own children to school it is already a nightmare, so I would like to know more information before this goes ahead.

5. CONSULTATIONS

5.1. Herts County Council as Highways Authority

- 5.1.1 The applicant has submitted 3 separate applications (SV/22564/2024; SV/22536/2024; SV/22537/2024) to identify different potential locations for the new classroom building, the design of which will not change. Bearing in mind these are all within the school complex, it is considered that any of these identified locations will not result in any significant highways implications. Therefore, the Highway Authority has no objection to the proposal. Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

5.2 Environmental Health

- 5.2.1 No objection subject to conditions.

5.3 Arboricultural and Conservation Manager

- 5.3.1 30th October 2024 – I will need to see an Arboricultural Report
- 5.3.2 18th November 2024 - I have studied this application and can confirm that I have no objection to option B of this development as long as appropriate protective fencing is installed, prior to the commencement of the building work, to prevent excavations, traffic and material storage, within the RPAs of T7 and T8.

5.4 Sport England

- 5.4.1 No objections.

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 on 12th December 2024. This made significant changes to the December 2023 version and revised policy with respect to the following:
- Overhauling Green Belt policies.
 - Re-introducing mandatory housing delivery targets.
 - Strengthening policies around 5-year land supply of housing.
 - Strengthening policies relating to strong and competitive economy.
 - Refusal of permissions for fast food outlets and hot food takeaways close to schools or where there is evidence of an existing concentration of such uses.
 - Strengthening policies on delivering school places.
 - Strengthening policies on sustainable transport.
 - Updating climate change policies.
- 6.2.2 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 In order for a Local Plan to be effective, they need to be kept up-to-date. The NPPF states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years. This is reflected under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which sets out local planning authorities must review local plans every 5 years from their adoption to ensure that policies remain relevant and effectively address the needs of the local community.
- 6.2.4 The Stevenage Borough Local Plan (2011 – 2031) was formally adopted by the Council on the 22nd May 2019. As of the 22nd May 2024, the adopted Local Plan is 5 years old and as such, is deemed to be out-of-date. This means that the policies contained in the local plan are deemed to have limited weight with greater weight applied to the framework of policies in the NPPF.
- 6.2.5 The council is currently carrying out a partial review and update of the local plan. On 21 November 2024, a schedule of proposed changes was published for the second stage of public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This is where a further opportunity for representations can be made on the amendments to the Local Plan before it is submitted for examination to a planning inspector. The Council intends to submit the Local Plan for Examination in Public (EiP) in early 2025 with the aim to adopt an updated Local Plan by June 2025. As the updated Local Plan progresses through the relevant stages outlined above, more weight can be applied to the respective policies until its formal adoption by the Council. Please refer to point 6.6 below for more information.

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 2011-2031 (Adopted 2019)

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

Policy SP8: Good design;
Policy IT5: Parking and access;
Policy GD1: High quality design;
Policy NH5: Trees and woodland;
Policy NH6: General protection for open space;
Policy HC6: Existing leisure and cultural facilities.

6.6 Local Plan Partial Review (2024)

6.6.1 Local Plan Partial Review and Update

In accordance with paragraph 48 of the NPPF (2023) with regards to the determination of planning applications, it states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Based on the above, policies of emerging plans gain weight as they progress through the process of consultation, examination, and whether they attract objections. Therefore, the weight that can be applied to the policies contained in the Stevenage Local Plan 2011-2031 Partial Review and Update (2024) are set out as follows:

- Low Weight – Regulation 18 pre-consultation.
- Moderate Weight – Regulation 18 post-consultation.
- Substantial weight – Regulation 19.*
- Full weight – Adoption.

* Given that any new and significantly revised Local Plan policies are subject to Examination in Public by the Secretary of State, respective weighting of the Local Plan policies under the Local Plan Partial Review and Update at Regulation 19 consultation stage will vary. Weighting of policies applied to decision making will be assessed on a policy-by-policy basis.

In order to view an updated tracked change copy of the Local Plan Partial Review (LPPR), please see the link below:

<https://democracy.stevenage.gov.uk/documents/s37641/4%20Appendix%20A%20LPPR%202024%20-%20Track%20Changes%20Reg%2018%20to%20Reg%2019.pdf>

6.7 Supplementary Planning Documents

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

- Parking Provision Supplementary Planning Document (October 2020);
- Stevenage Design Guide Supplementary Planning Document (January 2023);
- Developer Contributions Supplementary Planning Document (March 2021);

6.8 Community Infrastructure Levy

- 6.8.1 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.

7. APPRAISAL

- 7.1 The main issues in the assessment of the application are the impact on the character and appearance of the area, impact on neighbouring amenities, car parking provision and impacts on trees, landscaping and school playing fields.

- 7.1.1 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 Design and visual impact

National Planning Policy Framework and Planning Practice Guidance

- 7.2.1 Chapter 12. (Achieving well-designed places) of the NPPF (2024) stipulates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. Where development is not well designed, permission should be refused.

- 7.2.2 The National Design Guide 2021, 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.

- 7.2.3 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.

Development Plan

- 7.2.4 Policy SP8 of the Local Plan Partial Review (2024), generally reflects the requirements of the NPPF in that it requires new development to achieve the highest standards of design and sustainability. In addition, Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment, and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.2.5 In the emerging local plan partial review and update, criterion (e) is updated to refer to “unacceptable” adverse impacts. The intention behind the change is to make clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker. Policy GD2 is a new policy emerging from the local plan partial review and update. It states that proposals which demonstrate they have been designed to achieve a rating of excellent or higher against a relevant BREEAM standard and/or to achieve the BRE Home Quality Mark will be strongly supported, although this is not mandatory.

Supplementary Planning Document

7.2.6 The Council’s Design Guide SPD (Jan 2023) sets out that an understanding and analysis of the original New Town design concepts identified some key issues. These have been used as key themes, which run throughout the entirety of the Design Guide. Considering these concepts at all stages of the development process provides 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.

7.2.7 The modular building would be sited to the west of the main school building, to the rear of residential dwellings in Leaves Spring. The building would be single storey with a maximum height of 3.1m, with projecting rooflights in the centre of the roof approximately 0.3m high. A small compound to the rear of the building would house external condensing units, 1m high and 1.1m deep and 0.6m wide.

7.2.8 The materials would be of a suitable appearance, commensurate with a school site and can be conditioned to be as per submitted documentation. The height of the building is lower than the height of the building to which it would be seen against when viewed from neighbouring residential dwellings.

7.3 Impact on Neighbouring residential amenity

National Planning Policy Framework and Planning Practice Guidance

7.3.1 Paragraph 135 of the NPPF (2024) sets out that planning decision should ensure create places with a high standard of amenity for existing and future residents. Paragraph 124 of the National Design Guide states that “*Good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability*”. Paragraph 126 of the National Design Guide also emphasises that “*well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. The quality of internal space needs careful consideration in higher density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important*”.

Development Plan

7.3.2 Policies SP8 and GD1 of the Local Plan Partial Review (2024) are deemed to carry significant weight, this is because they generally reflect the good design principles outlined in the NPPF and National Design Guide, i.e., that these policies require developments do not adversely impact the amenities of neighbouring occupiers as a good design principle.

7.3.3 The closest residential dwellings are to the west of the school boundary, and would be west, north-west of the proposed building at a distance of approximately 10-15m. The school boundary is well landscaped and as such, neighbouring properties would have limited views of the building, and, being single storey, it is unlikely there would be unacceptable impacts regarding privacy between the two sites, no more so than what already occurs.

7.3.4 However, Environmental Health assessed the application and advised that there is potential for noise nuisance to occur from the air conditioning units. In this regard, they are satisfied that a suitably worded condition would ensure the proposed development is acceptable in this regard.

7.4 Car Parking and Cycle Provision

National Planning Policy Framework and Planning Practice Guidance

7.4.1 Chapter 9. (Promoting Sustainable Transport) of the NPPF (2024) sets out a requirement to consider transport issues, which includes parking, at the earliest stages of a development proposal. Paragraph 116 of the NPPF (2024) states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”. Taking this into consideration, paragraph 117 of the NPPF (2024) stipulates that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Development Plan

7.4.2 Policy IT5 of the Local Plan Partial Review (2024), which carries significant weight, requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.

Policy SP6: Sustainable Transport, has been significantly updated. This policy requires, amongst other things, for developments to demonstrate they are in a sustainable location and will promote active travel by non-car modes of transport by providing appropriate cycle parking and prioritise public transport.

7.4.3 The proposed building would not reduce any car parking on site. HCC Highways have assessed the application and advised they have no concerns or objections in relation to impacts on highway safety.

7.5 Trees, Landscaping, and Playing Fields

7.5.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. In the emerging Local Plan Partial Review and update (2024), policy NH5 is replaced by two new policies: Policy NH5a, which relates to trees and woodland; and Policy NH5b, which relates to tree-lined streets. Policy NH5a continues to provide a general presumption against the loss of healthy trees but also

introduces a new tree replacement standard and offsetting mechanism where replacement planting cannot be provided on site. Policy NH5b requires new streets to be tree-lined, mirroring paragraph 136 and footnote 52 of the NPPF. Having regard to paragraph 49 of the NPPF (2024), this emerging version of the policy is afforded limited weight in the assessment of the application, and this has not changed as a result of the progression of the review to Regulation 19 stage on 21 November 2024.

- 7.5.2 The application was accompanied by an Ecological Appraisal and Planning Statement with a number of appendices, which include tree assessments. The site to which this application relates would not involve the loss of any trees. The building would be sited outside the root protection areas of 2no. Oak Trees. The Council's Arboricultural Manager has confirmed he has no objections or concerns.
- 7.5.3 The school's playing fields are protected by Policy HC6 which ensures that any development resulting in loss of existing facilities will only be granted if the facility can be re-located, there is no longer a need for said facility, or, the development is for alternative leisure or cultural facilities.
- 7.5.4 Further, the site is designated as an area of informal open space and is protected by Policy NH6 of the Stevenage Local Plan. Policy NH6 for general protection of open space states that planning permission for development of any existing, unallocated open space will be permitted where the loss of the open space is justified having regard to the quality and accessibility of the open space, the existence of any interventions to improve quality or access, whether the open space is serving its function or purpose and whether alternate spaces would remain available for community use.
- 7.5.5 The proposed development would be utilised as additional classrooms for the Barnwell Middle School. The porta-cabin would be located adjacent to the brick built classroom block on the designated School Playing Field. The proposal would be sited on a concrete plinth with access to the classroom block via the existing footpath in front of the brick built classroom block. However, despite the location of the proposed development on the School Playing Field, it would be sited away from the existing sports pitches and outdoor sport facilities. Consequently, the development would not result in the loss of any outdoor sport facilities and pitches.
- 7.5.6 Further to the above, Sport England considers that the proposal would not harm the sport and recreation provision of the school.
- 7.5.7 Given the aforementioned comments, the proposed development would not harm the Structural Open Space/School Playing Field; therefore, the proposal complies with Policies HC6 and NH6 of the adopted Local Plan (2019) and the NPPF (2024).

7.6 Biodiversity, Ecology and Protected Species

- 7.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply in some circumstances.
- 7.6.2 Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted, and, if it does not apply, under which exemption they are applying.
- 7.6.3 The accompanying Ecological Appraisal (EA) and appendices include a biodiversity assessment and mandatory metric calculations. The EA confirms that a 10% net gain cannot be provided within the red line of the site as this is tightly constrained to the plot of the building, however, within the wider site plan of the Barnwell School site, a 0.13ha

mini orchard would be planted that would provide a 12.6% BNG and a new native hedgerow measuring 10m would also be provided to create 100% net gain in hedgerow habitat. As such, the BNG is considered to be met on site and is acceptable. Suitably worded conditions can ensure this is provided.

7.7 Other Matters

Published Admission Numbers

- 7.7.1 It is noted that the application is submitted due to Hertfordshire County Council requiring the school to increase its student admissions to year 7 in 2024/25. The current Published Admissions Numbers (PAN) is 240 and HCC require this to be increased to 270.
- 7.7.2 The applicant is undecided on the best site to locate the proposed building and as such has submitted 3no. separate applications to cover sites A, B, and C. Each application is assessed individually, however, the cumulative impact on neighbouring properties and the local highway network if all three are granted permission and implemented, could potentially exceed the assessment of each building individually.
- 7.7.3 To mitigate potential impacts, it is considered necessary to impose a condition on all applications granted, that, if the implementation of said permission would result in the PAN exceeding 270, then further planning applications would be required to assess potential impacts.

7.8 Equality, Diversity and Human Rights

- 7.8.1 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.
- 7.8.2 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.
- 7.8.3 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.
- 7.8.4 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.
- 7.8.5 In terms of inclusive access, the scheme has been designed to be Disability Discrimination Act compliant with ramped and level access to all entrance points.

8. CONCLUSIONS

- 8.1 In conclusion, the proposed development is considered to be in accordance with the development plan taken as a whole and there are no other material considerations which warrant a decision other than in accordance with the development plan.

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:

BMS-MB 03; BMS-MB 04;

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 construction of the external surfaces of the proposed development hereby permitted shall as per the submitted plans and associated documents to the satisfaction of the Local Planning Authority.

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

4 If the implementation of this planning permission would result in the Published Admissions Number (PAN) exceeding 270 students then a further planning application shall be submitted to the Local Planning Authority to assess any potential impacts.

REASON:- In the interests of neighbouring amenities and highway safety.

5 No demolition or construction work, including site clearance and demolition, that is audible at the site boundary, relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays. These restrictions also apply to deliveries arriving at, and leaving, the site.

REASON:- To safeguard the amenities of the occupiers of neighbouring properties.

6 Any installation of air-conditioning units, air-handling units or any plant and machinery, shall be subject to the following:

For areas above WHO Guideline levels, where the existing external ambient noise level exceeds WHO Guideline levels of either LAeq, 16hrs 55dB daytime (07.00-23.00 hrs) or LAeq, 8hrs 45dB night-time (23.00-07.00hrs).

1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

REASON:- In the interests of neighbouring amenities.

- 7 No additional external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to operation. Any external lighting shall accord with the details so approved.
REASON:- In the interests of neighbouring amenities.
- 8 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment dated 17 September 2024 and prepared by ELMAW Consulting.
REASON:- To ensure the development delivers a biodiversity net gain on site.
- 9 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
- a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority;
- has been submitted to, and approved in writing by, the local planning authority. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
REASON:- To ensure the development delivers a biodiversity net gain on site.
- 10 Notice in writing shall be given to the Council when the:
- a) HMMP has been implemented; and
 - b) Habitat creation and enhancement works as set out in the HMMP have been completed.
- REASON:-** To ensure the development delivers a biodiversity net gain on site.

For the Following Reason(s):-

- 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>

5 **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority; and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019 and Local Plan Partial Review (2024).
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework December 2024 and Planning Practice Guidance.

Meeting: Planning and Development Agenda Item:
Committee

Date: 19 February 2025

Author: Linda Sparrow

Lead Officer: James Chettleburgh

Contact Officer: Linda Sparrow

Application No : 24/00706/FPM

Location : Barnwell Middle School Shephall Green

Proposal : The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site C.

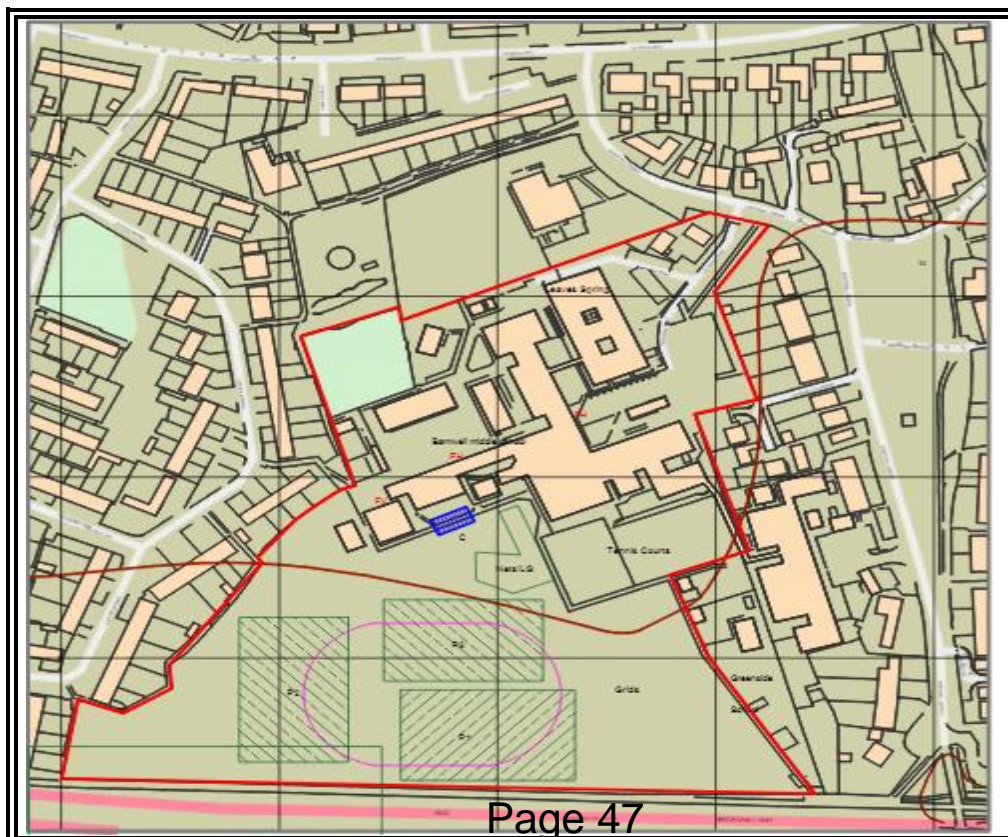
Drawing Nos.: BMS-MB 05; BMS-MB 06;

Applicant : Mr Alex Petitt

Agent: Mr Simon Gurd

Date Valid: 21 October 2024

Recommendation: **GRANT PLANNING PERMISSION**



1. SITE DESCRIPTION

- 1.1 The application site is located on the western side of Shephall Green. The site comprises Barnwell Middle School (formerly Heathcote School) which has a number of single storey and two-storey utilitarian designed school blocks. The blocks are generally a steel frame construction with crittall windows and steel cladding.
- 1.2 The surrounding area comprises post-war suburban style terrace properties within regimented building as well as detached properties which have a unique architectural style and a church dating back to the 14th Century.

2. RELEVANT PLANNING HISORY

- 2.1 01/00107/REG3 Consultation by Hertfordshire County Council under Regulation 3: Single storey building to accommodate four new classrooms 10.05.2001 OBJ
- 2.2 04/00026/REG3 Mobile learning support unit 19.02.2004 NOOBJ
- 2.3 04/00513/REG3 5-bay double mobile classroom unit 17.11.2004 NOOBJ
- 2.4 13/00004/CC Herts County Council consultation for 1no. eight classroom teaching block, 1no. two classroom teaching block, external canopy, construction of new footpath, covered walkway, new pedestrian access, new informal recreation space, fencing and associated matters 04.02.2013 NOOBJ
- 2.5 14/00414/FP Installation of 2-class mobile classroom (relocated from Barnwell School East Campus) 12.12.2014 PER
- 2.6 19/00283/FP Extension and resurfacing of playing courts, erection of 12no. 8m high floodlights, installation of 4.5m high fencing and siting of storage container. 19.06.2020 PER
- 2.7 24/00700/FPM The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site B. PCO
- 2.8 24/00701/FPM The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site A. PCO

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping around the building.
- 3.2 This application covers Site C. Sites A and B are dealt with under separate cover.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters, a site notices, and a press notice, no comments were received.

5. CONSULTATIONS

5.1. Herts County Council as Highways Authority

- 5.1.1 The applicant has submitted 3 separate applications (SV/22564/2024; SV/22536/2024; SV/22537/2024) to identify different potential locations for the new classroom building, the design of which will not change. Bearing in mind these are all within the school complex, it is considered that any of these identified locations will not result in any significant highways implications. Therefore, the Highway Authority has no objection to the proposal. Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

5.2 Environmental Health

- 5.2.1 No objection subject to conditions.

5.3 Arboricultural and Conservation Manager

- 5.3.1 *30th October 2024:* I will need to see an Arboricultural Report.
- 5.3.2 *18th November 2024:* I have studied this application and can confirm that I have no objection to option C.

5.4 Sport England

- 5.4.1 No objections.

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 on 12th December 2024. This made significant changes to the December 2023 version and revised policy with respect to the following:

- Overhauling Green Belt policies.
- Re-introducing mandatory housing delivery targets.
- Strengthening policies around 5-year land supply of housing.
- Strengthening policies relating to strong and competitive economy.
- Refusal of permissions for fast food outlets and hot food takeaways close to schools or where there is evidence of an existing concentration of such uses.
- Strengthening policies on delivering school places.
- Strengthening policies on sustainable transport.
- Updating climate change policies.

- 6.2.2 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 In order for a Local Plan to be effective, they need to be kept up-up-date. The NPPF states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years. This is reflected under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which sets out local planning authorities must review local plans every 5 years from their adoption to ensure that policies remain relevant and effectively address the needs of the local community.
- 6.2.4 The Stevenage Borough Local Plan (2011 – 2031) was formally adopted by the Council on the 22nd May 2019. As of the 22nd May 2024, the adopted Local Plan is 5 years old and as such, is deemed to be out-of-date. This means that the policies contained in the local plan are deemed to have limited weight with greater weight applied to the framework of policies in the NPPF.
- 6.2.5 The council is currently carrying out a partial review and update of the local plan. On 21 November 2024, a schedule of proposed changes was published for the second stage of public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This is where a further opportunity for representations can be made on the amendments to the Local Plan before it is submitted for examination to a planning inspector. The Council intends to submit the Local Plan for Examination in Public (EiP) in early 2025 with the aim to adopt an updated Local Plan by June 2025. As the updated Local Plan progresses through the relevant stages outlined above, more weight can be applied to the respective policies until its formal adoption by the Council. Please refer to point 6.6 below for more information.

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 2011-2031 (Adopted 2019)

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

Policy SP8: Good design;
Policy IT5: Parking and access;
Policy GD1: High quality design;
Policy NH5: Trees and woodland;
Policy NH6: General protection for open space;
Policy HC6: Existing leisure and cultural facilities.

6.6 Local Plan Partial Review (2024)

- 6.6.1 Local Plan Partial Review and Update

In accordance with paragraph 48 of the NPPF (2023) with regards to the determination of planning applications, it states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Based on the above, policies of emerging plans gain weight as they progress through the process of consultation, examination, and whether they attract objections. Therefore, the weight that can be applied to the policies contained in the Stevenage Local Plan 2011-2031 Partial Review and Update (2024) are set out as follows:

- Low Weight – Regulation 18 pre-consultation.
- Moderate Weight – Regulation 18 post-consultation.
- Substantial weight – Regulation 19.*
- Full weight – Adoption.

* Given that any new and significantly revised Local Plan policies are subject to Examination in Public by the Secretary of State, respective weighting of the Local Plan policies under the Local Plan Partial Review and Update at Regulation 19 consultation stage will vary. Weighting of policies applied to decision making will be assessed on a policy-by-policy basis.

In order to view an updated tracked change copy of the Local Plan Partial Review (LPPR), please see the link below:

<https://democracy.stevenage.gov.uk/documents/s37641/4%20Appendix%20A%20LPPR%202024%20-%20Track%20Changes%20Reg%2018%20to%20Reg%2019.pdf>

6.7 Supplementary Planning Documents

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

- Parking Provision Supplementary Planning Document (October 2020);
- Stevenage Design Guide Supplementary Planning Document (January 2023);
- Developer Contributions Supplementary Planning Document (March 2021);

6.8 Community Infrastructure Levy

6.8.1 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.

7. APPRAISAL

7.1. The main issues in the assessment of the application are the impact on the character and appearance of the area, impact on neighbouring amenities, car parking provision and impacts on trees, landscaping and school playing fields.

7.1.1 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 Design and visual impact

National Planning Policy Framework and Planning Practice Guidance

7.2.1 Chapter 12. (Achieving well-designed places) of the NPPF (2024) stipulates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. Where development is not well designed, permission should be refused.

7.2.2 The National Design Guide 2021, 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.

7.2.3 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.

Development Plan

7.2.4 Policy SP8 of the Local Plan Partial Review (2024), generally reflects the requirements of the NPPF in that it requires new development to achieve the highest standards of design and sustainability. In addition, Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment, and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.2.5 In the emerging local plan partial review and update, criterion (e) is updated to refer to “unacceptable” adverse impacts. The intention behind the change is to make clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker. Policy GD2 is a new policy emerging from the local plan partial review and update. It states that proposals which demonstrate they have been designed to achieve a rating of excellent or higher against a relevant BREEAM standard and/or to achieve the BRE Home Quality Mark will be strongly supported, although this is not mandatory.

Supplementary Planning Document

7.2.6 The Council’s Design Guide SPD (Jan 2023) sets out that an understanding and analysis of the original New Town design concepts identified some key issues. These have been used as key themes, which run throughout the entirety of the Design Guide. Considering these concepts at all stages of the development process provides 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.

7.2.7 The modular building would be sited to the south of the main school building. The building would be single storey with a maximum height of 3.1m, with projecting rooflights in the centre of the roof approximately 0.3m high. A small compound to the rear of the building would house external condensing units, 1m high and 1.1m deep and 0.6m wide.

7.2.8 The materials would be of a suitable appearance, commensurate with a school site and can be conditioned to be as per submitted documentation. The height of the building is lower than the height of the building to which it would be seen against when viewed from neighbouring residential dwellings.

7.3 Impact on Neighbouring residential amenity

National Planning Policy Framework and Planning Practice Guidance

7.3.1 Paragraph 135 of the NPPF (2024) sets out that planning decision should ensure create places with a high standard of amenity for existing and future residents. Paragraph 124 of the National Design Guide states that “*Good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability*”. Paragraph 126 of the National Design Guide also emphasises that “*well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. The quality of internal space needs careful consideration in higher density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important*”.

Development Plan

7.3.2 Policies SP8 and GD1 of the Local Plan Partial Review (2024) are deemed to carry significant weight, this is because they generally reflect the good design principles outlined in the NPPF and National Design Guide, i.e., that these policies require developments do not adversely impact the amenities of neighbouring occupiers as a good design principle.

7.3.3 There are no residential dwellings close to the proposed site and the building would occupy a small, recessed area surrounded by other areas of the existing school building.

7.3.4 However, Environmental Health assessed the application and advised that there is potential for noise nuisance to occur from the air conditioning units. In this regard, they are satisfied that a suitably worded condition would ensure the proposed development is acceptable in this regard.

7.4 Car Parking and Cycle Provision

National Planning Policy Framework and Planning Practice Guidance

7.4.1 Chapter 9. (Promoting Sustainable Transport) of the NPPF (2024) sets out a requirement to consider transport issues, which includes parking, at the earliest stages of a development proposal. Paragraph 116 of the NPPF (2024) states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”. Taking this into consideration, paragraph 117 of the NPPF (2024) stipulates that applications for development should

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Development Plan

- 7.4.2 Policy IT5 of the Local Plan Partial Review (2024), which carries significant weight, requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.

Policy SP6: Sustainable Transport, has been significantly updated. This policy requires, amongst other things, for developments to demonstrate they are in a sustainable location and will promote active travel by non-car modes of transport by providing appropriate cycle parking and prioritise public transport.

- 7.4.3 The proposed building would not reduce any car parking on site. HCC Highways have assessed the application and advised they have no concerns or objections in relation to impacts on highway safety.

7.5 Trees, Landscaping, and Playing Fields

- 7.5.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. In the emerging Local Plan Partial Review and update (2024), policy NH5 is replaced by two new policies: Policy NH5a, which relates to trees and woodland; and Policy NH5b, which relates to tree-lined streets. Policy NH5a continues to provide a general presumption against the loss of healthy trees but also introduces a new tree replacement standard and offsetting mechanism where replacement planting cannot be provided on site. Policy NH5b requires new streets to be tree-lined, mirroring paragraph 136 and footnote 52 of the NPPF. Having regard to paragraph 49 of the NPPF (2024), this emerging version of the policy is afforded limited weight in the assessment of the application, and this has not changed as a result of the progression of the review to Regulation 19 stage on 21 November 2024.
- 7.5.2 The application was accompanied by an Ecological Appraisal and Planning Statement with a number of appendices, which include tree assessments. The site to which this application relates would not involve the loss of any trees, nor is it sited close to any form of landscaping, other than grass.
- 7.5.3 The Council's Arboricultural and Conservation Manager has assessed the application and raised no concerns or objections.
- 7.5.4 The school's playing fields are protected by Policy HC6 which ensures that any development resulting in loss of existing facilities will only be granted if the facility can be re-located, there is no longer a need for said facility, or, the development is for alternative leisure or cultural facilities.

- 7.5.5 Further, the site is designated as an area of informal open space and is protected by Policy NH6 of the Stevenage Local Plan. Policy NH6 for general protection of open space states that planning permission for development of any existing, unallocated open space will be permitted where the loss of the open space is justified having regard to the quality and accessibility of the open space, the existence of any interventions to improve quality or access, whether the open space is serving its function or purpose and whether alternate spaces would remain available for community use.
- 7.5.6 The proposed development would be utilised as additional classrooms for the Barnwell Middle School. The porta-cabin would be located adjacent to the brick-built classroom block within a small, recessed area of the building adjacent the playing fields. Consequently, the development would not result in the loss of any outdoor sport facilities and pitches.
- 7.5.7 Further to the above, Sport England considers that the proposal would not harm the sport and recreation provision of the school.
- 7.5.8 Given the aforementioned comments, the proposed development would not harm the Structural Open Space/School Playing Field; therefore, the proposal complies with Policies HC6 and NH6 of the adopted Local Plan (2019) and the NPPF (2024).

7.6 Biodiversity, Ecology and Protected Species

- 7.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply in some circumstances.
- 7.6.2 Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted, and, if it does not apply, under which exemption they are applying.
- 7.6.3 The accompanying Ecological Appraisal (EA) and appendices include a biodiversity assessment and mandatory metric calculations. The EA confirms that a 10% net gain cannot be provided within the red line of the site as this is tightly constrained to the plot of the building, however, within the wider site plan of the Barnwell School site, a 0.13ha mini orchard would be planted that would provide a 12.6% BNG and a new native hedgerow measuring 10m would also be provided to create 100% net gain in hedgerow habitat. As such, the BNG is considered to be met on site and is acceptable. Suitably worded conditions can ensure this is provided.

7.7 Other Matters

Published Admission Numbers

- 7.7.1 It is noted that the application is submitted due to Herts County Council requiring the school to increase its student admissions to year 7 in 2024/25. The current Published Admissions Numbers (PAN) is 240 and HCC require this to be increased to 270.
- 7.7.2 The applicant is undecided on the best site to locate the proposed building and as such has submitted 3no. separate applications to cover sites A, B, and C. Each application is assessed individually, however, the cumulative impact on neighbouring properties and the local highway network if all three are granted permission and implemented, could potentially exceed the assessment of each building individually.
- 7.7.3 To mitigate potential impacts, it is considered acceptable to impose condition on all applications granted, that, if the implementation of said permission will result in the PAN exceeding 270, then further planning applications will be required to assess potential impacts.

7.8 Equality, Diversity and Human Rights

- 7.8.1 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.
- 7.8.2 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.
- 7.8.3 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.
- 7.8.4 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.
- 7.8.5 In terms of inclusive access, the scheme has been designed to be Disability Discrimination Act compliant with ramped and level access to all entrance points.

8. CONCLUSIONS

- 8.1 In conclusion, the proposed development is considered to be in accordance with the development plan taken as a whole and there are no other material considerations which warrant a decision other than in accordance with the development plan.

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:
BMS-MB 05; BMS-MB 06;
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 construction of the external surfaces of the proposed development hereby permitted shall as per the submitted plans and associated documents to the satisfaction of the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance.
 - 4 If the implementation of this planning permission would result in the Published Admissions Number (PAN) exceeding 270 students then a further planning application shall be submitted to the Local Planning Authority to assess any potential impacts.
REASON:- In the interests of neighbouring amenities and highway safety.

5 No demolition or construction work, including site clearance and demolition, that is audible at the site boundary, relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays. These restrictions also apply to deliveries arriving at, and leaving, the site.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.

6 Any installation of air-conditioning units, air-handling units or any plant and machinery, shall be subject to the following:
For areas above WHO Guideline levels, where the existing external ambient noise level exceeds WHO Guideline levels of either LAeq, 16hrs 55dB daytime (07.00-23.00 hrs) or LAeq, 8hrs 45dB night-time (23.00-07.00hrs).

(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

REASON:- In the interests of neighbouring amenities.

7 No additional external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to operation. Any external lighting shall accord with the details so approved.

REASON:- In the interests of neighbouring amenities.

8 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment dated 17 September 2024 and prepared by ELMAW Consulting.

REASON:- To ensure the development delivers a biodiversity net gain on site.

9 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority

has been submitted to, and approved in writing by, the local planning authority. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

REASON:- To ensure the development delivers a biodiversity net gain on site.

- 10 Notice in writing shall be given to the Council when the:
- (a) HMMP has been implemented; and
 - (b) Habitat creation and enhancement works as set out in the HMMP have been completed.
- REASON:-** To ensure the development delivers a biodiversity net gain on site.

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>

5 Biodiversity Net Gain

Applications where Biodiversity Net Gain is not required as development is considered De Minimis

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

- 1. Development below the de minimis threshold, meaning development which:
 - a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019 and Local Plan Partial Review (2024).
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework December 2024 and Planning Practice Guidance.

Meeting: Planning and Development Agenda Item:
Committee

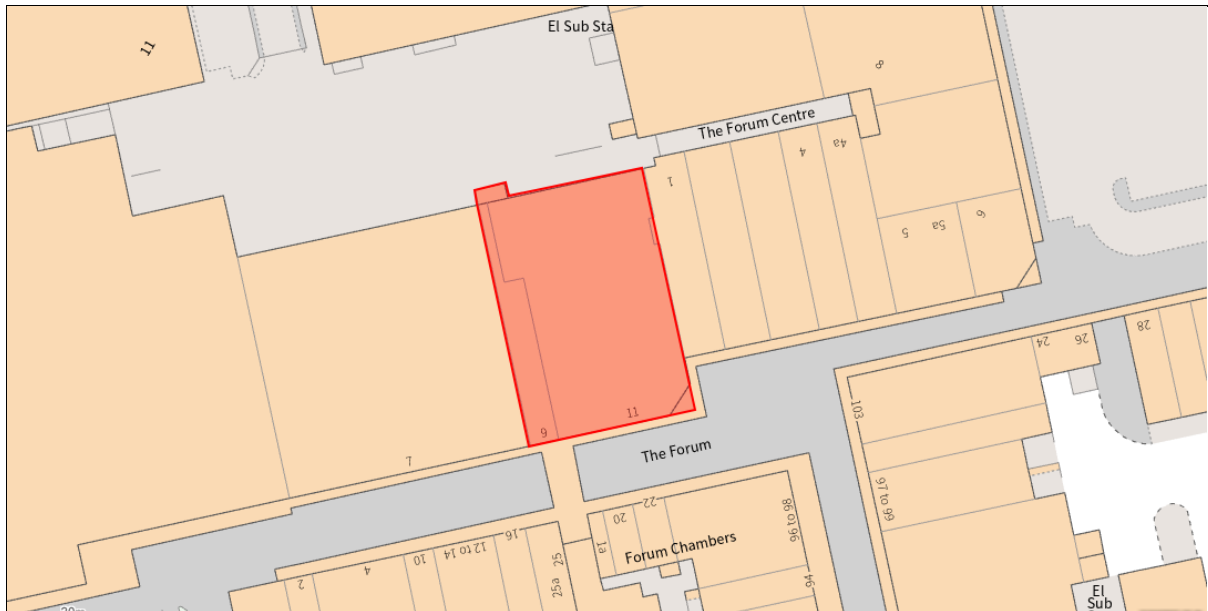
Date: 19 February 2025

Author: Ailsa Davis

Lead Officer: James Chettleburgh

Contact Officer: Ailsa Davis

Application No:	24/00743/FPM
Location:	9 – 11 The Forum, Stevenage
Proposal:	Demolition of the existing buildings and structures and re-development to provide new homes (Use Class C3), flexible commercial floorspace (Use Class E), amenity space, landscaping, new cycle parking, and other associated works.
Drawing Nos.:	5PA-B1-00-DR-A-020200; 5PA-B1-00-DR-A-021200; 5PA-B1-00-DR-A-022200; 5PA-B1-01-DR-A-020201; 5PA-B1-01-DR-A-021201; 5PA-B1-01-DR-A-022201; 5PA-B1-02-DR-A-022202; 5PA-B1-07-DR-A-022207 REV 01; 5PA-B1-08-DR-A-022208; 5PA-B1-11-DR-A-022211; 5PA-B1-12-DR-A-022212; 5PA-B1-15-DR-A-022215; 5PA-B1-18-DR-A-022218; 5PA-B1-19-DR-A-022219; 5PA-B1-20-DR-A-022220; 5PA-B1-B1-DR-A-020199; 5PA-B1-B1-DR-A-021199; 5PA-B1-B1-DR-A-022199; 5PA-B1-M1-DR-A-022290; 5PA-B1-ZZ-DR-A-042201; 5PA-B1-ZZ-DR-A-042202; 5PA-B1-ZZ-DR-A-042203; 5PA-B1-ZZ-DR-A-042204; 5PA-B1-ZZ-DR-A-042205; 5PA-B1-ZZ-DR-A-042206; 5PA-B1-ZZ-DR-A-042207; 5PA-B1-ZZ-DR-A-042208; 5PA-B1-ZZ-DR-A-052201; 5PA-B1-ZZ-DR-A-052202; 5PA-B1-ZZ-DR-A-052202; XX-00-DW G-L-1000 REV P05; XX-00-DW G-L-2000 REV P05; XX-00-DW G-L-3000 REV P05; XX-00-DW G-L-7000 REV P05; XX-01-DW G-L-1000 REV P05; XX-01-DW G-L-2000 REV P05; XX-01-DW G-L-3000 REV P05; XX-01-DW G-L-7000 REV P05; XX-07-DW G-L-1000 REV P05; XX-07-DW G-L-2000 REV P05; XX-07-DW G-L-3000 REV P05; XX-07-DW G-L-7000 REV P05; XX-11-DW G-L-1000 REV P05; XX-11-DW G-L-2000 REV P05; XX-11-DW G-L-3000 REV P05; XX-11-DW G-L-7000 REV P05; XX-18-DW G-L-2000 REV P05; XX-18-DW G-L-3000 REV P05; XX-18-DW G-L-7000 REV P05; XX-20-DW G-L-1000 REV P05; XX-20-DW G-L-2000 REV P05; XX-20-DW G-L-3000 REV P05; XX-20-DW G-L-7000 REV P05; XX-M1-DW G-L-1000 REV P05; XX-M1-DW G-L-2000 REV P05; XX-M1-DW G-L-3000 REV P05; XX-M1-DW G-L-7000 REV P05; XX-ZZ-DW G-L-1000 REV P05; XX-ZZ-DW G-L-5001 REV P01; 5PA-B1-ZZ-DR-A-104201; 5PA-B1-ZZ-DR-A-104202; 5PA-B1-ZZ-DR-A-104203; 5PA-B1-ZZ-DR-A-104204; 5PA-B1-ZZ-DR-A-104205; 5PA-B1-ZZ-DR-A-104206; 5PA-B1-ZZ-DR-A-104207; 5PA-B1-ZZ-DR-A-104208; 5PA-B1-ZZ-DR-A-104209; 5PA-MP-ST-DR-A-001100; 5PA-MP-ST-DR-A-001200; 5PA-MP-ST-DR-A-001201; 5PA-MP-ST-DR-A-001202; 5PA-MP-ST-DR-A-001203; 5PA-MP-ST-DR-A-001205; 5PA-MP-ZZ-DR-A-040201; 5PA-MP-ZZ-DR-A-040202; 5PA-MP-ZZ-DR-A-040203; 5PA-MP-ZZ-DR-A-040204; 5PA-MP-ZZ-DR-A-041201; 5PA-MP-ZZ-DR-A-041203; 5PA-MP-ZZ-DR-A-041204
Applicant:	REAP 1 Limited
Date Valid:	16 October 2024
Recommendation:	GRANT OPLANNING PERMISSION



The above plan is for illustrative purposes only.

1 SITE DESCRIPTION

- 1.1 The site comprises a rectangular parcel of land extending to an area of approximately 0.16ha located on The Forum, which is a pedestrianised west-to-east connection through the town centre. The red line boundary also incorporates an area of the servicing yard to the rear of the building. The existing building comprises a two-storey retail unit, with main shop frontages to The Forum in use by a clothing retailer and a Polish delicatessen, with servicing access to the rear, and additional ancillary floorspace on the upper floor.
- 1.2 The building is typical of its age with linear portrait concrete detailing on the elevations and a flat roof. It occupies an end of terrace position, with additional retail units adjoining a more modern, brick-built series of retail units which are recessed from the site creating a public square. The former BHS site adjoins the building to the west, and the Forum Shopping Centre to the east. Both adjoining sites have been granted planning permission for redevelopment in recent years, although the BHS permission has since lapsed.
- 1.3 The surrounding area comprises a varied mix of buildings, uses, and heights. The wider area is characterised by low to mid-rise commercial and retail uses. Heights in the immediate area typically range from one to six stories, although the prevailing emerging development context within the town centre is changing. This includes a number of taller buildings that are under construction or have extant planning permission and will be coming forward over the next few years.
- 1.4 The site is designated within the Local Plan (2019) as falling within the town centre and the town centre shopping area, whilst the ground floor frontage onto Queensway is designated as a Primary Frontage. It is not located within nor adjacent to a Conservation Area, although the Town Square Conservation Area is located to the south. The site does not have any statutory designations relating to heritage. The nearest Listed Building is the Grade II Listed “Scenes of Contemporary Life”, a sculptural wall mural by William Mitchell within the St George’s Way underpass approximately 0.2 miles away. The Environment Agency’s Flood Map indicates the site falls within Flood Zone 1 (low probability of fluvial flooding). There are no trees subject to Tree Preservation Orders on, or within close proximity.

2 RELEVANT PLANNING HISTORY

- 1.1 12/00417/AD Installation of 2 x internally illuminated fascia signs, installation of 2 x internally illuminated projection signs and installation of 1 x non illuminated 4 sided aluminium column sign. Granted 29 October 2012.
- 1.2 09/00280/AD 3no. internally illuminated fascia signs and 2no. internally illuminated projecting signs. Granted 16 September 2009.
- 1.3 02/00538/AD Replacement signage comprising 3 fascia signs, 2 vertical projecting signs and 1 vertical box pillar sign. Granted 24 December 2002.
- 1.4 01/00128/AD Display of 3 internally illuminated fascia signs, 2 internally illuminated projecting signs and 2 non-illuminated column signs. Granted 19 June 2001.
- 1.5 00/00568/AD Display of two internally illuminated fascia signs and three internally illuminated wall signs. Granted 15 February 2001.
- 1.6 00/00570/FP Refurbishment of existing retail unit and formation of new pedestrian access. Granted 15 February 2001.

2 THE CURRENT APPLICATION

- 2.1 The application seeks full planning permission for the demolition of the existing buildings and structures and re-development to provide new homes (Use Class C3), flexible commercial floorspace (Use Class E), amenity space, landscaping, new cycle parking, and other associated works.
- 2.2 The application proposal comprises:
 - A new building covering the entire site at a height of up to 21 storeys.
 - The provision of 225 new homes across the site, which would be provided as a mix of 1, 2, and 3-bedroom Build to Rent homes (Class C3).
 - The provision of 1,323m² shared internal amenity space and external residential amenity space comprising a gym, lounges, dining spaces, co-working areas, roof terraces and balconies.
 - The provision of 428.5m² (GIA) of flexible Class E floorspace at ground floor level.
 - A car free development with 316 cycle parking spaces.
 - All other associated works including plant, refuse storage and other infrastructure necessary at basement level to serve the new development.
- 2.3 The application comes before the Planning and Development Committee because the application is for major development.

3 PUBLIC REPRESENTATIONS

- 3.1 The application was publicised by neighbour letters, a site notice and press advert.
- 3.2 Three objections were received. One is from a local resident, the other two have been submitted on behalf of the owners of the adjacent buildings at No. 7 The Forum (former BHS building) and the Westgate Shopping Centre including 58 to 90 Queensway and Forum Chambers. The material issues raised are summarised as follows:
 - Building is too high and out of character with surrounding context.
 - No car parking.

Representation on behalf of Glide Investments owners of former BHS site, 7 The Forum

- Concerned that the proposals would unduly limit the both the quantum and design quality of any future development that would be enabled to come forward under any future application on the site of the former BHS.
- The proposed multiple courtyards and external mezzanines that directly face the BHS site would present substantial challenges regarding light, privacy, and spatial configuration for any future development.
- Crucial that any new development in the area not only aligns with but actively supports the potential of neighbouring sites to contribute positively to the area's transformation, particularly where sites interact.
- Planning considerations for the proposed development should include specific adjustments to the positioning, scale, and orientation of the courtyards and mezzanines to prevent adverse impacts on the BHS site, as well as an understanding of the daylight sunlight impacts on low level residential windows. Such adjustments would ensure that both sites can be developed in a manner that maximises their potential and contributes in the most meaningful way to the revitalisation of this part of Stevenage Town Centre.

Representation on behalf of ABC Commercial Stevenage 1 Ltd, owner of Westgate Shopping Centre including 58 to 90 Queensway and Forum Chambers

- 58-90 Queensway and Forum Chambers received planning permission under ref. 23/00502/FPM on 31 January 2025 to convert part of the building into residential use creating 71 residential units and a two-storey upward extension.
- Concerns with the extent and methodology of the daylight sunlight assessment carried out and the proposed impacts upon the daylight and sunlight of some of the flats within this future development.
- The owner has procured their own surveyors to review the submitted Daylight and Sunlight report and the surveyor has provided two separate responses relating to this matter.
- My client seeks for daylight and sunlight considerations to be reviewed with a high degree of scrutiny as part of the application consultation and subsequent determination process.
- My client is concerned that the proposed development has not appropriately assessed daylight sunlight impacts and how this may impact his land interests. My client is keen to work with all parties to assist in the regeneration and prosperity for Stevenage Town centre but would welcome the Council to review matters of daylight sunlight with this new material consideration to ensure that sufficient levels of daylight sunlight are properly considered for the surrounding area.

3.3

Two letters of support have also been received from a local resident and the Chief Executive Officer of Stevenage Bioscience Catalyst. The material issues raised are summarised as follows.

- Support for the regeneration of the town centre.
- This development represents an important part of the ongoing regeneration of the town centre, and it will complement and be of great benefit to our own significant investment at Stevenage Bioscience Catalyst.
- By providing 225 new high-quality Build-to-Rent homes and new flexible Class E commercial space, the scheme will enhance the vitality of the town centre, introducing much-needed housing and supporting the creation of jobs.
- The proximity of this development to the Life Sciences Quarter means that it will play a key role in enhancing the overall offering in the area, providing additional infrastructure, housing, and commercial opportunities to support the growing life sciences sector. This synergy will contribute to the area's identity as a dynamic hub for innovation, positioning Stevenage as a leading location for the life sciences industry.

3.4 Two letters of general comment have been received from Northeast Herts Swift Group and an address in Sawbridgeworth requesting 15 integrated swift bricks are included within the proposed development as well as seeking to secure the proposed peregrine falcon nest box by planning condition.

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

4 CONSULTATIONS

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

4.2 UK Power Network

4.2.1 No objection.

4.3 Affinity Water

4.3.1 No objection.

4.4 Active Travel England

4.4.1 No objection.

4.5 Thames Water

4.5.1 No objection, subject to a condition requiring the submission of a Piling Method Statement as the site is within 15m of a of a strategic sewer.

4.6 Sport England

4.6.1 An objection is made to the proposals for community sports facility provision to meet the needs of the proposed development in its current form due to the lack of confirmed proposals. This position would be reviewed if it was proposed that appropriate financial contributions would be made towards off-site indoor and outdoor sports facility provision, secured through a planning obligation or CIL, as set out in this response.

4.7 HCC Highway Authority

4.7.1 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.

4.8 HCC Lead Local Flood Authority

4.8.1 Thank you for your consultation on the above site, received on 17 October. We have reviewed the application as submitted and wish to make the following comments. We understand the applicant is proposing the following:

- The site is for a new building at a height of up to 21 storeys with the provision of 225 new homes across the site including a mix of 1,2 and 3 bedroom build to rent homes (Class C3). Also, shared internal amenity space and car free development with 316 cycle parking spaces.
- Site is located in Flood Zone 1.
- Discharge via gravity and outfall via the existing Thames Water public surface water sewers adjacent to the north of the site at manhole 7453.

- 4.8.2 We advise that you as Local Planning Authority, ensure that this application passes the sequential and exception tests. It should be noted that brownfield sites need to pass the sequential test if at risk of flooding and changing to a more vulnerable use. We do not see that there would be any safe access and egress for residential use in the lifetime of the development.
- 4.8.3 We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy relating to:
- The development is at risk of surface water flooding.
 - The proposed SuDS are likely to increase the risk of flooding elsewhere.
 - The development is not in accordance with NPPF, PPG or Stevenage Borough Council local policies including:
 - Policy FP2: Flood risk in Flood Zone 1
 - Policy FP3: Flood risk in Flood Zones 2 and 3; and,
 - Policy SP12: Green infrastructure and the natural environment.
- 4.8.4 Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187 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 operates as designed for the lifetime of the development.
- 4.8.5 The applicant is preparing to provide additional information to address the above points and are currently in discussions with the LLFA. Once the additional information has been submitted, the LLFA will be reconsulted. If comments are received prior to the meeting and/or the drainage strategy is agreed, an update will be provided. Otherwise, it is anticipated Members will agree to delegate powers being granted to the Assistant Director of Planning and Regulation to impose any conditions advised on any response provided after the committee meeting.
- 4.8.6 A decision will not be issued until the Legal Agreement associated with the development has been signed, which will allow time for comments to be received. Therefore, comments will be fully considered prior to a decision being issued. However, if the LLFA continues to raise an objection to this application and their concerns cannot be overcome, then this application will be referred back to the Planning and Development Committee for its decision.
- 4.9 HCC Growth and Infrastructure
- 4.9.1 I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 225 dwellings we would seek financial contributions towards the following projects:
- Primary Education Contribution** towards the delivery of a new primary school in the area and/or provision serving the development (£656,003 (which includes land costs of £3,194 index linked to BCIS 1Q2022)
- Secondary Education Contribution** towards new secondary education provision at the former Barnwell East site/ land at Redwing Close and/or provision serving the development (£593,836 index linked to BCIS 1Q2022)
- Monitoring Fees** – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

- 4.10 Health and Safety Executive
- 4.10.1 No objection.
- 4.11 East of England Ambulance Service NHS Trust
- 4.11.1 Seeking a financial contribution of £76,500. The financial contribution for health infrastructure EEAST is seeking, to mitigate the emergency ambulance service health care impacts from this development, has been calculated using a formula based on the number of units proposed and does not take into account any existing deficiencies or shortfalls in The Forum area of Stevenage and its vicinity, or any other development proposals in the area.
- 4.11.2 If planning permission is granted, EEAST propose to focus Section 106 monies on all or a combination of the following:
- Support expansion/repurposing of Stevenage Ambulance Hub including EV charging infrastructure
 - Support purchase of an additional ambulance/RRV to meet the expanded demand to maintain mandated ambulance response times and treatment outcomes (£160,000 will fund leasing of an ambulance for 5 years and does not include servicing, maintenance, repairs or fuel).
- 4.12 SBC Arboriculture and Conservation Manager
- 4.12.1 No objection.
- 4.13 HCC Waste and Minerals Unit
- 4.13.1 No comments received.
- 4.14 SBC Engineers
- 4.14.1 No comments received.
- 4.15 SBC CCTV
- 4.15.1 No comments received.
- 4.16 Herts and Middlesex Wildlife Trust
- 4.16.1 No comments received.
- 4.17 Natural England
- 4.17.1 No comments received.
- 4.18 BEAMS (Council's Heritage Consultant)
- 4.18.1 The application site comprises a retail unit fronting the Forum, it is located at the northern end of Queensway. Stevenage's New Town was the first pedestrianized town centre in the UK. Stevenage was designated as the first 'New Town' in 1946 and the town centre was planned as part of the product of contemporary thinking on planning and architecture in the 1950s.
- 14.18.2 The New Town Conservation Area was designated in 1988, recognising its importance nationally. The Conservation Area centres on the Town Square and extends to the south down Queensway and along Market Place, it only extends a little way to the north along Queensway. The setting of the Conservation Area (and listed buildings / structures locally including the Clock Tower, Joy Ride sculpture and the tiled mural by Gyula Bajo at former Co-operative

House) need to be taken into account. The application has been accompanied by a thorough Heritage, Townscape and Visual Impact Assessment. The northern end of town centre and The Forum are later additions to the 'new town' and lack the mid-twentieth century design and character best appreciated in the core of the new town.

- 14.18.3 The proposal will introduce a taller, 21-storey building upon the site, it includes commercial use at ground floor with a taller central element above with additional stepped down elements (all to be residential units). The contemporary design is appropriate for the new town centre context, in local views it will be a highly prominent building due to its height.
- 14.18.4 In terms of impact upon the setting of designated heritage assets (in particular the Conservation Area and listed clock tower), whilst it is acknowledged that the upper part of the development will be seen from within the Conservation Area, such as from Queensway / Town Square and within views of the listed clocktower (TVIA Viewpoints 1 and 2), the development will be a relatively distant backdrop and its neutral material palette helps to reduce its visual prominence. The development will not be harmful to the setting of these designated heritage assets.
- 14.18.5 The proposal will preserve the significance of the Town Centre Conservation Area and the grade II listed Clock tower (and other designated heritage assets within the new town area). No objection.

4.19 NHS England

4.19.1 No comments received.

4.20 Stevenage Works

4.20.1 No comments received.

4.21 SBC Housing Development

4.21.1 No comments received.

4.22 SBC Waste Storage

4.22.1 No comments received.

5 RELEVANT PLANNING POLICIES

5.8 National Planning Policy Framework

5.8.1 The latest revision of the NPPF was published in December 2024. The policies it contains are material considerations which will be taken into account in dealing with applications. Due weight will be given to development plan policies according to their degree of consistency with the NPPF.

5.9 Planning Practice Guidance

5.9.2 The Planning Practice Guidance ("PPG") 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.

5.10 **National Design Guide**

5.10.2 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.

5.11 **The Development Plan**

5.11.1 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)

5.11.2 The Stevenage Borough Local Plan 2011-2031 was adopted in 2019. The council concluded a full review of the plan in 2024, as required by regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). In response to the review, the council is carrying out a partial update of the Local Plan. Weight will be given to emerging policies according to:

- a) the stage of preparation of the emerging plan;
- b) the extent to which there are unresolved objections to the policies; and
- c) the degree of consistency between the policies and the most recent revision of the NPPF.

5.11.3 Where there are emerging policies which are relevant to the application, these will be highlighted in the main body of this report. The policies set out below are most relevant in the determination of this application:

SP1 Presumption in Favour of Sustainable Development
SP2 Sustainable Development in Stevenage
SP4 A vital town centre
SP5 Infrastructure
SP6 Sustainable Transport
SP7 High Quality Homes
SP8 Good Design
SP11 Climate Change, Flooding and Pollution
SP12 Green infrastructure and the natural environment
TC1 Town Centre
TC8 Town Centre Shopping Area
IT4 Transport Assessments and Travel Plans
IT5 Parking and Access
HO5 Windfall Sites
HO7 Affordable Housing Targets
HO8 Affordable Housing Tenure, Mix and Density
HO9 House Types and Sizes
HO11 Accessible and Adaptable Housing
GD1 High Quality Design
FP1 Climate Change
FP2 Flood risk in Flood Zone 1

FP5 Contaminated Land
FP7 Pollution
FP8 Pollution Sensitive Uses
NH7 Open Space Standards

5.12 Supplementary Planning Documents

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

Parking Provision and Sustainable Transport SPD (2020)
Stevenage Design Guide SPD (2023)
Developer Contributions SPD (2021)

5.13 Community Infrastructure Levy Charging Schedule

5.13.1 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. 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.

5.13.2 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 proposal would be CIL liable with an estimated cost of £694,095.

6 APPRAISAL

6.12.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, design and appearance, flood risk and drainage, climate change mitigation, amenity, noise, highway impact, access and parking, trees, biodiversity and landscaping and planning obligations to mitigate the impact of the development.

6.12.2 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.

6.13 Land Use Considerations

Housing Policies

6.13.1 The National Planning Policy Framework ('NPPF') (2024) sets out the government's overarching planning policies and places a strong emphasis on the need to significantly boost the supply of housing. Paragraph 61 of the NPPF states that it is crucial that a sufficient amount and variety of land can come forward where it is needed to meet housing demand, whereas Paragraph 120 highlights the importance of making effective use of land in sustainable locations such as town centres and encourages the development of under-utilised land and buildings to meet identified housing needs.

6.13.2 Paragraph 90 of the NPPF further supports residential development in town centres as a means of promoting their vitality and viability, recognising that residential development can play a key role in sustaining and enhancing town centres. Paragraph 109 emphasises the need for developments to make efficient use of previously developed land and to support sustainable

modes of transport, aligning with the objectives of creating more sustainable communities whereas Paragraph 11 notes that plan-making and decision making should apply a “presumption in favour of sustainable development”. Paragraph 125(c) requires planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, unless substantial harm would be caused.

- 6.13.3 The Stevenage Borough Local Plan (‘Local Plan’) (2019) provides the local framework for development, with specific policies supporting both housing delivery and town centre regeneration. As the site is not designated for residential development it would be classed as a windfall site. Local Plan Policy SP7 sets a target for 7,600 new homes to be delivered over the plan period, with 1,950 homes to be provided on windfall sites, emphasising the importance of optimising the use of previously developed land within the borough. Policy SP7(b)(i) notes that 2,950 of these homes are to be in or around the town centre.
- 6.13.4 Local Plan Policy HO5 notes that development proposals on windfall housing sites will be granted permission 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 the Council’s ability to deliver residential development on allocated sites; and, (e) the proposed development would not overburden existing infrastructure. In the Local Plan Review, the criteria for Policy HO5 have been stripped back to (a) the site is on previously developed land and (b) proposals will not prejudice the Council’s ability to deliver residential development on allocated sites.
- 6.13.5 The proposal consists of the creation of 225 flats. The site is tightly confined by neighbouring properties with the building footprint forming the red line. The land is, therefore, considered to be previously developed for the purposes of policy HO5. Furthermore, the site has good access to town centre shops including Tesco and is in the town centre, which is the most sustainable location in the borough being in close proximity to the bus interchange, train station and cycle network. The impact of the proposal on the local environment and surrounding properties, and local infrastructure will be addressed later in this report. The proposal would not prejudice the Council’s ability to deliver residential development on allocated sites.
- 6.13.6 In respect to Policy HO9 (House types and sizes) of the adopted Local Plan (2019), it identifies that there is a structural imbalance in the existing housing stock (albeit in a limited manner) whereby there is a lack of smaller properties and larger aspirational homes in the town. The policy remains unchanged within the Local Plan Review.
- 6.13.7 The Design Guide SPD (2023) outlines that housing is an area of weakness across the town. One of the main issues is the lack of an appropriate mix of housing sizes, types, and tenures with a high proportion of three-bedroom properties, and a lack of one and two bedroom properties. The lack of housing mix is exacerbated by changes in demographics leading to an increase in the number of single person households and couples needing homes. Due to growth requirements for the town, there is a need to provide a substantial number of additional homes in Stevenage. Higher density development is set out as a key requirement of National Guidance, and, where appropriate, densities will need to be raised to meet these targets for new homes.
- 6.13.8 The proposed development would comprise 225 new Build to Rent homes with a mix of 62% 1-bed homes, 35% 2-bed homes and 3% 3-bed homes. As such, it would be in accordance with Policy HO9 because it would help to deliver a large number of smaller one and two bed dwellings in a sustainable town centre location and contribute to the delivery of a mix of housing types in the town. Furthermore, this proposal would help to support the Government’s current adopted policy objective of delivering more housing in accordance with paragraph 61 of the NPPF. The proposed development therefore aligns with Local Plan Policy SP7, HO5 and HO9, as well as the relevant parts of the NPPF which support housing delivery on windfall sites and optimises development on previously developed land.

- 6.13.9 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a Local Planning Authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 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 11d) of the NPPF.
- 6.13.10 The latest HDT results published by the Ministry of Housing, Communities and Local Government in December 2024 identifies that Stevenage delivered 38% of its housing requirement. The Council, based on its HDT score is therefore subject to the most severe penalty under paragraph 11(d) of the NPPF (2024). For reference, as this policy is now engaged, it means Local Plan housing policies are classed as out-of-date. Consequently, the 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 produce an Action Plan to boost housing delivery.
- 6.13.11 On the 21 May 2024, the Council published its 5 Year Land Supply Update May 2024. This identifies that the Council can demonstrate a Housing Supply of 5.59 years for the period 1 April 2024 to 31 March 2029, using the Liverpool methodology (spreads the delivery of historic undersupply of housing equally across the remainder of the Local Plan period) and guidance from the NPPF and Planning Practice Guidance. The 5 year land supply includes a 20% buffer. The Council has also issued a Housing Delivery Action Plan (May 2024). This provides an overview of housing delivery, analysis of barriers to delivery and actions necessary to increase the delivery of housing in the future. The action points specified in the Plan will be monitored on an annual basis to ensure delivery can be increased to meet the Council's target of 7,600 new homes over the Local Plan period.
- 6.13.12 In summary, the adopted Local Plan policies most relevant for determining the application are considered to be out of date. Therefore, paragraph 11(d) of the NPPF is engaged and the application falls to be assessed against the 'tilted balance'. Therefore, in providing 225 additional dwellings, the development would make a significant contribution towards meeting the Borough's housing needs. Additional benefits would result from the fact the site would deliver a large number of smaller dwellings. The construction activity would provide a small boost to the local economy; however, the future occupiers would add welcome footfall to the town centre enhancing its vitality and viability.
- 6.13.13 Given the quantum of development, it is considered that these benefits would be substantial and therefore attract significant weight in favour of the proposal. Having regard to all the policy considerations laid out above, the proposed development is considered to be acceptable in principle.

Town Centre Retail Policies

- 6.13.14 Paragraph 90 of the NPPF recognises the importance of residential development in town centres to enhance their vitality. Similarly, Local Plan Policy SP4 promotes the regeneration of Stevenage Town Centre through mixed-use developments. The Council's Policies Map and Local Plan Policy TC8 denotes the site as being located within the Town Centre Shopping Area, with a Primary Frontage. Policy TC8 requires the retention of active uses in primary frontages at ground floor level within the Town Centre Shopping Area and denotes that the preferred use for ground floor frontages should be retail use. However, in the emerging Local Plan Partial Review, the primary and secondary retail frontages under Policy TC8 have been

deleted and the updated policy simply seeks to support uses appropriate to a town centre at ground floor level within the Town Centre Shopping Area, including use classes E and C1 Hotels, as well as some other *sui generis* uses (no specific use class).

- 6.13.15 The proposed scheme contributes to this objective by replacing the existing ground floor retail unit, currently occupied by New Look with flexible Class E space at ground floor level including an attractive new frontage onto the Forum. Whilst the proposal would involve the loss of 2,682m² of existing retail floorspace, this is mitigated by the provision of 426m² of new flexible Class E floorspace at ground floor level. Class E covers business, service and commercial use within the Town and Country Planning (Use Classes) Order 1987 (as amended), which includes retail and other town centre uses. This flexible space would be designed to accommodate a range of Class E uses, including retail, cafe and flexible working space, thereby maintaining the active frontage and vibrancy of the area.
- 6.13.16 In addition, the increased footfall created by the occupiers of the 225 new flats would bring significant benefits to the economy and regeneration of the Town Centre and would mitigate the loss of 2.682m² of retail floorspace on this site. Whilst this is not a policy requirement, the applicant is committed to assisting New Look to relocate to alternative premises within the town centre.
- 6.13.17 The proposed development would retain an active frontage to the Forum, supporting the Council's broader regeneration objectives and aligning with Local Plan policy. The introduction of new homes and flexible commercial space reflects national and local policy objectives to adapt town centre uses in line with changing economic conditions, ensuring the town centre remains vibrant and economically viable. Having regard to all the policy considerations laid out above, the proposed development is considered to be acceptable in terms of town centre retail policies SP4 and in particular emerging policy TC8 which moves away from a focus on retail and allows for uses appropriate to a town centre. The retail aspect of this development is therefore considered acceptable in principle.

6.14 Affordable Housing and Planning Obligations

- 6.14.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission will be granted for residential development which would maximise affordable housing provision. The affordable housing requirements for sites on previously developed land remain unchanged in the Local Plan Review. Taking this into consideration, there is a requirement to provide 25% of new homes to be affordable on this site equating to 56 units.
- 6.14.2 Turning to affordable housing tenure, mix and design, Policy HO8 states that planning permission will be granted where those dwellings. There is no change to this policy within the Local Plan Review:
- 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;
 - Meets the requirements of Policy HO9 (House types and sizes);
 - Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
 - Will remain at an affordable price for future eligible households.
- 6.14.3 In addition to the above, paragraph 64 of the NPPF (2024) stipulates that for major developments involving the provision for housing, planning decisions should expect at least 10% of the homes to be made available for affordable home ownership (this includes shared ownership, equity loans, other low-cost homes which are 20% below local market value and rent to buy). However, the 10% requirement is part of the overall affordable housing contribution for the site. Paragraph 35 of the NPPF confirms that the contributions expected from development, including the levels and types of affordable housing provision, should not undermine the deliverability of the relevant plan. Paragraph 129b underlines how planning

policies and decisions should support development that makes efficient use of land, “taking into account local market conditions and viability”.

- 6.14.4 The Financial Viability Assessment submitted in support of this application, concludes that the proposed development is unable to viably support any affordable housing. Despite this position, the proposed scheme as assessed would be profitable and deliverable, albeit at margins that the applicant’s consultants consider to be sub-market. The applicant is fully committed to the delivery of the proposed development and having positive impact on the local community, and as such, is proposing a voluntary affordable housing contribution of £900,000, equivalent to 16 homes and 7% of the total number of homes proposed.
- 6.14.5 The Viability Report has been independently assessed on behalf of the Council by Aspinall Verdi (the Council’s appointed advisors). The assessment has found that the outcomes differ from the applicant’s due to varying costs, values and the way the scheme has been modelled. However, irrespective of the funding and delivery approach adopted, the independent review has shown that the scheme cannot viably provide the level of affordable housing required by Policy HO7. The Viability Report also tested an entirely private appraisal (0% affordable housing) of a forward funded and standing investment scenario. However, the analysis shows both scenarios to be below the required target profits and therefore considered to be unviable.
- 6.14.6 As such, it can be concluded this proposal complies with policy HO7 with zero provision because this policy makes an allowance for financial viability. Given the outcome of the appraisals, the independent Viability Report recommends the planning authority accepts the voluntary offsite affordable housing contribution of £900,000 offered by the applicant. However, it is also recommended that the Council seek to implement a viability review mechanism to allow the Council to benefit from any favourable uplifts in viability. This should be set out within the legal agreement and consider the scheme’s actual rental / sales values and incurred costs.
- 6.14.7 Following the Council’s adoption of CIL, the proposal would also be CIL liable with an estimated cost of £694,095. Furthermore, because the site is a town centre location it would be required to provide financial contributions (in addition to CIL) towards the proposed town centre primary school as part of the wider town centre regeneration and new secondary education provision at the former Barnwell East site. Hertfordshire County Council as the local education authority have assessed the proposal and advised that the pupil yield from the scheme would be liable for £656,003 towards the new primary school and £593,836 towards secondary provision within the town. In addition, given the sustainable location of the development and the reliance of the development on a Travel Plan (TP), the local highway authority has sought £6,000 for the monitoring of the TP. A Residential Travel Pack Contribution of £50 per flat is also being sought equating to £11,250.
- 6.14.8 The local highway authority has also asked for the Toucan crossing on St George’s Way to be provided should this not be delivered by the adjacent Life Sciences Quarter development, granted planning permission on 6 June 2023 under reference 22/00923/FPM. This crossing is required to be delivered as per the terms of the legal agreement for this development and is justified on the basis it would mitigate the impact of this development as per the tests set out in paragraph 58 of the NPPF. Given the crossing is part of the adjacent extant planning permission and a planning obligation of the adjacent site, it cannot also be a planning obligation for this site in the event the Life Sciences Quarter does not come forward. It will not therefore comprise a planning obligation associated with this scheme.
- 6.14.9 Considering the development is not viable, it is acknowledged that it would not be reasonable to request the applicant pay the HCC education contribution totalling £1,255,839 and the voluntary £900,000 contribution towards off site affordable housing. As a compromise, it has been agreed the applicant will pay a total contribution of £1,255,839 (matching the HCC contribution), 75% of which would be ringfenced for off site affordable housing and 25% for education. This would equate to £924,629 (16 affordable homes or 7% of the total number of

homes proposed), with a balance of £313,960 for education. The contribution would also cover the Travel Plan monitoring fee and Residential Travel Pack contribution.

- 6.14.10 Officers would seek to ensure a viability review mechanism is included within the legal agreement to allow the local planning authority to clawback any uplift in value. This could include the provision of on-site affordable housing or a further financial contribution in-lieu. The applicant has advised their financial contribution is made on a without prejudice basis and is conditional on any viability review being imposed taking into account the agreed viability deficit, as well as agreeing a target profit allowance of 12.5% on Gross Development Value.
- 6.14.11 The East of England Ambulance Service NHS Trust are seeking contributions to mitigate the impact of this development on emergency ambulance service healthcare. Section 4.11 above outlines their requirements and justification. A total of £76,500 is sought for the expansion/repurposing of Stevenage Ambulance Hub, including EV charging infrastructure and purchase of an additional ambulance/RRV to meet the expanded demand to maintain mandated ambulance response times and treatment outcomes. It is considered this request does not meet the relevant tests in paragraph 58 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 in terms of being:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 6.14.12 The NHS has a statutory duty to provide medical provision for new residents. The justification for NHS contributions needs to be considered in the context of the statutory framework for the provision of secondary health care services. The contribution would relate to people who are new to the area, but those people are entitled to such services wherever they may live in the country. In order to justify a financial contribution, there must be a localised harm directly related to the development. Even if it could be shown in a particular area that there is a funding gap to deal with “new” residents, the Council could raise the possibility that this is a systemic problem in the way national funding is distributed, as opposed to being directly related to the development (or alternative, fair and reasonably related in scale and kind to the development).
- 6.14.13 Further, if there is a lack of funding for an NHS Trust to be able to cope with the impact of a substantial new development, this is likely to be dependent on wider issues raised by population projections used as one of the inputs to determine its funding. A useful comparison is that new residents may be entitled to social welfare benefits, which, like the need for secondary healthcare, arises irrespective of where that person lives, noting that no one would suggest that the development should contribute to funding those benefits.
- 6.14.14 The East of England Ambulance Service NHS Trust in its consultation response would have to demonstrate a funding gap linked to the proposed development, which it does not and on this basis the obligation would not pass the statutory tests. Notwithstanding this, even if a funding gap could be demonstrated, it would be arguable that such a gap arose from a failure of the national mechanism of NHS funding as opposed to a localised impact directly related to the development. This would mean any obligation to secure NHS funding would still fail the statutory tests.
- 6.14.15 It is important to note the East of England Ambulance Service NHS Trust would be able to bid for funding through the Council’s Community Infrastructure Levy scheme and this is specifically provided for within the Infrastructure Delivery Plan (2022). The Infrastructure Delivery Plan (IDP) aims to identify the infrastructure required to support future levels of growth across Stevenage. It covers the period from 2011 - 2031, in line with the adopted Local Plan (2019). The IDP covers a wide range of physical and social infrastructure including transport, utilities, education, health, community facilities, emergency services and green and blue infrastructure requirements.

6.14.16 With regards to the request from Sport England for contributions towards indoor and outdoor sports facilities, it has been noted that contributions were not sought in relation to the adjacent sites 19/00647/FPM Former BHS Store, 7 The Forum (250 flats) the permission for which has now lapsed and 21/01002/FPM Unit 11, The Forum (224 flats) which is still extant on the basis the proposed developments did not fall within either Sport England's statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Para. 003 Ref. ID: 37-003-20140306). Upon challenging Sport England on this point, they conceded that there was inconsistency, and that this development was also not within their statutory or non-statutory remit. It is not therefore proposed to seek contributions for indoor and outdoor sport. As with the East of England Ambulance Service, Sport England would be able to bid for funding through the Council's Community Infrastructure Levy and this is specifically provided for within the Infrastructure Delivery Plan (2022).

6.15 Design, Character and Appearance

National Planning Policy Framework and Planning Practice Guidance

6.15.1 Chapter 12 Achieving well-designed places of the NPPF (2024) stipulates that the creation of high quality, sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. Where development is not well designed, permission should be refused.

6.15.2 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.

6.15.3 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.

Development Plan

6.15.4 Whilst the policies contained in the Local Plan have limited weight, Policy SP8 generally reflects the requirements of the NPPF in that it requires new development to achieve the highest standards of design and sustainability. In addition, Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

- 6.15.5 In the emerging local plan partial review and update, criterion (e) of Policy GD1 is updated to refer to “unacceptable” adverse impacts. The intention behind the change is to make clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker. Policy GD2 is a new policy emerging from the local plan partial review and update. It states that proposals which demonstrate they have been designed to achieve a rating of excellent or higher against a relevant BREEAM standard and/or to achieve the BRE Home Quality Mark will be strongly supported. Having regard to paragraph 49 of the NPPF, this emerging version of the policy is afforded moderate weight in the assessment of the application.
- 6.15.6 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.

Scale, Massing and Form

- 6.15.7 The NPPF places a strong emphasis on ensuring that developments contribute positively to local character and distinctiveness. Paragraph 124 requires that new developments be visually attractive, function well, and add to the overall quality of an area whilst also outlining the need for tall buildings to optimise sites, while respecting local context, character, and heritage. Furthermore, Paragraph 126 of the NPPF sets out that where there is an existing or anticipated shortage of land for meeting identified housing needs, homes should not be built at low densities and developments must make optimal use of the potential of each site.
- 6.15.8 The Local Plan in combination with the Stevenage Design Guide sets out specific requirements for tall buildings and their impact on the townscape. Policy SP8 requires new development to enhance the character of the area and contribute positively to the townscape. Policy GD1 requires development proposals to consider building heights, massing, and visual impact on both the immediate surroundings and long-distance views. This is reinforced in the Stevenage Design Guide, which encourages careful integration of tall buildings to maintain a harmonious townscape.
- 6.15.9 Although Stevenage’s residential areas are characterised by mid-rise buildings, the town centre is identified as an appropriate location for taller buildings. Local Plan Policy SP4 which identifies the site as a location suitable for higher-density development and taller buildings, whilst promoting mixed-use regeneration. The Stevenage Design Guide also supports increased densities in accessible locations. The development proposals sit within the context of the wider regeneration of Stevenage Town Centre, which is subject to significant ongoing change. This regeneration programme represents a crucial phase in the development of this part of the Borough, aiming to revitalise and modernise the area in line with contemporary urban living and working needs and is a key part of the Council’s long-term vision to create a more vibrant, sustainable, and economically robust town centre.
- 6.15.10 The townscape context within which the application site sits has been subject to several notable planning permissions for other key town centre sites, which set the scene for the proposed development and a tall building on this site. These include 7 The Forum the three-storey former BHS building adjacent to the site to the west. On 11 August 2021, the Council granted planning permission 19/00647/FPM for the partial demolition and redevelopment of this site, to create an 11-storey building comprising 250 residential units and a ground floor commercial unit. This permission expired on 11th August 2024, with the permission unimplemented. However, the principle of the residential-led redevelopment of this site has been established.
- 6.15.11 To the east of the site is the Forum shopping centre, which benefits from an extant planning permission 22/00923/FPM for the creation of the Stevenage Life Science Quarter. This major mixed-use scheme includes the construction of four 6 / 7 storey specialist biopharmaceutical

manufacturing buildings, laboratory spaces, and a central collaboration hub, alongside active ground-floor uses such as cafés, retail, and drinking establishments. The development also includes a cinema and significant public realm improvements, including a new multi-storey car park. The aim is to create a vibrant hub within Stevenage Town Centre, enhancing its reputation as a leading centre for Life Sciences, particularly in Cell and Gene Therapy.

- 6.15.12 To the southeast of the site at 62-80 Queensway and Forum Chambers, prior approval has been granted for the change of use of the upper floors of the building from commercial to residential use under 23/00578/CPA. There is also a separate extant planning permission for the full change of use of 58-90 Queensway and Forum Chambers to residential use, including upward extension. In addition, the residential development at the former Matalan site on the southern edge of the town centre currently under construction will be 21 storeys high once phase 2 is built and therefore comparable to the application proposal under consideration here.
- 6.15.13 The applicant advocates that the proposed development would respect the character of the wider emerging townscape by transitioning between the taller and lower-rise elements of the surrounding built environment and that the proposed height should be considered appropriate for the town centre location. The architect has sought to mitigate the impact of height by sculpting the form and reducing the overall massing, particularly on the southern elevation to address heights of existing street frontages and align with the emerging context of the town centre.
- 6.15.14 The applicant has submitted a Heritage, Townscape and Visual Impact Assessment in support of the application which sets out the townscape justification for the height of the proposed development. This Assessment notes that the proposed development, while taller than some of the surrounding buildings, would act as a positive visual marker at a key point in the town centre, contributing to Stevenage's evolving skyline without overpowering the adjacent townscape. The Townscape and Visual Assessment examines ten verified views within the town and notes that the proposed townscape and visual impacts from these viewpoints would present as either negligible, minor beneficial or moderate beneficial. When viewed cumulatively alongside other town centre developments coming forward, the Assessment concludes impacts would range from nil to moderate beneficial.
- 6.15.15 There is no question that the proposed 21 storey building would be significantly taller than the immediate existing and emerging townscape context. The redevelopment of the adjacent BHS site allowed for an 11-storey building and the office outlet site at 11 The Forum allowed for a part 9 storey, part 13 storey building. During the pre-application process, officers raised concerns that a building 21 storeys in height in this location would have an adverse visual impact on the surrounding area and would appear out of character compared to the existing and emerging built environment. Officers have always been of the view that this is not the site for a high-rise landmark building, significantly taller than those around it.
- 6.15.16 However, based on its housing delivery test score, Local Plan policies are classed as out-of-date. As such, paragraph 11(d) of the NPPF is engaged and the application falls to be assessed against the 'tilted balance'. The planning balance weighing the benefits of housing delivery and boost to the town centre economy against the visual impact of the proposed building is relevant.
- 6.15.17 Given the borough's acute housing need and poor record of housing delivery, significant weight should be afforded to the optimisation of the site to deliver 225 new homes through a high-density development. The development would take full advantage of its brownfield town centre location, optimising land use and supporting the Council's ambitions for growth. This approach is supported by both national policies within the NPPF and local policies that seek to maximise density in sustainable urban locations. Whilst it is very tall, the design and landscaping are of high quality and in keeping with the New Town architectural principles. The proposed building would positively engage with the street scene through its promotion of a well-designed active frontage.

6.15.18 Accordingly, given the fact paragraph 11(d) is engaged and the application falls to be assessed against the 'tilted balance', it is considered the benefits of 225 dwellings and the associated boost to the town centre economy through increased spending and footfall outweighs any harm to visual amenity brought about by the height. The design measures introduced by the architect to reduce the impact of bulk and mass are acknowledged and do go some way to mitigating the visual impact. On balance, it is considered a 21-storey building on this site is acceptable.

Appearance and Materiality

6.15.19 The NPPF places a strong emphasis on the importance of achieving high-quality design in new developments. Paragraph 124 requires that developments must function well and add to the overall quality of the area, be visually attractive, with good architecture and appropriate landscaping and sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing appropriate innovation or change. Paragraph 128 of the NPPF further stresses that developments should be visually attractive and optimise the potential of the Site, responding to local character and the identity of the townscape.

6.15.20 The Local Plan sets out clear design expectations for new developments within the town, aiming to enhance the local environment through high-quality and contextually appropriate design. Policy SP8 requires all new developments to enhance the character and quality of the surrounding area, with particular attention given to the scale, height, and massing of buildings in relation to their context. Policy GD1 outlines that new developments must demonstrate high-quality design that complements the character of the area, paying particular attention to massing, scale, and the integration of buildings into the existing townscape.

6.15.21 In terms of façade design development, the application proposal would be responsive to the mid-century design style of the New Towns, notably seen in the long linear bases of buildings and canopies over shop fronts within pedestrianised areas. Earlier phases of the town centre were more successful compared to later developments around The Forum, with architectural quality particularly notable in buildings around Town Square. Initial design concepts were aimed at capturing the rhythm and unity of upper floor façades and to integrate these elements into the design. Additionally, the architects have sought to incorporate public art, texture, and decorative features into the ground floor space and garden area.

6.15.22 The proposed tripartite arrangement involves vertically grouped windows within each section, echoing the modernist façades found in the town centre. These strips would incorporate windows above solid panels to address floor edges. This vertical rhythm would feature depth of reveals created by the expressed grid, ensuring well-articulated façades, particularly in oblique views.

6.15.23 The proposed material palette would be minimalist, consisting of facing bricks arranged in a stretcher bond, metal curtain wall systems, and windows framed with metal surrounds, complemented by brise soleils and flanking panels. The chosen bricks would be pale grey, featuring subtle tonal variations with grey mortar joints for a refined, cohesive appearance. The curtain walling, window frames and all metal facade elements would be finished in a contrasting dark grey or dark bronze. A dark bronze/grey finish, paired with grey bricks exhibiting deeper tonal variations, has been chosen to create a striking yet balanced aesthetic.

6.15.24 The proposed design incorporates significant façade articulation, ensuring that the building contributes positively to the townscape. This aligns with Policy GD1 and Stevenage Design Guide, which requires developments to include high-quality architectural detailing and avoid monolithic, unbroken façades. The articulation of the proposed building façade, including the use of varied setbacks and the combination of pale grey facing bricks with a contrasting darker bronze/grey finish curtain walling and façade, would ensure the development would respond to this requirement and reflect the context of the town centre.

6.15.25 The building's design has been carefully considered to integrate with the surrounding urban environment. The development has been designed to align with Stevenage's ambition for a regenerated and modernised town centre. 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 building architectural interest and to reduce the perception of bulk.

6.16 Impact on Designated Heritage Assets

6.16.1 The application site itself contains no designated heritage assets. The northern boundary of the Town Square Conservation Area lies approximately 180m to the south of the application site boundary; however, the application site itself is largely screened from the Conservation Area by buildings on Queensway although views of the site looking north along Queensway are important. The Townscape and Visual Impact Assessment advises careful consideration has been taken to ensure that the design is sensitive to this context.

6.16.2 The design has been completed while ensuring not to impact on key views along Queensway and to be in keeping with the core of Stevenage Town Centre, which has a unique and distinctive architectural built form, strongly reminiscent of post war town planning and drawing on design themes from mid-20th century shopping areas in the Netherlands. There are also three statutory grade II listed assets at the heart of the Town Square Conservation Area, the clock tower and raised pool, the bronze 'Joyride' sculpture by Franta Belsky and Baijo's tiled mural on the Primark building. Two other listed assets are sited to the southeast of the site, the cast concrete relief by William Mitchell in the underpass beneath St George's Way to Park Place and St Andrew and St George Church also on St George's Way.

6.16.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 contains statutory duties that apply to this application:

S.66: The decision maker shall have special regard to the desirability of preserving the setting of listed assets (relates to the indirect impact on the statutory listed clock tower, the bronze 'Joyride' sculpture by Franta Belsky, Baijo's tiled mural, the William Mitchell Relief and St. Andrew and St. George Church).

S.72: The decision maker shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (this relates to the direct impact on the conservation area. This section of the 1990 Act does not relate to the setting of conservation areas).

6.16.4 Case law has determined that in this context 'preserve' is taken to mean 'to do no harm'. The NPPF requires 'great weight' to be given to conserving the significance of designated heritage assets (para 212). This is regardless of whether any harm may be 'substantial harm' or 'less than substantial harm' (para 212). Any harm should require 'clear and convincing' justification (para 213). If a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal (para 214).

6.16.5 In undertaking that balancing, case law has confirmed that the presumption to preserve in the 1990 Act is a strong one and must be given 'considerable importance and weight'. For instance, less than substantial harm is not a less than substantial planning issue. However, that presumption is not irrefutable and can be outweighed by circumstances important enough to justify it. A decision maker that has followed the processes set out in the NPPF can be considered to have discharged their duties under the 1990 Act. The balancing, however, is not 'equal' the presumption to preserve must come first.

6.16.6 The site is located to the north of the Town Square Conservation Area. The Conservation Area Management Plan identifies 'Views looking north along Queensway' as a key view within the Conservation Area. It notes that:

'Development proposals which lie adjacent to the conservation area will need to be mindful of its setting and should not dominate the Town Square, Queensway or Market Place in their massing. Again, a balance must be struck by new developments, to ensure that high-quality, high-density development is also of a character and design which complements the original.'

- 6.16.7 Policy SP13 of the Local Plan (2019) concerns the historic environment and notes that regard will be given to preserve and enhance the most important areas and characteristics of Stevenage. The building layout, massing, and material palette of the existing building greatly contrasts to that used in the earlier buildings of the Town Centre which establishes the distinct character and appearance of the Conservation Area. As such, it is considered the application site does not contribute to the character and appearance of the Conservation Area through setting. Further, the site is considered to have a negative impact on the wider setting of the Conservation Area as the low-quality architecture is experienced when exiting the Conservation Area to the north.
- 6.16.8 The submitted Heritage, Townscape and Visual impact Assessment assesses the impact of the development upon the relevant heritage context and concludes in relation to 'Scenes of Contemporary Life' by William Mitchell (Grade II), Joy Ride (Grade II), Tiled mural by Gyula Bajo at former Co-operative House (Grade II), Clock tower and surrounding raised pool (Grade II) the proposed development would maintain the significance of the assets. Some change to the wider setting of the listed clock tower may arise as a result of the potential visual impact of the proposed development within views of the asset from the town centre. However, the considered design of the development is judged to mitigate this impact and cause no harm. In the cumulative scenario, there would be no change to the impact on these heritage assets.
- 6.16.9 In terms of impact on the setting of the Parish Church of St Andrew and St George (Grade II), the report concludes the proposal would maintain the existing character of the asset's setting, which is defined by its changed architectural landscape and its primary setting with relation to the Town Centre. The asset would continue to be experienced in the setting of a changed architectural landscape, adjacent to St George's Way. The asset does not derive significance from northward views from within its setting, rather significance is derived from views of its spire as experienced from the town and surroundings. The proposed development would cause no change to these views and maintain their value.
- 6.16.10 In terms of impact on the setting of the Town Square Conservation Area, the report concludes the proposed development would cause no harm to the setting of the conservation area, due to its legible response to the New Town principles which characterise the surrounding townscape, and its enhancement to the quality and aesthetic value of the site. The proposed additional massing within the setting of the conservation area is judged to be considerably designed to support an appreciation of the area's character and appearance as a New Town. In the cumulative scenario, there would be no change to the impact on this heritage asset.
- 6.16.11 It is acknowledged care has been taken to ensure that the design and massing are sensitive to the Conservation Area and setting of the listed assets and the development proposal would appear in keeping with the core character of Stevenage Town Centre. On this basis it is considered the proposal would preserve the significance of the designated heritage assets, namely the Town Square Conservation Area, Grade II listed clock tower, statue, mural, relief and church and would be in accordance with Local Plan Policies NH10 'Conservation Areas', SP13 'The Historic Environment, the Town Square Conservation Management Plan SPD (2012) and the relevant paragraphs of the NPPF.

6.17 Impact on the Environment and Neighbouring Occupiers

National Planning Policy Framework and Planning Practice Guidance

- 6.17.1 Paragraph 135 of the NPPF (2024) sets out that planning decision should ensure create places with a high standard of amenity for existing and future residents. Paragraph 124 of the National

Design Guide states that “*Good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability*”. Paragraph 126 of the National Design Guide also emphasises that “*well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. The quality of internal space needs careful consideration in higher density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important*”.

Development Plan

- 6.17.2 Whilst the policies contained in the Local Plan have limited weight, Policies SP8 and GD1 of the Local Plan (2019) which generally reflect the good design principles outlined in the NPPF and National Design Guide, require that development does not adversely impact the amenities of neighbouring occupiers. In the emerging Local Plan review and partial update, criterion (e) of policy GD1 is updated to refer to “unacceptable” adverse impacts. The intention behind the change is to make clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker. This emerging policy carries significant weight under paragraph 49 of the NPPF.
- 6.17.3 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.
- 6.17.4 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.

Contamination

- 6.17.5 The Preliminary Ground Appraisal (Desk Study) submitted with the application advises the site’s past use(s) are likely to have resulted in some ground contamination. The site was developed in the 1970s with little changes since, due to the age of the development little to no remediation is likely to have taken place. However, there are no historical sources of large volumes of contamination associated with the site. Risks of contamination require assessment via intrusive investigation to inform a Remediation Strategy (if required). A planning condition is recommended to ensure that any unexpected contamination is remediated if discovered during pre-construction investigations.

Noise Pollution

- 6.17.6 The application is accompanied by a Noise Impact Assessment. A long term continuous environmental noise survey was completed in April 2024 to establish the noise climate conditions at the application site. The results of the noise survey were used to assess the sound insulation performance required from the external building fabric development. Assuming whole house ventilation into the flats would be provided by mechanical units which may also make use of large ventilation openings (which incorporate noise attenuation) and therefore reliance on opening windows is not present, the results of the assessment indicate suitable internal noise levels in habitable rooms during whole house ventilation conditions would be met with the installation of suitably sealed conventional thermal double glazed window products (and suitable ventilation opening products).
- 6.17.7 The site noise surveys completed for this project indicate that external noise levels are too high to rely on the use of partially open windows to provide ventilative cooling in the majority of the

proposed bedrooms. Internal noise levels are predicted to exceed the Building Regulations Approved Document O noise limits if partially open windows are used. As such, alternative measures are recommended. Sustainability consultants have undertaken an overheating assessment and concluded that overheating mitigation measures would not have to rely on opening windows.

- 6.17.8 A review of the outdoor noise levels in private amenity areas has been provided, and potential mitigation measures have been suggested for consideration. Suggested atmospheric plant noise limits at neighbouring noise sensitive uses have been provided. Based on the proposed gymnasium at the mezzanine level, it is suggested that a planning condition would be necessary to control noise and vibrational annoyance to the noise sensitive rooms located above this use.
- 6.17.9 A review of nearby businesses generating appreciable noise levels (at the proposed development) was undertaken, and the only source identified, was the noise emissions from idling refrigeration heavy goods vehicles at the rear service yard. An assessment of the likely noise impact has shown, the resultant adverse noise impacts can be minimised and reduced with the use of uprated thermal double glazing (in terms of sound insulation performance). Such a measure ought to result in the residual noise impact not categorised as statutory noise nuisance and therefore no action against the noise generating business should arise.

Light Pollution

- 6.17.10 Given the use of the building as a residential development with an active ground floor frontage, most likely to be in retail or other town centre use it is not considered the light emitted from the building would lead to unacceptable levels of light pollution over and above that emitted by current commercial and residential buildings within the town centre. A planning condition will be imposed requiring the external lighting as shown on the relevant drawings is implemented as approved. It is considered the proposal would accord with Local Plan Policy FP7 in terms of external light.

Air Quality

- 6.17.11 Looking at air quality and air pollution specifically, the Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within or in close proximity to an Air Quality Management Area (AQMA). This generally indicates that the air quality in the area is within national guidelines.
- 6.17.12 In order to mitigate the impact of the construction phase on air quality, it is recommended a condition is imposed to any permission issued. This condition would require the applicant to submit a Demolition Management Plan and Construction Management Plan to detail measures on how to control levels of dust and air pollutants which are generated during the demolition and construction phases of development.
- 6.17.13 With regards to the operational aspect of the development, an appraisal of potential operational phase impacts on nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}) was undertaken with regard to Department for Environment, Food and Rural Affairs (Defra) and Environmental Protection UK (EPUK) & IAQM guidance. The results indicate that pollutant concentrations across the site are expected to be below the relevant Air Quality Objectives (AQOs) when operational. Furthermore, no significant impacts on local air quality are anticipated as a result of changes in vehicle trips associated with the proposed development, with no requirement for additional mitigation. It is considered that the site is suitable for residential development in terms of air quality and that there are no air quality constraints with respect to the grant of planning permission.

Privacy, Overbearing Impact and Daylight

Daylight and Sunlight and Overbearing Impact

- 6.17.14 The NPPF emphasises the need for developments to create high-quality environments that promote health and well-being. Paragraph 124 highlights that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users with safe and healthy living conditions. Ensuring access to adequate daylight and sunlight is an essential component of achieving good design and supporting residents' health and well-being.
- 6.17.15 Local Plan Policy GD1 requires that new developments provide adequate daylight and sunlight to both the new and neighbouring properties. This policy aligns with the general requirement that all developments must demonstrate that they are designed to a high standard and do not adversely impact the surrounding built environment. Policy SP8 supports development that respects the character of the surrounding area, which includes considerations for massing and layout to ensure that they do not result in unacceptable overshadowing of neighbouring buildings or outdoor spaces.
- 6.17.16 The Stevenage Design Guide sets out additional guidance on how developments should be designed to ensure that adequate levels of daylight and sunlight are maintained. This includes the positioning of buildings and the relationship between new structures and existing ones to mitigate overshadowing effects and improve overall environmental quality.
- 6.17.17 The Daylight and Sunlight Assessment, prepared by Development and Light and submitted in support of this application confirms that 92% of the 536 windows assessed in surrounding properties would meet the BRE's recommended levels for Vertical Sky Component (VSC), and 93% of the 314 rooms would comply with the No Sky Line (NSL) guideline. Additionally, all 305 windows subject to sunlight assessment would meet the Annual Probable Sunlight Hours (APSH) standard. The Assessment advises whilst there would be a marginal reduction in daylight for some dwellings, most notably effects beyond the typical BRE parameters to 12 single-aspect, north-facing flats out of a total of 71 flats within Forum Chambers, the report concludes that these effects would be minor and acceptable within a constrained urban context such as this.
- 6.17.18 A representation on behalf of ABC Commercial Stevenage 1 Ltd, owner of the site at 58-90 Queensway and Forum Chambers has been submitted raising an objection on daylight / sunlight grounds. The planning application for 58-90 Queensway and Forum Chambers ref. 23/00502/FPM received planning permission on the 31 January 2025 to convert part of the building into residential use creating 71 residential units and a two-storey upward extension. The owner of this site has raised concerns with how the applicant's daylight and sunlight assessment has been carried out and the proposed impacts upon the daylight and sunlight of some of the flats within this future development.
- 6.17.19 The owner has also instructed their own surveyor to review the submitted Daylight and Sunlight report who has concluded the applicant's Assessment does not correctly assess daylight and sunlight impacts on the consented flats at 58-90 Queensway and Forum Chambers. The applicant's daylight and sunlight surveyor has in turn reviewed this report and provided a response which concludes:

"The Daylight Sunlight Report submitted with the current application proposals provides a full and detailed assessment of the effect of the development proposals in accordance with the methodology outlined in the BRE Guidelines.

In general, the points raised by CHP Surveyors on behalf of Forum Chambers focus on the more linear relationship between Forum Chambers and the site, without a broader appreciation of the emerging context on the northern side of Queensway and the site's role within such

context. Therefore, we believe there is a reasonable basis, in line with the BRE methodology, to dispute each of the points raised in the CHP Surveyors review; and thus no reason to amend or extend the Daylight & Sunlight assessment already undertaken within the Daylight & Sunlight Report, which offers a full and frank appraisal of the position in line with the appropriate methodology.

Thus, the conclusions of the Daylight & Sunlight Report still stand. Whilst it is acknowledged that 12 of the new units within Forum Chambers will experience Daylight effects beyond the typical BRE parameters, these effects could be considered to be commensurate with the emerging development context for this locality”.

- 6.17.20 To obtain an independent assessment on the impact of the future development at 58-90 Queensway and Forum Chambers, the Planning Authority procured the services of an independent daylight and sunlight surveyor who carried out their own on-site analysis and review of the data used by the applicant’s surveyor, as well as the representations from the third-party surveyor.
- 6.17.21 The applicants DLSL assessment considers the impact on consented buildings rather than the existing structures on-site, given the emerging consented context of the area. The independent surveyor agrees with this approach, as it ensures that daylight and sunlight effects on future residential buildings are fully accounted for in this application. Furthermore, the current surrounding context is predominantly commercial, whereas the consented developments incorporate residential units. According to the BRE Guide, residential properties are the primary focus in daylight and sunlight assessments, making it reasonable to apply the tests to the consented residential buildings.
- 6.17.22 The primary points of contention between applicant’s DLSL assessment and the third party review concern the appropriateness of the baseline conditions used and the suitability of using daylight factor or illuminance targets to assess impacts on the neighbouring properties. The independent assessment evaluates the arguments from both parties, examines relevant guidance from the BRE Guide, and provides a reasoned conclusion on the most appropriate approach.
- 6.17.23 The report concludes that regardless of which alternative hypothetical baseline is used, the absolute light levels experienced by windows in 58-90 Queensway and Forum Chambers will be significantly lower than they are currently. This is primarily due to the existing benefit of low-rise buildings across the street, a condition that applies to most buildings in the area. As the broader area undergoes redevelopment with high-rise structures, reductions in daylight and sunlight across properties facing one another are inevitable. Furthermore, the BRE numerical guidelines should be considered in the context of the NPPF, which stipulates that local planning authorities should take a flexible approach to daylight and sunlight to ensure the efficient use of land. The NPPF states:
- “Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards.”*
- 6.17.24 Whilst the third-party surveyor’s approach aligns more closely with best practice and the principles of the BRE Guide, the independent assessment concludes neither alternative baseline should be used to argue that the proposal will not have a significant impact on Forum Chambers. With regards to the use of Daylight Factor or Illuminance Targets, the independent assessment concludes whilst the proposed development will inevitably reduce daylight and sunlight levels to 58-90 Queensway and Forum Chambers, this is expected given the site’s urban context and ongoing regeneration. The applicant’s methodology is broadly sound, but

the choice of baseline conditions remains a point of contention. Given the broader regeneration objectives for the area, it is advised the local planning authority will need to carefully balance daylight and sunlight considerations against other planning priorities when making its final decision on the application.

- 6.17.25 In terms of overshadowing, the applicant's DLSL assessment finds that the application proposal would adhere to the BRE guidelines, with only minimal impact on surrounding outdoor spaces. The central square in the neighbouring future life sciences development would experience a small reduction in sunlight, but it concludes this would be within acceptable limits and unlikely to significantly affect the usability of the space. It is considered the proposal would not therefore have an overbearing impact on existing and future neighbouring development in this part of the town centre.
- 6.17.26 Accordingly, given the fact paragraph 11(d) of the NPPF is engaged and the application falls to be assessed against the 'tilted balance', it is considered the benefits of 225 dwellings to housing delivery and the associated boost to the town centre economy through increased spending and footfall would outweigh the identified reduction to the daylight and sunlight levels of some of the flats at 58-90 Queensway and Forum Chambers.
- 6.17.27 Some of the rooms within the flats are particularly deep for single-aspect rooms, meaning that their design is already less conducive to high daylight levels in addition to the redevelopment of the wider area with high-rise structures, where reductions in daylight and sunlight across properties facing one another are inevitable. It is concluded the benefits of delivering the Council's strategic regeneration priorities for the town centre and the delivery of housing on previously developed land would outweigh the identified harm in this regard.

Privacy

- 6.17.28 The application site lies adjacent to a service yard to the north, beyond which is Fairlands Way and a supermarket. To the east is the Forum Shopping Centre, with extant planning permission for redevelopment as a Life Sciences Quarter with laboratory buildings and ground floor commercial uses. Therefore, there is no opportunity for a loss of privacy to existing residential properties to the north or east. The upper floors of Queensway to the south have been extended upwards and converted to flats, including the current application for 58-90 Queensway and Forum Chambers. Additionally, whilst the previous planning permission for the adjacent BHS site to the west has expired, the current owner has continued aspirations to redevelop the site for residential use as confirmed by their objection to this proposal.
- 6.18.29 The building has been designed through a series of terraces and setbacks to provide space between it and the BHS site. Pre-application discussions and design evolution has ensured the development of this site would not stifle the development of the adjoining site(s). It is considered the proposed fenestration arrangement and use of landscaped terraces would not result in a loss of privacy for any future development on both BHS site and Queensway, nor would it overlook existing residential flats on Queensway as to justify a refusal of planning permission.
- 6.18.30 It is important to note this is a sustainable town centre location, where high-density, high-rise development is encouraged through national and local planning policies. Within such a context, a degree of mutual overlooking between residential buildings is to be expected and is not out of character with locations such as this. Secondly, impact on neighbouring buildings can only be assessed on the basis of what is there now, not what may come forward in the future. Extant planning permissions should be considered, however impact on the residential amenities of prospective development that has not been through the planning process is not a material planning consideration.

Demolition and Construction Impacts

- 6.18.31 The disruptive effect of demolition and construction work is a material consideration. Some disruption is inevitable, insofar as vehicle movements and noisy work would 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.
- 6.18.32 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

- 6.18.33 In the Local Plan review and partial update, criterion (e) of policy GD1 is updated to refer to “unacceptable” adverse impacts. The intention behind the change is to make clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker. This emerging policy carries significant weight under paragraph 49 of the NPPF.
- 6.18.34 It is concluded that the proposed development would not result in any unacceptable impacts on the environment and would be consistent with emerging policy GD1 on the basis that whilst it would inevitably reduce daylight and sunlight levels to some of the flats within 58-90 Queensway and Forum Chambers, this is expected and considered acceptable given the site's town centre context and ongoing regeneration where high rise, high density development is encouraged under current national and local planning policy. Furthermore, the benefits of delivering the Council's strategic regeneration priorities for the town centre and the delivery of housing on previously developed land would outweigh the identified harm in this regard.

6.19 Living environment of future residents

- 6.19.1 In considering a residential scheme of this nature it is also important to ensure that living conditions for any future occupiers are appropriate. The NPPF places a strong emphasis on the creation of high-quality living environments that promote the health and well-being of residents. Paragraph 124 stresses the importance of ensuring a high standard of amenity for both existing and future occupants. This includes providing adequate living conditions in terms of space, privacy, natural light, and access to outdoor spaces. Paragraph 126 promotes the efficient use of land while ensuring that the quality of housing is not compromised. This paragraph acknowledges that high-density developments are acceptable if they do not result in poor living conditions for residents.
- 6.19.2 The Local Plan recognises the importance of ensuring that residential developments provide high-quality living environments that meet the needs of all occupants. Policy GD1 *part d* and *part e* requires all new developments to deliver a high standard of amenity for future residents, including adequate daylight, privacy, and outdoor spaces. Policy HO9 and Policy GD1(j) require that homes meet modern standards for space and layout, ensuring that they provide sufficient internal living space for residents. The Stevenage Design Guide provides additional guidance on residential quality, emphasising the need for developments to deliver well-designed internal layouts, good access to natural light, and outdoor amenity spaces for all residents.
- 6.19.3 The proposed development is fully compliant with the Nationally Described Space Standards, meeting or exceeding minimum internal space standards for new dwellings and providing future residents with generous and well-proportioned living spaces. The design of the new homes also ensures access to natural light. Internally, approximately 76% of the 331 rooms assessed within the proposed development would meet the recommended daylight targets. Shortfalls are primarily in lower-level or corner units, where design features such as balconies

slightly hinder natural light penetration. However, even in these homes, other rooms such as bedrooms would receive adequate daylight and there is availability of shared outdoor spaces, such as roof terraces and private balconies.

- 6.19.4 The accompanying Daylight and Sunlight Report submitted in support of this application emphasises that in a town-centre location with a rapidly evolving context, there is a lesser expectation for natural daylight and sunlight amenity than elsewhere and the BRE allows some flexibility in this regard. Therefore, the performance of the development is considered acceptable ensuring overall compliance with residential quality standards and the proposed development would deliver a high quality of residential accommodation, in line with policy.
- 6.19.5 In terms of internal and external amenity space, the Stevenage Design Guide encourages the provision of external private amenity space to the level of 10m² per dwelling in flatted development, which would create a target of 2,250m². Of the 225 homes, 45 would have private balconies and a further 3 would have private terraces. The private external amenity provision across the site totals 352m². The proposed development also comprises a total of 968.8m² internal amenity space and 354.2m² external amenity space in the form of roof terraces, totalling 1,323m² shared amenity spaces. The overall internal and external amenity space provision across the site therefore totals approximately 1,675m².
- 6.19.6 External amenity space across the site would comprise approximately 686m² across private balconies and external roof terraces. The roof terraces would offer high-quality, secure outdoor environments that are accessible to all residents, ensuring that even those without private balconies would have access to outdoor space. The overall amenity provision for the 225 homes would therefore equate to 7.32m² amenity space per dwelling when incorporating both internal and external amenity space, with a shortfall of only 602m². Furthermore, approximately 60% of the proposed 1-bed-1-person, 2-bed-4-person and 3-bed-6-person homes are oversized when compared against national space standards. As a constrained town centre site, limitations in the practical provision of on-site amenity space are accepted within this context. The site is also located within close proximity to a number of public open spaces, including Town Centre Gardens and King George V Playing Fields, which would offer additional amenity space for recreation and exercise.
- 6.19.7 The communal internal areas, particularly the gym and co-working spaces, are designed to cater to contemporary requirements, supporting flexible lifestyles and providing residents with spaces for relaxation, work, and socialising. This aligns with the NPPF emphasis on creating healthy and inclusive communities, as well as local policy goals for high-quality, mixed-use developments in the town centre. The high quality of amenity space provision would foster a sense of community and contribute positively to the overall quality of life, supporting the objectives of Policy GD1, which emphasises the importance of providing high-quality spaces that contribute to residents' well-being.
- 6.19.8 This approach also aligns with Policy SP8 and Policy HO9 of the Local Plan, which both recognise the role of communal amenities in contributing to a high standard of residential living, particularly in denser urban environments. The communal spaces are integrated into the design in a way that promotes social interaction, community building and health, reflecting the broader aims of both national and local policies to create inclusive and vibrant living environments.
- 6.19.9 In conclusion, the proposed development provides a high standard of residential amenity, offering a variety of unit types that meet NDSS, as well as shared spaces that foster community interaction and support modern living. The design maximises both private and communal amenity spaces, ensuring that future residents enjoy a high-quality living environment. The development complies with national and local planning policies, particularly Policies HO9 and GD1, which prioritise good design, housing quality and the well-being of future occupants.

6.20 Parking

National Planning Policy Framework and Planning Practice Guidance

- 6.20.1 Chapter 9 'Promoting Sustainable Transport' of the NPPF (2024) sets out a requirement to consider transport issues, which includes parking, at the earliest stages of a development proposal. Paragraph 116 of the NPPF (2024) states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*". Taking this into consideration, paragraph 117 of the NPPF (2023) stipulates that applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Development Plan

- 6.20.2 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Council's Parking SPD (2020) and has not been updated by the Local Plan (LP) Review. The Parking SPD has been updated and is currently out for consultation. Policy SP6 Sustainable Transport has been reordered to reflect the priority of sustainable transport consistent with NPPF under the LP Review and the amended policy carries significant weight. This policy requires, amongst other things, for developments to demonstrate they are in a sustainable location and will promote active travel by non-car modes of transport by providing appropriate cycle parking and prioritise public transport.
- 6.20.3 The Parking SPD advises car-free residential developments may be permitted in the town centre on the basis that the town centre has excellent accessibility by non-car modes and is within easy walking distance of shops, supermarkets, restaurants, bars and other facilities. The town centre regeneration is considered the one place in the town where transport related to the development could be able to focus entirely on sustainable modes. Due to the excellent non-vehicular connections and the range of proximate services and activities, it is not considered that residents living here would need a car.
- 6.20.4 The proposed development would be car free including no provision of disabled bays. Owing to the location within the town centre, the immediate proximity to amenities and the presence of good public transport links close by means there is less need for car ownership in this location when compared to other parts of the town. The lack of on-site disabled bays is regrettable, however due to the landlocked nature of the site and the fact the proposed building would occupy the entire red line application area, it is accepted that there is physically no space to provide any. Furthermore, vehicular access to the rear of the building is via third party land comprising a service yard and not public highway. This makes access to and provision of disabled parking bays difficult on land outside of the applicant's control and potentially dangerous with the use of the yard by HGVs. Access to the front of the building would be via a pedestrianised area only. The closest disabled bays would be located on Marshgate or Danestrete a short distance away.

- 6.20.5 To balance this, there would be a total of 316 cycle parking spaces provided within the basement of the building made up of 140 two tier racks (240 spaces) and 11% of cycle parking spaces provided as Sheffield Stands (36 spaces), with 16 enlarged bays to cater for adapted or enlarged cycles. This is in line with the cycle parking standards set out in the Council's Parking Provision and Sustainable Transport SPD.
- 6.20.6 Access to the cycle parking would be from the front of the building, although there is a corridor wide enough for bikes that would provide access from the rear service yard. Whilst cycling is prohibited along Queensway, as part of the Reef Group Life Sciences development adjacent (planning permission 22/00923/FPM), there are plans to provide a new shared pedestrian and cycle route around the perimeter of the site, leading towards the service yard entrance to avoid the town centre cycle ban. This would also provide a benefit and link the site with the proposed (by the Reef Group Life Sciences development) toucan crossing on St Georges Way, further adding to the cycle connectivity of the site.
- 6.20.7 It is considered however that walking bikes along the Queensway is the best access point into the development as it would avoid the need for cyclists to use either the A1155 Fairlands Way or the service yard to the rear, which is used by large vehicles reversing. Having regard to the above, the proposed parking arrangements are considered to be acceptable. In this respect, the proposal accords with Policy IT5 of the Local Plan.

6.21 Highway Impact and Safety

- 7.6.1 Policy IT4 of the Local Plan has been amended under the LP Review by substituting the word "adverse" with "unacceptable" to align with the NPPF and to the travel plan threshold to align with HCC Highways policy. The amended policy carries significant weight. It states that planning permission will be granted where development will not have an unacceptable impact on highway safety. The application is accompanied by a Transport Statement and a Travel Plan.

Access

- 7.6.2 Given the car-free proposals, vehicular access to the site would only be required for deliveries, servicing, and emergency vehicles. Vehicular access to the site would be from the rear via the existing service yard. Whilst the service yard is not part of the application site, the applicant has rights of access to use this area. As such this would provide the location for deliveries, servicing and refuse collection. Emergency vehicles would also be able to use this area to access the building. The refuse store would be located to the rear of the building at ground floor level to allow for collection in this area. Swept path analysis showing how vehicles could turn in the service yard is shown in the submitted Transport Statement. The Highway Authority has confirmed the proposed arrangements are acceptable.
- 7.6.3 In terms of pedestrian and cycle access, the primary access point would be onto The Forum. Pedestrians and cycles could enter from the southeast corner of the site. This access would serve both the ground floor commercial unit, as well as the flats. Access to the bike store would also be possible from The Forum, although access would also be available from the rear service yard.
- 7.6.4 With regards to emergency vehicle access, the access arrangements and internal site layout has been designed to ensure that emergency vehicles can get within 18m of dry riser inlets which are easily accessible and visible from the point where the fire engine would park. Vehicles would be able to utilise the service yard to the rear or if needed, utilise the pedestrian areas on The Forum or Queensway. This is the same as the existing strategy for the site.

Refuse and Servicing

- 7.6.5 The refuse store would be located on the ground floor. Refuse stores would be serviced via the service yard to the rear. This would be undertaken via a private collection. Separate stores would be provided for the flats and the commercial unit. The access doors to the residential store would open out onto the service yard and the commercial unit would have a separate exit via a corridor on the western side of the building that leads to the service yard. All deliveries except those on foot or cycle would take place to the rear of the building within the existing service yard. Deliveries such as post or food takeaway deliveries would take place at the front of the building, although cars and mopeds would have to use the service yard and walk through to the access from The Forum.

Trip Generation

- 7.6.6 The Transport Statement undertakes an exercise which presents forecasts for the trip generation of the proposed development. The trip generation exercise has used TRICS (Trip Rate Information Computer System) database to forecast proposed trips. The trip generation associated with the proposed development is anticipated to increase the use of active travel modes and public transport. The greatest impact, as expected in a town centre location is for the additional pedestrian trips.
- 7.6.7 An additional 21 trips by rail (1-2 trips per journey) in each peak are also anticipated, with an additional 16 bus trips (2 – 3 trips per service) in each peak. Neither of these are considered to cause any capacity impacts on the network, given the frequency of services provided on both modes and the number of different bus routes available nearby. Based on the above data, and in the context of the NPPF, the impact on the surrounding road network would not be considered as 'severe'.
- 7.6.8 The Highway Authority has advised the trip generation exercise is satisfactory and is content to agree the forecast number of trips by active travel and public transport. The Highway Authority's Sustainable Mobility Team has reviewed the submitted Travel Plan and has agreed it subject to some minor amendments and the payment of the monitoring fee via the legal agreement. It is considered a condition can be imposed requiring the submission of a final version of the Travel Plan for sign off by HCC Sustainable Mobility Team.
- 7.6.9 Based on the submission, the Highway Authority has concluded the development would not lead to any unacceptable impacts on highway safety or any severe residual cumulative impacts on the highway network. For this reason, the Highway Authority offers no objection subject to the inclusion of planning conditions and obligations set out in Section 9 below.

7.7 Biodiversity and Ecology

- 7.7.1 The Environment Act received royal ascent in 2021. Within the legislation is the requirement for proposals to bring about a positive net gain in biodiversity. The regulations make a 10% net gain a statutory requirement (with a standard condition). The requirement and the ways in which this gain is measured apply to planning applications for major development submitted after the regulations came into force on 12 February 2024. The NPPF and accompanying PPG require the Council to achieve measurable net gains in biodiversity at development sites across the Borough unless they are exempt. Policy SP12 of the Local Plan requires the protection of assets of ecological and biodiversity value. This policy has not been amended by the Local Plan Review and carries significant weight.
- 7.7.2 The application is supported by a preliminary ecological appraisal, which concludes that the site is of negligible ecological interest, with no naturalised habitats. Accordingly, the site is not considered to be constrained by any protected or notable species such as bats or badgers and the proposed development is noted to have limited impact on ecology. The proposals are therefore considered to be acceptable in line with Local Plan policy SP12, with some

suggestions for ecological enhancements put forward. These enhancements comprise the use of green roofs planted with wildflower mix where possible, the provision of a peregrine falcon nesting box on the roof and 15 integrated swift bricks. On inspection, the existing roof had evidence of a bird of prey feeding perch. As the carcasses were all pigeon, the bird of prey is most likely a peregrine falcon. These enhancements can be secured by way of planning condition.

- 7.7.3 The Preliminary Ecological Appraisal also notes that the development is considered exempt from mandatory Biodiversity Net Gain requirements, owing to the 'de minimis' exemption, which includes any development that does not impact a priority habitat, and impacts less than 25m² of habitat. As the site falls within these parameters, no BNG metric has been submitted and it is agreed this development meets the 'de minimis' exemption criteria.
- 7.7.4 Having regard to the above, it is considered that the proposed development would have an acceptable impact on ecology and biodiversity. In this respect, the proposal accords with Policy SP12 of the Local Plan.

7.8 Trees and Landscaping

- 7.8.1 Policy NH5 of the Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. In the Local Plan review and partial update, policy NH5 is replaced by two new policies: Policy NH5a, which relates to trees and woodland; and Policy NH5b, which relates to tree-lined streets. Policy NH5a continues to provide a general presumption against the loss of healthy trees, but also introduces a new tree replacement standard and offsetting mechanism where replacement planting cannot be provided on site. This emerging policy currently has limited weight. Policy NH5b requires new streets to be tree-lined, mirroring paragraph 136 and footnote 53 of the NPPF. This emerging policy carries significant weight, however, is not relevant to this application proposal.
- 7.8.2 The application proposal includes a high-quality landscaping and planting strategy which would deliver a new landscaping scheme incorporating a minimum of 30 different types of plants, including ornamental shrubs and grasses, potted and screening plants and tree planting. The proposed building would comprise a series of external terraces at mezzanine, first, seventh, eleventh and eighteenth floors available for use as private external amenity space for residents. These terraces would mainly consist of ornamental shrubs, grasses and wildflowers with areas of paving and seating of varying styles. The roof of the building would comprise a 'brown roof' which would not be available for amenity space but would be designed to increase biodiversity and support self-seeding plants. Most external terraces would also include clear and multi stem tree planting.
- 7.8.3 In terms of hard landscaping, the design concept has focussed on reforming pieces of the previous building into large terrazzo pavers or a polished concrete slab, to create raised platforms. This would form an open, flexible space surrounded by greenery that could be used for group activities such as yoga or exercise classes. Broken pieces of concrete would be placed between rubble or planting to create stepping stones - interest for garden users, and those viewing the space from above. It is also possible to create terrazzo features (paving or furniture) by recycling rubble from the demolished building. British aggregates would be combined using next generation low carbon cement. This would be an environmentally conscious material choice that would channel the local modernist aesthetic of pops of colour amongst the concrete.
- 7.8.4 It is considered the overall hard and soft landscaping and tree strategy is high quality and would create an attractive landscaped setting for the proposed building across various heights, with clear biodiversity, sustainable drainage and amenity benefits for future residents in accordance with policies SP12 and NH5 of the Local Plan (2019). Given the existing site has no greening or biodiversity this would be a significant planning benefit.

7.9 Flood Risk and Drainage

- 7.9.1 A Flood Risk Assessment and Drainage Strategy 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 surface water flooding is low. The development of the site for an employment use 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.
- 7.9.2 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.
- 7.9.3 In the emerging local plan review and partial update, flood risk and drainage policies are significantly revised. Existing policy FP1 is replaced by a new sustainable drainage policy, which places an emphasis on the use of the most sustainable SuDS features and methods of surface water discharge. Meanwhile, existing policies FP2 and FP3 are combined into a new, more comprehensive flood risk policy, which largely reflects national flood risk policies but also seeks to protect watercourses and flood defences. Having regard to paragraph 49 of the NPPF, these emerging policies carry significant weight in the assessment of the application.
- 7.9.4 As detailed within the submitted Flood Risk Assessment and Sustainable Drainage Strategy, the site is located in Flood Zone 1 indicating a low probability of fluvial or tidal flooding. The assessment advises historical records confirm that the site has not been subjected to flooding in the past, and no notable flood defences are required due to its low-risk location. The report concludes that the site is suitable for development in terms of flood risk, complying with the requirements set out in the NPPF.
- 7.9.5 The drainage strategy for the site is focused on mitigating surface water runoff through the use of Sustainable Drainage Systems (SuDS). The development incorporates attenuation measures such as geocellular storage to provide attenuation for surface water and a blue roof to control rainwater at its source. These measures would reduce surface water discharge rates significantly and significantly reduce the volume and speed of surface water runoff, helping to manage flood risk and contribute to overall water quality.
- 7.9.6 The report specifies that the runoff from the site would be restricted to a maximum discharge rate of 2.0 l/s, which provides a betterment over existing conditions. This would ensure that surface water is managed effectively without increasing flood risk elsewhere, even during extreme rainfall events. The strategy also accounts for a 1-in-100-year storm event with a 40% allowance for climate change, ensuring the long-term resilience of the drainage system. Additionally, the report confirms that the foul drainage system would connect to the existing public sewer network without increasing the load on the system.
- 7.9.7 At the time of writing this report, HCC as Lead Local Flood Authority has objected to the drainage strategy. Their comments have been summarised in section 4.8 above. Additional information is being prepared by the applicant's drainage consultant to address their concerns and they will be re-consulted. If updated comments are received from the LLFA prior to the meeting and/or the drainage strategy is agreed an update will be provided, otherwise it is anticipated Members will agree to delegate powers being granted to the Assistant Director of Planning and Regulation to impose any conditions advised on any response provided after the committee meeting.
- 7.9.8 A decision will not be issued until the Legal Agreement associated with the development has been signed, which will allow time for comments to be received. Therefore, comments will be

fully considered prior to a decision being issued. However, if the Lead Local Flood Authority continues to raise an objection to this application and their concerns cannot be overcome, then this application will be referred back to the Planning and Development Committee for its decision.

7.10 Sustainable Construction and Climate Change

7.10.1 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.

7.10.2 Under the Local Plan review, Policy FP1 has been revised to cover sustainable drainage and Policy SP1: climate change is the new relevant policy in this regard. The fundamental objective of Policy SP1 remains the same as previous policy FP1, however, it sets out in more detail the objectives to adapting to climate change. This policy requires, amongst other things the off-setting of emissions targets if not met on site, water usage targets, rainwater harvesting, grey water recycling, use of sustainable materials and practices on site, ultra-low and zero carbon combined heat and power systems and urban greening (green roofs and walls). This policy is further supported by a suite of new climate change policies, CC1 through CC7 which cover a broad range of topics. However, it should be noted that Policies CC1 and CC2 require only major planning applications to provide an energy statement. These policies currently carry limited weight.

7.10.3 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.

7.10.4 An Energy and Sustainability Design Statement has been submitted as part of this application. This Statement sets out the measures to be employed within the design of the proposed development to minimise resource and water consumption, maximise opportunities for biodiversity, and mitigate the impacts of air and noise pollution. In addition, the Sustainability Statement and Energy Statement demonstrate how the proposed design would ensure the scheme would be resilient to future climate change.

7.10.5 The development focuses on reducing energy demand through thoughtful building design. The building's orientation would maximise passive solar gain in winter months while mitigating summer overheating with design features such as deep wall reveals, balconies, and brise

soleils. Additionally, the building envelope would exceed minimum u-value requirements, with enhanced insulation and airtightness, reducing heat loss and energy demand. Sustainable materials with low embodied carbon would be used throughout the construction, and a comprehensive waste management plan would be implemented to minimise construction waste and promote recycling. This can be secured by condition.

- 7.10.6 An Energy Strategy is also presented within the Statement, detailing the potential means by which the proposed development may minimise carbon dioxide emissions. Air Source Heat Pumps (ASHP) would provide domestic hot water, representing an efficient, low-carbon energy solution that aligns with the development's sustainability goals. Solar panels are also proposed, with an array of up to 150m² at roof level. The residential units would be provided with electric panel heaters as an energy-efficient strategy to heat the occupied spaces.
- 7.10.7 Consequently, the scheme would deliver an average of 71.8% reduction in carbon emissions over baseline, exceeding the requirements of 35% reduction. It is therefore demonstrated that the implementation of the proposed Energy Strategy, where practicable, has the potential to deliver significant reductions in carbon dioxide emissions over the Part L:2021 baseline, which accords with Local Plan and National Planning Policy and legislative requirements. Implementation of the proposed fossil fuel-free Energy Strategy also directly responds to the aspirations of the Government's Future Buildings Strategy, as well as the Council's declaration to achieve Net Zero Emissions by 2030.
- 7.10.8 The Energy and Sustainability Design Statement demonstrates the proposed development's commitment to meeting high sustainability standards. The combination of energy-efficient design, low-carbon energy solutions, and sustainable building materials would ensure compliance with both national and local policy requirements. The integration of Air Source Heat Pumps, advanced insulation, and water-saving measures would further contribute to reducing carbon emissions. These measures would not only ensure long-term environmental benefits but also create a high-quality, sustainable living environment for future residents.
- 7.10.9 Given the above, and subject to conditions securing the measures identified to address adaptation to climate change, the development would exceed the requirements of the existing policy FP1, with the emerging policies carrying limited weight.

7.11 Planning Obligations

7.11.1 The following planning obligations would be attached to any planning permission:

- £6000 for monitoring of Approved Travel Plan
- £11,250 Residential Travel Pack contribution
- £313,960 Primary and/or Secondary Education
- £924,629 off site Affordable Housing
- Local Employment and Apprenticeships
- Legal Agreement monitoring fee

7.11.2 The above obligations have been agreed with the applicant and Hertfordshire County Council as Highway Authority and Growth and Infrastructure Unit (where relevant) and would be secured via a Legal Agreement, subject to planning permission.

7.12 Other Matters

Human Rights and Equalities

7.12.1 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.

- 7.12.2 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.
- 7.12.3 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.
- 7.12.4 The proposal would provide 10% of the homes as wheelchair accessible, ensuring that the scheme would meet the needs of a wide range of occupants, including those with limited mobility. These accessible units would be integrated throughout the development to ensure inclusivity and equal access to all communal facilities. All homes would be designed to be adaptable to future residents' needs, allowing flexibility for different household types and stages of life. The proposed development would not have any material impact on persons with any of the protected characteristics listed under the Equalities Act.

8 CONCLUSIONS

- 8.1 Planning permission is being sought for the demolition of the existing building and structures and re-development to provide 225 Build to Rent dwellings, with flexible commercial floorspace at ground and mezzanine, amenity space, landscaping, new cycle parking and other associated works. The Council, based on its Housing Delivery Test score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2024). As this policy is engaged, it means Local Plan housing policies are classed as out-of-date. Consequently, the Planning Authority must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing.
- 8.2 The proposed development would constitute development on previously developed land and would provide 225 new homes. This would make a positive contribution towards meeting the Council's housing needs. The provision of good quality housing on previously developed land carries significant weight in favour of the proposal. The construction activity would provide a small boost to the local economy; however, the future occupiers would also add welcome footfall to the town centre enhancing its vitality and viability. Given the quantum of development, it is considered that these benefits would be substantial and therefore attract significant weight in favour of the proposal.
- 8.3 Whilst the proposed building is very tall, the design and landscaping are of high quality and in keeping with the New Town architectural principles. The proposed building would positively engage with the street scene through its promotion of a well-designed active frontage. Accordingly, given the fact paragraph 11(d) is engaged and the application falls to be assessed against the 'tilted balance', it is considered the benefits of 225 dwellings and the associated boost to the town centre economy through increased spending and footfall outweighs any identified harm to visual amenity brought about by the height. The design measures introduced to reduce the impact of bulk and mass are acknowledged and do go some way to mitigating the visual impact. On balance, it is considered a 21-storey building on this site is acceptable.

- 8.4 The proposed development would retain an active frontage to the Forum, providing 426m² of new flexible Class E floorspace at ground floor level. The applicant is committed to finding alternative premises for New Look in the town centre, however this is not a policy requirement. The introduction of new homes and flexible commercial space reflects national and local policy objectives to adapt town centres to changing economic conditions, ensuring they remain vibrant and economically viable. The proposed development is considered to be acceptable in terms of town centre retail policies. The scheme would also have acceptable living standards including high quality external amenity space, sufficient cycle parking and would not prejudice highway safety.
- 8.5 Whilst there would be a marginal reduction in daylight for some of the flats within the future development at 58-90 Queensway and Forum Chambers (ref. 23/00502/FPM), it is concluded the benefits of delivering the Council's strategic regeneration priorities for the town centre and the delivery of housing on previously developed land would outweigh the identified harm in this regard. Indeed, the reduction in daylight is to be expected and considered acceptable given the site's town centre context and ongoing regeneration where high-rise, high-density development is encouraged under current national and local planning policy. This is particularly relevant within the context of the partial update of Local Plan policy GD1 (e), which makes clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker.
- 8.6 In terms of drainage, it is considered that appropriately worded conditions can be imposed to ensure an acceptable drainage strategy can be delivered on-site once the drainage strategy has been agreed. The development would not have a detrimental impact on the environment and would deliver a high-quality landscaping scheme, with associated biodiversity, sustainable drainage and wildlife benefits. In addition, the scheme would be highly sustainable and adaptable to climate change. The scheme would also comprise sufficient general waste and recycle storage.
- 8.7 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. The NPPF is a material consideration, especially considering 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 Legal Agreement to secure/provide contributions towards:

- £6000 for monitoring of Approved Travel Plan
- £11,250 Residential Travel Pack contribution
- £313,960 Primary and/or Secondary Education
- £924,629 off site Affordable Housing
- Local Employment and Apprenticeships
- Legal Agreement 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, along with the recommendations of the Lead Local Flood Authority, 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:

Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
5PA-B1-00-DR-A-021200; 5PA-B1-00-DR-A-022200; 5PA-B1-01-DR-A-021201; 5PA-B1-01-DR-A-022201; 5PA-B1-02-DR-A-022202; 5PA-B1-07-DR-A-022207 REV 01; 5PA-B1-08-DR-A-022208; 5PA-B1-11-DR-A-022211; 5PA-B1-12-DR-A-022212; 5PA-B1-15-DR-A-022215; 5PA-B1-18-DR-A-022218; 5PA-B1-19-DR-A-022219; 5PA-B1-20-DR-A-022220; 5PA-B1-B1-DR-A-021199; 5PA-B1-B1-DR-A-022199; 5PA-B1-M1-DR-A-022290; 5PA-B1-ZZ-DR-A-042201; 5PA-B1-ZZ-DR-A-042202; 5PA-B1-ZZ-DR-A-042203; 5PA-B1-ZZ-DR-A-042204; 5PA-B1-ZZ-DR-A-042205; 5PA-B1-ZZ-DR-A-042206; 5PA-B1-ZZ-DR-A-042207; 5PA-B1-ZZ-DR-A-042208; 5PA-B1-ZZ-DR-A-052201; 5PA-B1-ZZ-DR-A-052202; 5PA-B1-ZZ-DR-A-052202; XX-00-DWG-L-1000 REV P05; XX-00-DWG-L-2000 REV P05; XX-00-DWG-L-3000 REV P05; XX-00-DWG-L-7000 REV P05; XX-01-DWG-L-1000 REV P05; XX-01-DWG-L-2000 REV P05; XX-01-DWG-L-3000 REV P05; XX-01-DWG-L-7000 REV P05; XX-07-DWG-L-1000 REV P05; XX-07-DWG-L-2000 REV P05; XX-07-DWG-L-3000 REV P05; XX-07-DWG-L-7000 REV P05; XX-11-DWG-L-1000 REV P05; XX-11-DWG-L-2000 REV P05; XX-11-DWG-L-3000 REV P05; XX-11-DWG-L-7000 REV P05; XX-18-DWG-L-2000 REV P05; XX-18-DWG-L-3000 REV P05; XX-18-DWG-L-7000 REV P05; XX-20-DWG-L-1000 REV P05; XX-20-DWG-L-2000 REV P05; XX-20-DWG-L-3000 REV P05; XX-20-DWG-L-7000 REV P05; XX-M1-DWG-L-1000 REV P05; XX-M1-DWG-L-2000 REV P05; XX-M1-DWG-L-3000 REV P05; XX-M1-DWG-L-7000 REV P05; XX-ZZ-DWG-L-1000 REV P05; XX-ZZ-DWG-L-5001 REV P01; XX-18-DWG-L-1000 REV P05; XX-ZZ-DWG-L-1000 REV P05; 5PA-B1-ZZ-DR-A-104201; 5PA-B1-ZZ-DR-A-104202; 5PA-B1-ZZ-DR-A-104203; 5PA-B1-ZZ-DR-A-104204; 5PA-B1-ZZ-DR-A-104205; 5PA-B1-ZZ-DR-A-104206; 5PA-B1-ZZ-DR-A-104207; 5PA-B1-ZZ-DR-A-104208; 5PA-B1-ZZ-DR-A-104209; 5PA-MP-ST-DR-A-001100; 5PA-MP-ST-DR-A-001200; 5PA-MP-ST-DR-A-001201; 5PA-MP-ST-DR-A-001205; 5PA-MP-ZZ-DR-A-041201; 5PA-MP-ZZ-DR-A-041203; 5PA-MP-ZZ-DR-A-041204.
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 development hereby permitted shall be carried out in accordance with the approved phasing strategy, namely phase 1 demolition of existing building drawing reference 5PA-MP-ST-DR-A-001100 and phase 2 construction of the proposed development drawing reference 5PA-MP-ST-DR-A-001200.
REASON:- For the avoidance of doubt and in the interests of proper planning.
4. No site clearance or construction work audible from the site boundary relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.

REASON:- To safeguard the amenities of the occupiers of neighbouring properties.

5. No demolition and site clearance under phase 1 shall take place until a demolition management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, demolition and clearance of the site shall only be carried out in accordance with the approved plan. The demolition management plan shall include details of the following:
- a) 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 demolition 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 demolition/site clearance activities;
 - i) 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;
 - j) 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.
 - k) Dust control measures during demolition and construction from plant and machinery, and vehicles.

REASON:- In order to protect highway safety and the amenity of other users of the public highway and rights of way, in the interests of amenities of neighbouring properties, to ensure suitable, safe and satisfactory planning and development, in order to reduce the level of waste generated during demolition and to recycle all waste materials where possible.

6. No development under phase 2 shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
- i. Phasing of the development of the site, including all highway works;
 - ii. Construction vehicle numbers, type, routing;
 - iii. Fencing, hoarding and scaffolding provision;
 - iv. Traffic and pedestrian management requirements;
 - v. Construction storage compounds (including areas designated for car parking);
 - vi. On site welfare facilities;
 - vii. Siting and details of wheel washing facilities;
 - viii. Cleaning of site entrances, site tracks and the adjacent public highway;
 - ix. Timing of construction activities to avoid school pick up/drop off times; and
 - x. Provision of sufficient on-site parking prior to commencement of construction activities.

REASON:- In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

7. Prior to the first occupation of the development hereby permitted, the cycle parking, servicing / loading, unloading / turning / waiting area(s) shall be laid out, demarcated, levelled, surfaced and drained in accordance with approved drawing 5PA-B1-00-DR-A-022200 and retained thereafter available for that specific use.

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

8. Prior to the first occupation of the development hereby permitted, all hard and soft landscaping shall be carried out in accordance with the approved details as shown in drawing numbers XX-ZZ-DWG-L-1000 REV P05, XX-M1-DWG-L-1000 REV P05, XX-07-DWG-L-1000 REV P05, XX-11-DWG-L-1000 REV P05, XX-18-DWG-L-1000 REV P05 and XX-20-DWG-L-1000 REV P05 to a reasonable standard in accordance with the relevant British Standards or other recognised Codes of Good Practice.
REASON:- To ensure a satisfactory appearance for the development and external amenity space is available for the occupiers of the dwellings.
9. Prior to the first occupation of the dwellings located above the gymnasium at mezzanine level, details of noise mitigation measures to control noise and vibrational annoyance to the noise sensitive rooms located above the gymnasium shall be submitted to and approved by the Local Planning Authority.
REASON:- To protect the amenity of the occupiers of these dwellings.
10. The recommended mitigation measures set out within the Noise Impact Assessment by Cahill Design Consultants dated October 2024, shall be implemented and permanently maintained in accordance with the approved details.
REASON:- To protect the amenity of the occupiers of the dwellings.
11. No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan, dated October 2024. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall 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 to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).
12. If contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the Local Planning Authority.
REASON:- To ensure that the site does not pose any risk to human health and to ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.
13. The development to which this permission relates shall be carried out in accordance with the external materials specified on drawing numbers 5PA-B1-ZZ-DR-A-042201, 5PA-B1-ZZ-DR-A-042202, 5PA-B1-ZZ-DR-A-042203, 5PA-B1-ZZ-DR-A-042204, 5PA-B1-ZZ-DR-A-042205, 5PA-B1-ZZ-DR-A-042206, 5PA-B1-ZZ-DR-A-042207 and 5PA-B1-ZZ-DR-A-042208 submitted as approved or any alternative to be submitted to and approved by the Local Planning Authority.
REASON:- To ensure a satisfactory appearance for the development.
14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development.
REASON:- To ensure a satisfactory appearance for the development.
15. Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged

or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

16. No tree shown retained on the approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.
REASON:- To ensure the protection of those trees which should be retained in the interests of visual amenity.
17. The measures to address adaptation to climate change as set out within the Energy and Sustainability Design Statement by Consulux dated October 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.
18. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) and piling layout plan including all Thames Water wastewater assets, the local topography and clearance between the face of the pile to the face of a pipe has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement and piling layout plan.
REASON:- The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.
19. The recommended ecological enhancements set out within the Preliminary Ecological Appraisal by Ecology Partnership dated July 2024, including the peregrine falcon nesting box, shall be implemented and permanently maintained in accordance with the approved details.
REASON:- To enhance the biodiversity and ecological value of the site.
20. The external lighting as shown on drawing numbers XX-ZZ-DWG-L-1000 REV P05, XX-00-DWG-L-7000 REV P05, XX-M1-DWG-L-7000 REV P05, XX-01-DWG-L-7000 REV P05, XX-07-DWG-L-7000 REV P05, XX-11-DWG-L-7000 REV P05, XX-18-DWG-L-7000 REV P05 and XX-20-DWG-L-7000 REV P05 shall be implemented and permanently maintained in accordance with the approved details.
REASON:- To minimise light pollution and to protect foraging and commuting bats.
21. Should the ground floor or mezzanine be occupied by a café or restaurant (Use Class E(b)), a scheme for the extraction and filtration of cooking fumes shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the approved details. The implemented scheme shall be permanently maintained in good working order thereafter.
REASON:- To protect the amenities of the occupiers of the dwellings.
22. No development shall take place above slab level until written details are approved by the local planning authority of the model and location of 15 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter.
REASON:- To conserve and enhance biodiversity.

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 led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVES

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

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

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

2. 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. 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).

6. 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>.
7. 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.
8. Applications where Biodiversity Net Gain is not required as development is considered De Minimis.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

1. Development below the de minimis threshold, meaning development which:
 - a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

9. 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 on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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.

3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); Design Guide SPD (2023).
4. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
5. Central Government advice contained in the National Planning Policy Framework 2024 and the National Planning Practice Guidance.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

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Meeting: Planning and Development
Committee

Agenda Item:

Date:

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

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

1. Application No : 24/00686/FP
Date Received : 25.09.24
Location : Land Between 146 & 225 Hopton Road Stevenage Herts SG1 2LF
Proposal : Erection of 1no. detached three bedroom dwelling
Date of Decision : 31.01.25
Decision : **Planning Permission is GRANTED**

2. Application No : 24/00752/TPTPO
Date Received : 23.10.24
Location : Land Between 40 Conifer Walk And 7 Conifer Close Stevenage Herts SG2 7QR
Proposal : Re-coppice 3no. Hazel, cut back overhanging branches to boundary fence line 1no. Blackthorn, deadwood and ivy removal to 1no. Hawthorn, and fell to ground level 2no. Scots Pines, all within Area A1 of Tree Preservation Order 37
Date of Decision : 30.12.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

3. Application No : 24/00764/FP
Date Received : 29.10.24
Location : 109 High Street Stevenage Herts SG1 3HS
Proposal : Two storey infill extension to courtyard and change of use of the existing commercial (A2) premises into C3 residential
Date of Decision : 24.01.25
Decision : **Planning Permission is GRANTED**
4. Application No : 24/00775/FP
Date Received : 01.11.24
Location : Unit 1 Oaklands Retail Park London Road Stevenage Herts
Proposal : Change of use of premises from Retail (Class E(a)) to a 24-hour Gym (Class E(d)) and installation of mezzanine floor
Date of Decision : 07.01.25
Decision : **Planning Permission is GRANTED**
5. Application No : 24/00778/FPH
Date Received : 04.11.24
Location : 182 Chertsey Rise Stevenage Herts SG2 9JQ
Proposal : Proposed raising of garage roof
Date of Decision : 23.12.24
Decision : **Planning Permission is GRANTED**
6. Application No : 24/00782/LB
Date Received : 06.11.24
Location : Coreys Cottage, Coreys Mill Tates Way Stevenage Herts
Proposal : Repairs and reinstatement of render to existing property
Date of Decision : 23.12.24
Decision : **Listed Building Consent is GRANTED**

7. Application No : 24/00789/FPH
Date Received : 08.11.24
Location : 58 Wildwood Lane Stevenage Herts SG1 1TB
Proposal : Retention of rear fence and pond
Date of Decision : 31.12.24
Decision : **Planning Permission is GRANTED**

8. Application No : 24/00792/FPH
Date Received : 09.11.24
Location : 13 Redwing Close Stevenage Herts SG2 9FE
Proposal : First floor rear extension
Date of Decision : 06.01.25
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposal would, by virtue of its overall size, scale, depth, and its proximity to the public footpath, result in a form of development which would appear bulky and incongruous and be unduly prominent when viewed in the street scene, and therefore be out of keeping with the character and appearance of the surrounding area, to the detriment of the visual amenities of the locality. The development would, therefore, be contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2023), National Planning Policy Framework (2024) and the Planning Practice Guidance.

The proposed rear extension, by virtue of its height and depth, projecting approximately 4m beyond the main rear elevation of No. 32 Sparrow Drive, would result in an unacceptable outlook for the occupiers of this neighbouring property, having a harmful overbearing impact on the rear habitable room windows and immediate garden area. The development is, therefore, contrary to policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2023), National Planning Policy Framework (2024) and the Planning Practice Guidance.

The first-floor windows in the western side elevation serving the proposed bedroom 2 and study 2 will introduce a level of overlooking to the neighbouring rear garden that does not currently exist, to the detriment of the neighbouring amenities. The proposal is therefore contrary to policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2023), National Planning Policy Framework (2024) and the Planning Practice Guidance.

9. Application No : 24/00799/FPH
Date Received : 12.11.24
Location : 6 Haycroft Road Stevenage Herts SG1 3JJ
Proposal : Erection of part single, part two storey rear extension
Date of Decision : 31.12.24
Decision : **Planning Permission is GRANTED**
10. Application No : 24/00808/TPTPO
Date Received : 18.11.24
Location : Land Adjacent To 31 Essex Road Stevenage Herts SG1 3EX
Proposal : Crown lift to 5m over road on 1No. Horse Chestnut tree (T17) and crown lift to 5m over road and prune back from building for 1m clearance on 1No. Horse Chestnut tree (T18) protected by Tree Preservation Order 80.
Date of Decision : 22.01.25
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
11. Application No : 24/00809/TPTPO
Date Received : 18.11.24
Location : 17 Champion Court Stevenage Herts SG1 3EY
Proposal : TPO 80 (T10) Common Lime 1 no. Re-pollard to previous points, TPO 80 (T11) Common Lime 1no. Re-pollard to previous points, TPO 80 (T12) Ash 1no. Re-pollard to previous points
Date of Decision : 10.01.25
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

12. Application No : 24/00810/TPTPO
Date Received : 18.11.24
Location : 26 Shephall Green Stevenage Herts SG2 9XS
Proposal : Reduction of crown on 1no. Spruce Picea Abies (T1) protected by Tree Preservation Order 125
Date of Decision : 08.01.25
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
13. Application No : 24/00814/FP
Date Received : 19.11.24
Location : 95 Raleigh Crescent Stevenage Herts SG2 0ED
Proposal : Change of use from public amenity land to residential curtilage
Date of Decision : 10.01.25
Decision : **Planning Permission is GRANTED**
14. Application No : 24/00815/FPH
Date Received : 19.11.24
Location : 15 North Road Stevenage Herts SG1 4BD
Proposal : Single storey rear and side extensions
Date of Decision : 07.01.25
Decision : **Planning Permission is GRANTED**
15. Application No : 24/00817/FPH
Date Received : 21.11.24
Location : 151 Hydean Way Stevenage Herts SG2 9YA
Proposal : Erection of single storey rear extension.
Date of Decision : 10.01.25
Decision : **Planning Permission is GRANTED**

16. Application No : 24/00823/FPH
Date Received : 23.11.24
Location : 33 Osterley Close Stevenage Herts SG2 8SN
Proposal : Erection of single storey front extension
Date of Decision : 16.01.25
Decision : **Planning Permission is GRANTED**
17. Application No : 24/00837/COND
Date Received : 27.11.24
Location : Symonds Lodge Symonds Green Lane Stevenage Herts
Proposal : Discharge of condition 11 (Construction Method Statement) attached to planning permission reference number 23/00945/FP
Date of Decision : 09.01.25
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
18. Application No : 24/00840/FP
Date Received : 28.11.24
Location : The Standing Order 33 High Street Stevenage Herts
Proposal : Installation of two condensers to rear elevation within rear service yard to replace existing
Date of Decision : 13.01.25
Decision : **Planning Permission is GRANTED**
19. Application No : 24/00841/LB
Date Received : 28.11.24
Location : The Standing Order 33 High Street Stevenage Herts
Proposal : Incorporate existing glass wash area into the current bar. Create new glass wash area. Install new walk-in fridge and bottle store within the kitchen. Installation of two condensers to rear elevation within rear service yard to replace existing.
Date of Decision : 13.01.25
Decision : **Listed Building Consent is GRANTED**

20. Application No : 24/00842/FPH
Date Received : 29.11.24
Location : 42 Fishers Green Stevenage Herts SG1 2JA
Proposal : Erection of single storey front and side extensions. Loft conversion involving raising the height of the roof and 2no. dormer windows.
Date of Decision : 22.01.25
Decision : **Planning Permission is GRANTED**
21. Application No : 24/00851/TPTPO
Date Received : 05.12.24
Location : 1A Hertford Road Stevenage Herts SG2 8DR
Proposal : T1 English Oak - Crown reduce by around 3m, remove dead wood from the right side or, fell tree and replant with a suitable replacement protected by Tree Preservation Order 99
Date of Decision : 16.01.25
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
22. Application No : 24/00852/CLPD
Date Received : 05.12.24
Location : 19 Beane Walk Stevenage Herts SG2 7DP
Proposal : Lawful Development Certificate (Proposed) Loft conversion with rear dormer and front rooflights
Date of Decision : 17.01.25
Decision : **Certificate of Lawfulness is APPROVED**
23. Application No : 24/00853/CLPD
Date Received : 08.12.24
Location : 32 Shephall Lane Stevenage Herts SG2 8DH
Proposal : Lawful Development Certificate (Proposed) single storey side extension
Date of Decision : 17.01.25
Decision : **Certificate of Lawfulness is APPROVED**

24. Application No : 24/00854/AD
Date Received : 08.12.24
Location : The Coopers Inn Magpie Crescent Stevenage Herts
Proposal : Refurbish 2no. existing Corex Signs, display of 1no. Totem Sign and 1no. Fascia Sign (externally illuminated) and signwrite Sizzling Logos (externally illuminated)
Date of Decision : 31.01.25
Decision : **Advertisement Consent is GRANTED**

25. Application No : 24/00858/COND
Date Received : 09.12.24
Location : Garage Block 31-49 Spring Drive Stevenage Herts
Proposal : Discharge of Condition 5 (Construction Management Statement) attached to planning permission reference number 22/00487/OP
Date of Decision : 24.01.25
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.

26. Application No : 24/00859/COND
Date Received : 10.12.24
Location : Car Park Bragbury End Sports Ground Aston Lane Aston
Proposal : Discharge of conditions 4 (materials); 16 (cycle parking); 24 (external lighting) attached to planning permission 21/00847/FP
Date of Decision : 29.01.25
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

27. Application No : 24/00867/FPH
Date Received : 11.12.24
Location : 34 Hazelmere Road Stevenage Herts SG2 8RX
Proposal : Single storey rear extension
Date of Decision : 16.01.25
Decision : **Planning Permission is GRANTED**
28. Application No : 24/00868/COND
Date Received : 11.12.24
Location : 107 - 109 High Street Stevenage Herts SG1 3HS
Proposal : Discharge of condition(s); 4 (materials); 5 (construction method statement); 7 (archaeology work) and 10 (climate adaption measures) attached to planning permission reference 22/00637/FP
Date of Decision : 17.01.25
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.
29. Application No : 24/00871/CC
Date Received : 13.12.24
Location : Stevenage Fire And Ambulance Station St. Georges Way Stevenage Herts
Proposal : Planning application for single storey infill extension to provide improved sleeping accommodation, creation of garden area and associated works at Fire Station, St Georges Way, Stevenage, Hertfordshire
Date of Decision : 16.01.25
Decision : **This Council Raises NO OBJECTION to the Development Proposed**

30. Application No : 24/00873/FPH
Date Received : 13.12.24
Location : 9 Chouler Gardens Stevenage Herts SG1 4TB
Proposal : Single storey front and rear extension after demolition of existing conservatory
Date of Decision : 24.01.25
Decision : **Planning Permission is GRANTED**
31. Application No : 24/00875/HPA
Date Received : 16.12.24
Location : 170 Canterbury Way Stevenage Herts SG1 4DL
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.3m for which the maximum height will be 3m and height of the eaves will be 3m
Date of Decision : 17.01.25
Decision : **Prior Approval is NOT REQUIRED**
32. Application No : 24/00879/NMA
Date Received : 16.12.24
Location : Building 100 MBDA UK Six Hills Way Stevenage
Proposal : Non material amendment to planning application 22/00975/FP to revise location for new roller shutter door and associated external hardsurfacing, and revised location for two number external louvres
Date of Decision : 07.01.25
Decision : **Non Material Amendment AGREED**

33. Application No : 24/00885/CLPD
Date Received : 18.12.24
Location : 107 Raleigh Crescent Stevenage Herts SG2 0EB
Proposal : Lawful Development Certificate (proposed) for a part single, part two storey rear extension.
Date of Decision : 22.01.25
Decision : **Certificate of Lawfulness is REFUSED**

For the following reason(s);

The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and the height of the eaves of the enlarged part would exceed 3 metres. The proposed development therefore falls beyond the limitations of paragraph A.1(i) of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would not be lawful.
34. Application No : 24/00888/NMA
Date Received : 19.12.24
Location : Garages G001 - G026 Hydean Way Stevenage Herts
Proposal : Non material amendment to reserved matters approval 23/00908/FP to a change of roof design to the rear of plot 4
Date of Decision : 09.01.25
Decision : **Non Material Amendment AGREED**
35. Application No : 24/00896/NMA
Date Received : 20.12.24
Location : Bond International Cartwright Road Stevenage Herts
Proposal : Non material amendment to planning permission 24/00525/FPM to amend conditions 1 (Approved Plans); 5 (Access); 7 (Parking); 10 (External Materials); 11 (Landscaping); 15 (Climate Change Measures) and 19 (External Lighting).
Date of Decision : 17.01.25
Decision : **Non Material Amendment AGREED**

36. Application No : 24/00901/TPCA
Date Received : 24.12.24
Location : 3 Nycolles Wood Stevenage Herts SG1 4GR
Proposal : Ash Tree (T1) - pruning, reduction by 25% and removal of dead wood
Date of Decision : 31.01.25
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
37. Application No : 25/00007/CLPD
Date Received : 07.01.25
Location : 13 Twinwoods Stevenage Herts SG1 1RJ
Proposal : Lawful Development Certificate (Proposed) for rear extension
Date of Decision : 16.01.25
Decision : **Certificate of Lawfulness is APPROVED**

BACKGROUND PAPERS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
4. Local Plan Partial Review (2024).
5. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
7. Central Government advice contained in the National Planning Policy Framework December 2024 and Planning Policy Guidance.

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Meeting: Planning and Development
Committee

Agenda Item:

Date: 19 February 2025

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow

Lead Officer – Ailsa Davis

Contact Officer – Ailsa Davis

1. APPEALS RECEIVED

- 1.1 24/00469/FPH, 7 Milestone Close. Appeal against refusal of planning permission for a single storey front extension.

2. DECISIONS AWAITED

- 2.1 23/00035/ENFAPL, Car park to side of 10 Aintree Way. Appeal against the serving of an Enforcement Notice relating to the erection of a car port.
- 2.2 23/00824/CLEU, 40A Vinters Avenue. Appeal against the refusal to issue a Lawful Development Certificate for the existing use of the premises as 4no. self-contained studio flats. *To be determined following a Public Inquiry on 11th February 2025.*
- 2.3 23/00771/ENF, 40A Vinters Avenue. Appeal against the serving of an Enforcement Notice relating to the development under planning permission reference number 23/00824/CLEU. *To be determined following a Public Inquiry on 11th February 2025.*

3. DECISIONS RECEIVED

- 3.1 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.
- 3.1.1 The Planning Inspector advised by letter that the Enforcement Notice is nullified; subsequently the Council advised the appellant that the Enforcement Notice is withdrawn.
- 3.1.2 The Inspector found that the enforcement notice was not clear as to what formed the breach of planning and failed to advise the appellant clearly and fairly what they have done wrong as required by Section 173(3) of the Town and Country Planning Act 1990 (as amended).
- 3.1.3 Further the Inspector found that the time limits for compliance were not clear as set out in Section 173(9) of the aforementioned Act.
- 3.1.4 The Council agreed to withdraw the Enforcement Notice and is seeking legal advice on reserving the Notice.

3.2 23/00920/FPM, Land to the west of Lytton Way. Appeal against refusal of planning permission for the variation of condition 1 (approved plans) attached to planning permission reference number 23/00655/FPM to remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Alterations to centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking spaces, amendment to affordable housing mix in block 7.

3.2.1 Main issue

The effect of the loss of the undercroft car parking and the creation of additional parking demand from the proposed flats on highway safety.

3.2.2 Reasons

The appeal scheme would result in a net loss of 30 car parking spaces with an increased demand for parking generated by the additional 16 residential units.

The Inspector found that the site is in a highly sustainable location being close to the Town Centre with a range of transport options available, including public transport, car clubs, and pedestrian routes. Policy IT5 allows for a provision of 25% to 50% of the required provision and at 198 spaces, the appeal scheme provides approximately 26.2% of the required provision which accords with the Parking SPD and Policy IT5.

He also agreed that the parking survey provided identifies available parking in the vicinity of the site and that parking restrictions on neighbouring roads adequately protects local residents. He concluded that there is no evidence before him that off-site car parking would harm highway safety in this instance. As such, he was satisfied that the loss of the undercroft car parking and increased demand from additional residential units would not be harmful to highway safety and the appeal scheme therefore complies with Policies IT5 and SP6 of the Local Plan.

The Inspector imposed a number of conditions, including adherence to the previously approved Construction Management Statement, tree protection measures, materials, compliance with the Energy Strategy, provision of cycle parking, storage of refuse and recycling, and contamination.

3.2.3 Conclusion

The appeal is allowed. The appellant also applied for costs and the decision on this is awaited.



The Planning Inspectorate

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2 The Square
Bristol
BS1 6PN

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Planning Enforcement Officer
Stevenage Borough Council
Department Of Environmental Services
Daneshill House
Danestrete
Stevenage
Herts
SG1 1HN

Your Ref: 21/01025/ENF
Our Ref: APP/K1935/C/22/3303739
Further appeal references at foot of letter

10 December 2024

Dear Planning Enforcement Officer,

Town and Country Planning Act 1990
Appeals by Ms Karen Allen, Mr Bliaise Barron
Site Address: 7 Boxfield Green, STEVENAGE, SG2 7DR

Without prejudice to the outcome of the appeal, the Inspector would like the parties comments on the following matters:-

1. Section 173 (1) of the Town and Country Planning Act 1990 (as amended) says that a notice shall state (a) the matters which appear to the local planning authority to constitute the breach of planning control; and (b) the paragraph of s171A (1) within which, in the opinion of the authority, the breach falls. Section 173 (2) says that a notice complies with subsection (1) (a) if it enables any person on whom a copy of it is served to know what those matters are.
2. The enforcement notice alleges '*Construction of both Planning References 17/00734/FPH (Approved) and 17/00638/CLPD (Certificate Issued) at the same time, such that these works associated with 17/00734/FPH are not in accordance with the approved plans and the works associated with 17/00638/CLPD are not deemed to meet the provisions of Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as permitted development.*
3. Although the Council has set out what it considers the breach to be within its statement of case, it is not possible to ascertain this from the four corners of the notice. An enforcement notice which, on the face of it and without having to refer to evidence elsewhere, fails to tell the recipient fairly what they have done wrong, as required by section 173(3) is a nullity and is therefore without legal effect.
4. In addition, the enforcement notice provides time for compliance with the requirements which is stated to be '*5 months from the date of this notice for implementation and 4 months following implementation from completion*'. Section 173(9) of the Act provides that an enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and, whilst a notice may specify different periods for different steps or activities, the periods for compliance with the notice starts to run from the date when the notice comes into effect. However, since the period of 'four

months following implementation' would come into effect only once commencement of the former period of 5 months is started rather than when the notice comes into effect, the Inspector seeks the parties views as to whether the notice would be invalid or a nullity, or whether, subject to the essential test of injustice, the notice would be correctable.

5. Given the above, I invite comments as to whether the notice is a nullity. Please provide comments within 10 working days of this letter.
6. In the event that the Council considers the notice to be a nullity, the Council should confirm whether it wishes to withdraw the enforcement notice?

Yours sincerely,

Ben White

Ben White

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>

Linked cases: APP/K1935/C/22/3303740



Appeal Decision

Site visit made on 27 November 2024

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2025

Appeal Ref: APP/K1935/W/24/3342565

Land west of Lytton Way, Stevenage SG1 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Hill Residential Limited against the decision of Stevenage Borough Council.
 - The application Ref is 23/00920/FPM.
 - The application sought planning permission for Variation of condition number 2 (approved plans) attached to planning permission reference number 23/00239/FPM to alter the position of the stair and lifts cores to ensure maximum travel distance for means of escape are improved. without complying with a condition attached to planning permission Ref 23/00655/FPM, dated 5 October 2023
 - The condition in dispute is No 1 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 16-019 - D 050 C01; ICON-2-PS-2-100-Rev B; ICON-2-PS-2-101-Rev B; ICON-2-PS-2-102-Rev B; ICON-2-PS-2-103; ICON-2-PS-5-100; ICON-2-PS-5-101; ICON-2-PS-5-102; ICON-2-PS-5-103; ICON-2-PS-7-100; ICON-2-PS-7-101; ICON-2-PS-7-102; ICON-2-PS-7-103; ICON-2-PS-7-104; ICON-2-PS-7-105; ICON-2-PS-7-106; ICON-2-PS-200; 02686-IWD-XX-XX-DR-A-2320_P1; ICON-PS-1-100-Rev B; ICON-PS-1-101-Rev B; ICON-PS-1-102-Rev B; ICON-PS-1-103-Rev B; ICON-PS-1-104-Rev B; ICON-PS-1-105-Rev B; ICONPS-1-106-Rev B; ICON-PS-1-107-Rev B; 502686-IWD-B1-XX-DR-A-2310_P2; 502686-IWD-B1-XX-DR-A-2311_P2; 502686-IWD-B1-XX-DR-A-2312_P2; ICON-PS-3-100-Rev B; ICON-PS-3-101-Rev B; ICON-PS-3-102-Rev B; ICON-PS-3-103-Rev B; ICON-PS-3-104-Rev B; 502686-IWD-B3-XX-DR-A-2310_P2; 502686-IWD-B3-XX-DR-A-2311_P2; 502686-IWD-B3-XX-DR-A-2312_P2; ICON-PS-4-100-Rev B; ICON-PS-4-101-Rev B; ICON-PS-4-102-Rev B; ICON-PS-4-103-Rev B; ICON-PS-4-104-Rev B; 502686-IWD-B4-XX-DR-A-2310_P3; 502686-IWD-B4-XX-DR-A-2311_P3; 502686-IWD-B4-XX-DR-A-2312_P3; ICON-PS-6-100-Rev B; ICON-PS-6-101-Rev B; ICON-PS-6-102-Rev B; ICON-PS-6-103-Rev B; ICON-PS-6-104-Rev B; ICON-PS-6-105-Rev B; ICON-PS-6-106-Rev B; ICON-PS-6-107-Rev B; 502686-IWD-B6-XX-DR-A-2310_P3; 502686-IWD-B6-XX-DR-A-2311_P3; 502686-IWD-B6-XX-DR-A-2312_P3;.
 - The reasons given for the conditions is: For the avoidance of doubt and in the interests of proper planning.
-

Decision

1. The appeal is allowed and planning permission is granted for Variation of Condition 1 (Approved Plans) to planning permission reference number 23/00655/FPM to remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Alterations to centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking

spaces, amendment to affordable housing mix in block 7 at Land west of Lytton Way, Stevenage, SG1 1AG in accordance with the terms of the application, Ref 23/00920/FPM, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site has an elongated planning history. Planning permission for the demolition of existing office building (B1 use) and structures, and the construction of seven apartment buildings comprising 576 dwellings (C3 use) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works was initially granted at appeal¹ and was subsequently subject to a number of amendments.
3. The Council have granted a s.96A application and the original planning permission has been amended accordingly. As such, the lawfulness of the amendment is not a matter before me, the permission has been amended via s.96A and the unamended permission no longer exists.
4. The variation proposed by the appeal scheme would remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Further alterations are proposed to the centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking spaces, amendment to affordable housing mix in block 7.

Main Issue

5. The main issue is the effect of the loss of undercroft car parking and the creation of additional parking demand from the proposed flats on highway safety.

Reasons

6. The appeal scheme would result in the loss of 46 enclosed car parking spaces, the creation of 16 additional apartments, 13 external carparking spaces and various other alterations. This is a net loss of 30 car parking spaces and an increased demand for car parking spaces generated by the additional apartments.
7. The appeal site is located in a central location within Stevenage, adjoining the town centre with a range of transport options available, including public transport, car clubs and pedestrian routes.
8. Policy IT5 the Stevenage Borough Council Local Plan (local plan) stipulates the planning permission will be granted where proposals comply with the requirements of the Parking Provision Supplementary Planning Document (the SPD) and Policy SP6 refers to new development providing "an appropriate level of car parking".
9. The Council's Statement of Case details that, based on the SPD, the overall development (existing and proposed), generates a need for 730 car parking spaces; reduced to between 183 (25%) and 365 (50%). The SPD² refers to the characteristics of the development and existing residential car parking

¹ Appeal Ref: APP/K1935/W/20/3255692, dated 15 July 2022

² Paragraph 2.13, SPD

problems as being relevant considerations when determining reductions below the parking standards.

10. The appeal scheme proposes 198 spaces, being approximately 26.2% of the standard set out in the SPD. This is within the 25-50% range identified within the SPD, though clearly to the lower end and provision is at a lower level than the existing scheme and compares to a total provision of 231 car parking spaces (31%) of the consented scheme.
11. The council identifies that the appeal scheme would provide insufficient off street carparking and that this would lead to future residents' cars being parked on roads to the north and west of the appeal site with a consequential harm to highway safety.
12. It is not at dispute between the parties that this is a highly sustainable location³ and in support of the appeal, the appellant has prepared a parking survey of a number of nearby streets. The survey showed that streets within a reasonable distance of the appeal site include parking restrictions (resident and time based) that make them unsuitable for longer term on-street parking. Other streets further afield, also include some streets with restrictions that would make them unsuitable for longer term on-street parking.
13. Furthermore, the results of the parking survey show significant variation in the utilisation of car parking spaces on unrestricted sections of road, such as Woolners Way where all of the spaces were used, to Watson Road where none of the spaces were used. Overall, the submitted evidence shows that there was some limited capacity on unrestricted roads further away from the site.
14. I note that Hertfordshire County Council (HCC) as Highways Authority has not raised any concerns with respect to the proposed development but also that, as referenced by the council, HCC have delegated the function of parking authority to the Borough and District Council.
15. On the basis of the evidence before me I am satisfied that it has been demonstrated that the appeal scheme is located in a highly sustainable location and would provide a level of car parking provision that is within the range stipulated by the SPD, albeit at a lower level than the consented scheme.
16. In the event that future residents of the appeal scheme choose to park cars off site, existing local residents are protected to a degree by existing restrictions and the submitted evidence demonstrates that there is some capacity on unrestricted roads and I have no substantive evidence before me that off-site car parking would harm highway safety in this instance.
17. As such I am satisfied that the loss of the undercroft car parking and increased demand from the proposed flats would not be harmful to highways safety and as such, I find that the appeal scheme therefore accords with Policies SP6 and IT5 of the Stevenage Borough Local Plan (2019) and the Parking Provision and Sustainable Transport SPD (2020).

³ Paragraph 6.4.3 Statement of Common Ground

Conditions

18. A deed of variation to the existing S106 obligation has been submitted that reflects the effect of changes sought to the appeal scheme with regards matters such as affordable housing.
19. Furthermore, I have had regard to the planning conditions that have been suggested by the Council and I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
20. I have not included a condition to control the life of the permission because, as I noted at the site visit, construction is already underway. In the interests of clarity and to define the permission I have included a condition referring to the approved plans.
21. In the interests of the living conditions of local residents I have included a condition to require adherence to the previously approved Construction Method Statement, but I have amended this condition to remove the 'tailpiece' phrase because this could circumvent the statutory routes to vary conditions depriving third parties of the opportunity to comment.
22. In the interests of the character and appearance of the area I have included a condition to protect trees within the development. In the interests of the living conditions of future residents and the environment I have included a condition relating to drainage, noise mitigation and external lighting.
23. In the interests of the character and appearance of the area I have included a condition requiring the submission of samples of the materials to be used on external surfaces.
24. In the interests of the environment, I have included a condition relating to the implementation of the Energy Strategy and a condition relating to wastewater infrastructure and a condition relating to bat and bird boxes. In the interests of the living conditions of future occupiers I have included a condition relating to the implementation of Secure by Design details.
25. In the interests of highway safety, I have included a condition relating to the provision of cycle parking. To protect the railway and maintain the appearance of the area I have included a condition relating to boundary treatments.
26. In the interests of the appearance of the area I have included a condition relating to the storage of refuse and recycling.
27. Finally, in the interests of the environment and the living conditions of future residents I have included a condition relating to unexpected land contamination.

Conclusion

28. For the reasons given above the appeal should be allowed.

Mr M Brooker

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in broadly accordance with the following approved plans: 16-019 D – 050 C01; ICON-2-PS-200 rev C – Site Plan; 502686-IWD-XX-XX-DR-A-2320_P1 A3 - Proposed Site Elevations; ICON-2-PS-1-100 - Proposed GA Plan-Level 00 – Rev C1; ICON-PS-1-101 - Proposed GA Plan - Level 01, 03,05 – Rev B; ICON-PS-1-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-1-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-1-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-1-105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-1-106 - Proposed GA Plan - Level 12,14 – Rev B; ICONPS-1-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 1 (North and South) Rev C1; ICON-2-PS-1-111 - Proposed Elevations Block 1 (East and West) Rev C1; ICON-PS-2-100 - Proposed GA Plan - Level 00 – Rev C1; ICONPS-2-101 - Proposed GA Plan - Level 01,03,05,07 – Rev B; ICON-PS-2-102 - Proposed GA Plan - Level 02,04,06 – Rev B; ICON-2-PS-2-103 - Proposed Elevations; ICON-2-PS-2-103 - Proposed Elevations Block 2 Rev P1; ICON-PS-3-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-3-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-3-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-3-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-3-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-3-107 - Proposed Elevations Block 3 (East and West); ICON-2-PS-3-108 - Proposed Elevations Block 3 (North and South); ICON-PS-4-100 - Proposed GA Plan - Level 00 – Rev C2; ICONPS-4-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-4-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-4-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-4-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-4-105 - Proposed Elevations Block 4 (North and South); ICON-2-PS-3-106 - Proposed Elevations Block 4 (East and West); ICON-2-PS-5-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-2-PS-5-101 - Proposed GA Plan - Level 01,03,05,07; ICON-2-PS-5-102 - Proposed GA Plan - Level 02,04,06,08; ICON-2-PS-5-103 - Proposed Elevations; ICON-PS-6-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-6-101 - Proposed GA Plan - Level 01,03,05 – Rev B; ICON-PS- - 35 - 6-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-6-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-6-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-6- 105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-6-106 - Proposed GA Plan - Level 12,14 – Rev B; ICON-PS-6-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 6 (East and West); ICON-2-PS-1-111 - Proposed Elevations Block 6 (North and South); ICON-2-PS-7-100 - Proposed GA Plan - Level 00 – Rev C2; ICON-2-PS7-101 - Proposed GA Plan - Level 01,03,05 – Rev C2; ICON-2-PS-7-102 - Proposed GA Plan - Level 02, 04 – Rev C2; ICON-2-PS-7-103 - Proposed GA Plan - Level 06 Rev C1; ICON-2- PS-7-104 - Proposed GA Plan - Level 07 Rev C1; ICON-2-PS-7-105 - Proposed GA Plans - Level 08 Rev C1; ICON-2-PS-7-107 - Proposed GA Plan - Roof Level - Rev C1; ICON-2-PS7-106 rev C1 - Proposed Elevations – Rev C1.
2. The methods of construction and all associated mitigation measures as detailed in the approved Construction Method Statement (CMS) as submitted

and approved under planning reference 23/00054/COND shall be strictly adhered to until conclusion of all site and building operations.

3. All trees within the development which are to be retained as identified in Tree Protection Plan (Plan 67135-02, Appendix 4 of the Arboricultural Impact Assessment (AIA) dated 31/10/2018 reference 67135 (V2)) shall continue to be protected by fencing or other means of enclosure in accordance with Appendix 4 and 8 of the AIA. Tree protection measures shall be retained until conclusion of all site and building operations. Within the tree protection areas, there shall be no alterations to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.
4. The surface water drainage strategy shall be carried out in accordance with drawing numbers 10336_1602C2 and 10336_1601C2 which shall be retained thereafter with the drainage strategy maintained in accordance with Appendix F of the Drainage Statement prepared by GTA civil and transport (document reference: 10336 dated 8 February 2023).
5. Prior to the construction of the external façade of the development hereby permitted, a scheme for protecting the proposed dwellings from noise from road, rail and air transport sources shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained thereafter.
6. Prior to the construction of the external façade of the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
7. Prior to the installation of any external lighting, a scheme for external lighting, including the intensity of illumination and predicted light contours, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the approved details and be retained thereafter.
8. The development shall be implemented and retained in accordance with the Energy Strategy prepared by Stanstead Environmental Services (document reference: SAP243-STEVE-007 dated 19th October 2023) submitted under discharge of condition application 23/00925/COND and in accordance with the water consumption targets contained within the Whitecode Design Associated Energy Strategy 10293-S-ENER-0001 Revision 5 dated 30 July 2019.
9. Prior to the construction of the amenity garden to the south of Block 7 as detailed in the approved plans under condition 2, details of the ramped access into the amenity garden to the south of block 7 shall be submitted to and approved in writing by the Local Planning Authority. The ramped access shall be carried out in accordance with the approved details prior to the first use of the amenity garden and be retained thereafter.
10. The development shall be carried out in accordance with the approved scheme under discharge of condition application 23/00925/COND prior to occupation of each block and be retained thereafter as referenced in the following approved plans: Secure by Design Block Type Plan (Drawing number: T15-032-PL110); Secure by Design Block Type Plan (Drawing number: T15-032-PL111); Secure by Design Block Type Plan (Drawing number: T15-032-PL112-1); Secure by Design Block Type Plan (Drawing number: T15-032-PL112-2); Secure by Design Block Type Plan (Drawing

number: T15-032-PL113-1); and, Secure by Design Block Type Plan (Drawing number: T15-032-PL113-2).

11. Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, prior to first occupation of the first residential unit of the development hereby permitted, details of external cycle stores, showing the provision of 974 cycle parking spaces together with the details of their type and design, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or in place and in accordance with the approved details before first occupation of that particular block or phase of the development and be retained thereafter.
12. Notwithstanding condition 2, details of the treatment of all boundaries, including details of any walls, fences, gates or other means of enclosure and timing of their delivery shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works take place. The approved boundary treatments shall be completed in accordance with the approved details and be retained thereafter. No part of the development shall be occupied until an Armco or similar barrier has been installed in positions where vehicles may be in a position to drive or roll onto the railway.
13. Prior to the first occupation of any dwelling within the development, written confirmation shall be provided to the Local Planning Authority that either:-
 - (i) All wastewater network upgrades required to accommodate the additional flows from the development have been; or
 - (ii) A housing and infrastructure phased plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed, no occupation shall take place than in accordance with the agreed housing and infrastructure phasing plan.

14. Prior to first occupation of any dwelling within the development, details of a scheme to provide at least 20 bird and 30 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of provision. The development shall be carried out in accordance with the approved scheme and be retained thereafter.
15. Prior to first occupation of any dwelling within a block, the refuse and recycling stores for that block as shown on the approved plans shall be carried out in accordance with the approved details and be retained thereafter.
16. 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, including a programme for implementation, must be submitted to the Local Planning Authority and approved in writing. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to the Local Planning Authority for approval.

End of Schedule

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