

STEVENAGE BOROUGH COUNCIL

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Tuesday, 28 October 2025

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Claire Parris (Chair), Carolina Veres (Vice-Chair), Julie Ashley-Wren, Stephen Booth, Forhad Chowdhury, Peter Clark, Coleen De Freitas, Akin Elekolusi, Lynda Guy, Ellie Plater and Nigel Williams

Start / End Start Time: 6.30pm
Time: End Time: 8.25pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Robert Boyle and Kamal Choudhury.

2 MINUTES - 9 SEPTEMBER 2025

It was **RESOLVED** that the minutes of the meeting of the Planning and Development Committee held on 9 September 2025 be approved as a correct record and signed by the Chair.

3 25/00648/RMM - MATALAN, UNITS B-C, DANESTRETE

The Team Leader presented the amended application to the Committee. The changes to the application related to the building heights and the internal layout of Phase 2. Phase 1 had already been completed, providing 143 affordable rental units, while Phase 2 would deliver the remaining 383 flats, with no change to the overall total number of properties.

The amendments were proposed to improve the schemes' visibility through a build to rent scheme along with the Building Safety Act 2022. As part of this, Blocks B and E had been unified in height to six storeys, which brought them below the Higher Risk Building threshold. This would also create a uniform courtyard layout. Block F had also been increased to ten stories. Block A would remain 20 stories as previously approved. All other elements of the scheme remained unchanged.

It was reported that the amended scheme included a reduction in car parking spaces compared to the previously approved plans. However, this remained compliant with the updated town centre parking policy, reflecting the site's sustainable location close to public transport and cycle links.

Ample cycle parking would be provided, and residents would be encouraged to use sustainable travel options such as cycling, buses, and trains. This was in line with

the approved Travel Plan, consistent with the Council's approach to promoting reduced car dependency in town centre developments.

The cycle route would be rerouted around Blocks A and F along Lytton Way as previously approved, forming a shared pedestrian and cycle path. The design and materials of the proposed buildings were consistent with the original scheme and Phase 1, featuring similar brickwork and balconies.

A question was raised regarding the loss of car parking spaces, noting that the existing car park was already heavily used, and questioned whether there were plans to replace or expand parking provision elsewhere. Comments were raised that the development appeared unsuitable for families and was likely to attract commuters rather than residents.

In response, Officers advised that the loss of the original car park had been established through the original planning permission granted in 2017 and confirmed again through the Reserved Matters approval. The overall parking strategy for the Town Centre had already taken this into account, and the demand for spaces continued to be monitored. Officers were satisfied that the loss of parking could be accommodated with existing Town Centre car parks. It was noted that the current application related only to amendments to building heights, and did not revisit the principle of parking provision.

Members stated that the application did not sufficiently consider future transport developments, such as the growth of electric vehicles. Officers clarified that the current application sought only minor amendments to an already approved scheme, largely related to building height changes and internal reconfiguration to accommodate a build to rent model. These changes had resulted in a reduction in car parking spaces from 37 to 15, with no change to disabled parking and an increase in cycle parking.

It was confirmed that the application complied with both local and national planning policies, which supported reduced parking levels in sustainable Town Centre locations to encourage more environmentally friendly travel habits.

At this juncture, the Chair reminded the Committee that the application had already been approved in principle and that the Committee was asked to consider the amendments to the approved scheme.

Members stated that the revised building heights created a 'uniform' and 'aesthetically pleasing' design and noted that the adjustment of floor levels would allow part of the site to be built quicker, therefore allowing housing demand to be met.

It was acknowledged that, as a build to rent scheme, prospective tenants would be informed that no parking spaces were available, in line with similar developments in the Town Centre. Members also welcomed the inclusion of 13 three bedroom units within the revised housing mix, which recognised the need for larger properties.

A question was raised regarding if any of the Phase 2 properties would be Social

Housing. Officers explained that Phase 1 was entirely social housing, which exceeded the policy requirements at the time. Phase 2 therefore would consist of market build to rent units, with no requirements for social housing.

It was noted that the developer had made financial contributions towards education, childcare, library facilities, outdoor open space, and children's play areas. This included funding public realm improvements, such as shared pedestrian and cycle paths and new parking bays.

The developer had also entered into an agreement with a car club to provide shared vehicle access for residents. However, it was confirmed that no contributions had been secured specifically for public transport improvements such as bus services.

Members questioned whether the level of cycle storage proposed would be adequate to support and encourage active travel. In response, the Team Leader confirmed that the number and design of the cycle spaces were in accordance with the Council's Supplementary Planning Document (SPD) on parking provision. The Officer advised arrangements were sufficient to meet anticipated demand based on likely levels of cycle ownership among future residents.

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

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

A(91)E0-002; A(91)E0-003; A(91)E0-004; A(GA)E0-100; A(GA)E0-101; A(GA)E0-102; A(GA)E0-103; A(GA)E0-104; A(GA)E0-105; A(GA)E0-106; A(GA)E0-107; A(GA)E0-108; A(GA)E0-109; A(GA)E0-110; A(GA)E0-111; A(GA)E0-112; A(GA)E0-113; A(GA)E0-114; A(GA)E0-115; A(GA)E0-116; A(GA)E0-117; A(GA)E0-118; A(GA)E0-119; A(GA)E0-120; A(GA)E0-121; A(DET)E0-500; A(DET)E0-501; A(DET)E0-502; A(DET)E0-503; A(DET)E0-504; A(DET)E0-505; A(DET)E0-506; A(DET)E0-507; A(DET)E0-508; A(DET)E0-509; A(DET)E0-510; A(DET)E0-511; A(DET)E0-512; A(DET)E0-513; A(GA)E0-301; A(GA)E0-302; A(GA)E0-306; A(GA)E0-307; A(GA)E0-305; A(GA)E0-310; A(GA)E0-304; A(GA)E0-311; A(GA)E0-303; A(GA)E0-309; A(GA)E0-308; A(GA)E0-201; A(GA)E0-202 Section; A(GA)E0-203; A(GA)E0-400; A(GA)E0-402; A(GA)E0-401; A(GA)E0-403; A(DET)E0-600 and the following plans contained within the Transport Statement Rev B dated 20 October 2020: 20164-MA-XX-XX-DR-C-0010-P03; 20164-MA-XX-XX-DR-C-0014-P02; 20164-MA-XX-XX-DR-C-0015 -P01; 20164-MA-XX-XX-DR-C-0016-P01; 20164-MA-XX-XX-DR-C-0017-P01

2. Before any above-groundwork is commenced on any phase or sub-phase of the development hereby permitted, samples of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- i) Facing and roof materials
- ii) Balcony treatment
- iii) Window material details
- iv) The boundary treatment

v) External rainwater goods where permitted

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

3. Before any above-groundwork is commenced on any phase or sub-phase of the development hereby permitted, details of the following matters in respect of the outline permission and relating to each phase of development shall be submitted and approved in writing by the Local Planning Authority:

a) surfacing materials and b) green/brown roofs.

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

4. Prior to occupation of each phase or sub-phase of development within the application site, details of any associated communal telecommunications infrastructure and plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details approved and maintained as such thereafter.

5. Prior to occupation of each phase or sub-phase of development hereby permitted a detailed lighting scheme shall be undertaken and submitted to the Local Planning Authority for approval with details of all external lighting, including lighting required for pedestrian walkways, parking areas and security lighting and there shall be no external illumination erected, installed or operated on any part of the site other than in accordance with the approved details unless otherwise agreed in writing.

The following limits shall not be exceeded by the exterior light installations:

- Sky Glow ULR (Max%) 5.0
- Maximum light into windows Ev (lux) 07.00 to 23.00hrs 10 Lux; 23.00 to 07.00hrs 2 Lux
- Source intensity I 07.00 to 23.00hrs 10 kcd; 23.00hrs to 07.00hrs 1 kcd

Building luminance 07.00 to 23.00hrs Average L 10 (cd/m sq)

The approved scheme for each phase shall be implemented before any occupation of that

phase of the development hereby permitted.

6. Prior to occupation of each phase or sub-phase of development within the application site the measures detailed in the Ecological Impact Assessment (Non-EIA) prepared by Ecology by Design dated October 2020 shall be fully implemented.

7. Prior to above ground works for each phase or sub-phase of development, a strategy for the siting and maintenance of permanent nesting and roosting boxes within the façade and roof ledges of built structure and/or trees shall be submitted to and approved in writing by the Local Planning Authority. Nesting and roosting boxes shall be provided in accordance with the approved strategy prior to occupation of the relevant building.

8. Prior to the first occupation of each phase or sub-phase of the development hereby approved, a landscaping scheme including details of both hard and soft landscaping, street furniture and children's play for that relevant phase(s) shall be submitted to and approved in writing by the local planning authority. The scheme shall also include a schedule of all trees (including tree pit design), shrub, plants and other vegetation planting which shall form part of any landscaping scheme. The scheme as approved shall be implemented within the first available planting season following the completion of each relevant phase(s) of development. Any trees, shrubs or plants that die within a period of five years from the completion of each relevant phase(s) of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives written permission for any variation.

9. Prior to occupation of each phase or sub-phase of the development hereby permitted, the measures detailed in the submitted Energy and Sustainability Statement to manage adaptability to climate change along with measures to manage overheating and cooling shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

10. Prior to the first occupation of any part of Phase 2 of the development hereby permitted, the vehicular access(es) and egresses shall be provided and thereafter retained at the position(s) shown on the approved plan(s) drawing numbers 20164-MA-XX-XX-DR-C-0016 Rev P01 and 20164-MA-XX-XX-DR-C-0017 Rev P01. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

11. Prior to the first occupation of any part of Phase 2 of the development hereby permitted, visibility splay(s) measuring 2.4 x 43 metres shall be provided to each side of the access(es) where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

12. Prior to the first occupation of any part of Phase 2 of the development hereby permitted, the proposed access, onsite car and cycle parking, servicing / loading, unloading / turning /waiting area(s) pursuant to that phase shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan(s), and retained thereafter available for that specific use.

13. Prior to the first occupation of Phase 2 of the development hereby permitted, vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) within Phase 2 as shown on 'Construction Phasing Plan' on drawing number A(91)E0-004 only. Any other access(es) or

egresses within Phase 2 as shown on 'Site Phasing with Existing' on drawing number MLUK-799-A-SK-080 R04 shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with the related S278 and S38 highways & Street Development Agreements with the Local Planning Authority and/or Highway Authority, concurrently with the bringing into use of the new access(es).

14. Prior to the occupation of any part of Phase 2 of the development hereby permitted, the details of the siting, type and specification of EVCPs, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of any of the units in Phase 2 and permanently maintained and retained thereafter.

15. Prior to the first occupation of each phase or sub-phase of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

16. No part of Phase 2 shall be occupied until a detailed scheme for the offsite highway improvement works to facilitate a pedestrian crossing from the site frontage on Danesgate into the new bus interchange as indicated on drawing number 20164-MA-XX-XX-DR-C-0017 Rev P01 have been submitted to and approved in writing by the Local Planning Authority. No development in Phase 2 shall be occupied until the detailed scheme has been implemented.

17. The proposed new highway boundary(ies) or areas of public highway/realm under control of Stevenage Borough Council shall be marked out on site prior to commencement of construction of any part of the development fronting the highway.

18. The proposed new highway boundary(ies) to facilitate a new public footway and cycleway on land fronting Lytton Way/Danesgate as illustrated on drawing number 20164-MA-XXXX-DR-C-0014 Rev P02 HIGHWAYS AMENDMENTS PROPOSED WORKS AND ORDERS DRAFT shall be marked out on site prior to commencement of construction of Phase 2. No part of Phase 2 of the development shall be occupied until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place and approval under a Street Development Agreement with the Council.

The new footway and cycleway on land fronting Lytton Way/Danesgate shall be implemented prior to any occupation of Phase 2 of the development hereby permitted.

19. Prior to the first occupation of each phase or sub-phase of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards (permit fire tender access), set back, and thereafter retained a minimum distance of 6 metres from the edge of the highway.

20. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Conisbee reference MTL-CON-xx-xx-RP-C-000001 Version 3 dated 26 October 2020, the Designers Response to LLFA SuDS Review reference 200523/A Prais Version 1 dated 15 January 2021 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 17.5 l/s during the 1 in 100 year event plus 30% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 255 m³ (or such storage volume agreed with the LLFA) of total storage volume in detention basins, rain gardens and attenuation tanks.
3. Discharge of surface water from the private drain into the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

21. No development on any part of phase 2 (other than demolition and/or site enabling works) shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles shall be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Final, fully detailed drainage layout including detailed engineered drawings of the proposed SuDS features with cross section drawings, their size, volume, depth and any inlet and outlet features including all connecting pipe runs.
2. Final, detailed post-development network calculations including half drain down times up to and including the 1 in 100 year + 30% climate change event. Please note that the main site network to be modelled separately to the Highways network.
3. Evidence that any consequential flood risk to the highway up to the 1 in 100 year + climate change event can be managed without increasing flood risk to adjacent properties. If there is to be flooding, it should be managed effectively with third party agreement.

Upon completion of the drainage works for Phase 2 and in accordance with the

timing/phasing arrangement, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of a complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

22. Prior to the first occupation of each phase or sub-phase of the development hereby permitted, a Delivery and Servicing Plan shall be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

23. Prior to the first occupation of each phase or sub-phase of the development hereby permitted, details of the proposed noise mitigation measures to be implemented within that phase shall be submitted for approval to the Local Planning Authority. The noise mitigation measures shall be based upon "Stage 3+ Environmental & Intrusive Noise Assessment Report" reference L486460-SOL-XX-XX-RPT-Y-0001 P02 dated 3 November 2023 by Sol Acoustics, or any other such report that is approved in writing by the Local Planning Authority. Following approval, the measures shall be maintained thereafter.

24. At the nearest noise sensitive premises, the cumulative noise levels from the operation of all new plant shall comply with the plant noise limits specified in Table 5 of "Former Matalan Site, Stevenage - Plant Noise Emission Limit Variation" Report reference L486460-SOL-XX-XX-RPT-Y-0008 P01 dated 27 March 2024 by Sol Acoustics Ltd.

25. Before the use of the buildings for *Sui Generis* (former Use Class A4 or A5) purposes is commenced, a scheme of sound attenuation works shall be submitted to the Local Planning Authority for written approval, installed and thereafter retained. The scheme of works shall be capable of restricting noise breakout from the *Sui Generis* (former Use Class A4 or A5) uses to the flat above to levels complying with the following:

Bedrooms. Noise Rating Curve NR20 (2300 to 0700 hrs)

Living Rooms. Noise Rating Curve NR25 (0700 to 2300 hrs)

Noise Rating Curve shall be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz.

26. Deliveries and servicing by commercial vehicles shall only be made to or from the commercial premises between 0700 to 1800 hrs on any day, and at no other time without the prior agreement in writing of the Local Planning Authority.

27. The *Sui Generis* (formerly A4 and A5) uses hereby permitted shall only operate Monday to Saturday 10.00hrs to 23.00hrs and 10.00hrs to 22.00hrs on Sundays and Bank Holidays.

28. Prior to occupation of any *Sui Generis* uses (former A4 or A5 class), details of the kitchen extract ventilation scheme to be used by those uses shall be submitted to the Local Planning Authority for approval. The extract ventilation system shall incorporate a three-stage carbon filtration or similar system based on current standards. Following approval and installation, the system shall thereafter be permanently maintained and retained in use.

29. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of each phase of development or the completion of the development whichever is the sooner.

30. All hard surfacing comprised in the approved details of landscaping shall be carried out within 3 months of the first occupation of each phase of the development or the completion of the development, whichever is the sooner.

31. Notwithstanding the requirements of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that order) the non-residential units hereby permitted shall be used only for ancillary resident amenity, Use Classes E and/or *Sui Generis* (formerly A4 & A5) of the schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purposes (including the creation of dwellings within Use Class C3 – Residential), unless agreed in writing or approved by way of separate planning permission.

32. No dwelling hereby permitted in any part of phase 2 shall be occupied until the parking spaces shown on the approved plans have been constructed, hard surfaced and made ready for use. The parking facilities shall be retained in that form and thereafter be used only for the parking of vehicles. In addition, the applicant shall use best endeavours to encourage the use of a Car Club by future residents.

INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the

site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx>.

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloperinformation/developmentmanagement/highwaysdevelopmentmanagement.aspx>.
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx>.
4. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx>.
5. Estate Road Adoption: The applicant is advised that if it is the intention to

request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. 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>.

6. Flooding

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx>

7. Building Regulations

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

To make a building regulations application please apply through our website portal at

<https://www.hertfordshirebc.co.uk/contact-us/>. Payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX. Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but, in most instances, these are usually:

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

Work affecting access and facilities for disabled people
Completion

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

8. 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 Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revisedexplanatory-booklet>.

9. Applications where Biodiversity Net Gain is not required as s.73 application (Excluding Section 73A - planning permission for development already carried out) - Made / Approved before 12 February 2024

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 always 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. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and:
 - a) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - b) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

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, Forhad Chowdhury, Peter Clark, Coleen De Freitas, Akin Elekolusi, Lynda Guy, Claire Parris, Ellie Plater, Carolina Veres and Nigel Williams

Against - Stephen Booth

Abstentions – 0

Absent – Councillors Robert Boyle and Kamal Choudhury

4 25/00457/FPM - MOZART COURT, FAIRVIEW ROAD

The Senior Planning Officer presented to the Committee a report to consider the demolition of the existing building and the construction of accommodation for older people, which would consist of 79 apartments and associated works.

The Officer presented site plans and photos of the existing area to the Committee and outlined the proposal to redevelop the site. The scheme included car and cycling parking, bin storage and landscaped areas with community gardens and orchards. Existing trees would be retained, and the building design featured a mix of materials, solar panels and accessible layouts to promote independent living and sustainability.

The Chair invited Jill Borchers from Cycling UK to address the Committee.

It was noted that the proposed cycling scheme did not comply with the Council's Parking Supplementary Planning Document (SPD) or the Housing for Older People Strategy. It was noted that the proposed plans lacked adequate provision for short stay visitor parking, adapted cycles and secure sheltered storage.

It was further noted that no charging facilities were included for electric bikes, despite increasing ownership among older residents. It was urged that the development be designed with higher quality and future proof bike storage to support sustainable and active travel.

The Chair invited Chloe Smith from Pegasus Group, the planning agent who was supporting Anchor on this application, to address the Committee.

It was noted that Anchor was a not-for-profit housing provider for older people and had worked closely with the Council on this proposal. Chloe explained to the Committee that the scheme would make efficient use of a brownfield site to deliver 100% affordable homes for residents aged over 55, designed to meet accessibility and space standards.

The development included landscaped gardens and communal facilities, with existing residents offered the option to return after construction. The proposals received no objections from statutory consultees.

The Chair thanked all speakers for their contributions and invited the Planning Officer to respond.

The Officer advised that the site was not designated in the Local Plan and therefore was considered a windfall development opportunity. It was noted that the site was in a highly suitable location within walking distance of the town centre, public transport, and local services.

It was noted that requests for NHS and Ambulance Service contributions were not supported, as future occupiers of the planned development were already existing Stevenage residents and would not create additional demand.

Hertfordshire County Council had also withdrawn requests for transport contributions, as previous funding for improvements had already been secured.

The design was described as 'modern' and of 'high quality', comprising an L-shaped building of three to six storeys with mixed materials and improved landscaping, including 29 new trees. The proposal was considered to enhance the visual appearance of the area without harming nearby properties and included conditions to protect privacy and mitigate noise impacts.

Amenity space exceeded policy requirements, and all dwellings met national standards. Although the parking provision of 25 spaces fell below policy expectations, this was considered acceptable given the site's sustainable location and the limited car ownership expected among residents. Cycle parking provision was slightly below standards, but a phased delivery condition had been agreed.

No objections were raised regarding highway safety, flood risk, or environmental health matters. It was noted that the scheme would achieve a 24% biodiversity gain and significant hedgerow enhancement.

Questions were raised regarding the issue of commuter parking. Officers confirmed that the developer would install CCTV across the development and recorded vehicle registration would monitor parking.

Members asked whether electric vehicle (EV) charging points would be included within the development. Officers explained that EV charging provision was covered under Part S of the Building Regulations, which now required higher standards than those set by the Council's parking policies.

A question was raised about the potential impact of tree pruning on wildlife. Officers confirmed tree works with respect to nesting birds were already protected by law under the Wildlife and Countryside Act 1981. This legislation made it an offence to damage or destroy active nests.

In response to a question whether the proposed cycle storage could be relocated for security reasons, Officers explained that while one store was visible from the public realm, the remainder were within the site and not easily accessible from outside. The current layout was considered to provide the best balance between safety, accessibility, and environmental value.

A question was raised regarding how the new homes would be allocated. Officers confirmed that allocations would be made through the Stevenage Housing Register, prioritising local residents.

Members questioned the lack of dedicated electric bike charging points. Officers explained that while developers could choose to provide such facilities, there was no policy requirement.

A question was raised as to whether the use of swift bricks was monitored after installation. Officers confirmed that although there was no official monitoring programme, a resident informally tracked compliance with swift brick conditions and regularly reported findings to the Council.

Members suggested to include a condition requiring a portion of the cycle storage to be adapted for accessible use. Officers advised that introducing such a condition would require redesigning the site layout, which would affect landscaping and biodiversity net gain calculations.

A recorded vote* was taken on the application and it was **RESOLVED** that planning permission be **GRANTED** subject to the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:

- Securing the provision of affordable housing;
- Apprenticeships and construction jobs; and
- SBC Section 106 monitoring fee – 5% of total financial obligations (capped at £50,000.00);

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

9.3 Authority would be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision 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:

SUBJECT TO THE FOLLOWING CONDITIONS/REASONS

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

2064-SBA -XX-00-DR-A-504-G; 2064-SBA -XX-00-DR-A-010-Q; 2064-SBA-XX -01-DR-A-011-Q; 2064-SBA-XX-00 -DR-A-505-A; 2064-SBA-XX-00-DR-A-506-A; 1852-PWL-ZZ-XX-DR-L-1001-PO9; BXMW-BLOX-A-41-OF-FSC-BLOX-A; 1852-PWL-ZZ-XX-DR-L-1002-P02; 2064-SBA-XX-00-DR-A-501-A; 2064-SBA-XX-00-DR-A-502; 2064-SBA-XX-00-DR-A-503-A; 2064-SBA-XX-02-DR-A-012-N; 2064-SBA-XX-03-DR-A-013-N; 2064-SBA-XX-04-DR-A-014-L; 2064-SBA-XX-05-DR-A-015-L; 2064-SBA-XX-06-DR-A-016-K; 2064-SBA-XX-ZZ-DR-A-050-H; 2064-SBA-XX-ZZ-DR-A-530; 2064-SBA-XX-ZZ-DR-A-531; 2064-SBA-XX-ZZ-DR-A-520-E; 2064-SBA-XX-ZZ-DR-A-521-E; 2064-SBA-XX-ZZ-DR-A-522-E; 2064-SBA-XX-ZZ-DR-A-523-F; 2064-SBA-XX-ZZ-DR-A-524-F; 241117-CPW-XX-00-DR-E-307002-S3-P02;

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

3 No site clearance or construction work relating to this permission, that is audible at the site boundary, 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.

4 In the event that any previously unidentified ground contamination is discovered on the site, no further construction work may be carried out in the affected area until a remediation strategy has been submitted to and approved in writing by the local planning authority. Where any development to which this permission relates is required to be carried out in accordance with a remediation strategy, a verification report (setting out the remedial measures actually undertaken on the site) shall be submitted to and approved in writing by the local planning authority prior to the beneficial occupation of the development.

5 The development hereby approved shall be constructed in accordance with the measures to address adaptation and mitigation to climate change as laid out in the Energy & Sustainability Statement and Section 6.13 of the Design and Access Statement. These measures shall then be implemented and permanently maintained in accordance with the approved details.

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

- a) Construction vehicle numbers, type, routing.
- b) Access arrangements to the site.
- c) Measures to minimise dust, noise machinery and traffic noise impacts during construction.
- d) Screening and hoarding details to protect neighbouring residents.
- e) Traffic management requirements, including the location of routes to and from the site, details of their signing monitoring and enforcement measures.
- f) Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
- g) Siting and details of wheel washing facilities.
- h) Cleaning of site entrances, site tracks and the adjacent public highway including end of day tidying procedures to ensure protection of the site out the hours of construction.
- i) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.
- j) Provision of sufficient on-site parking prior to commencement of construction activities.
- k) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- l) 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.

7 No development shall take place (including site clearance) until a final detailed design for the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall incorporate infiltration testing to confirm whether infiltration is viable on site and shall ensure that all new dwellings have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level. The approved drainage scheme shall be implemented in full prior to the beneficial occupation of the development to which this permission relates and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

8 No development shall take place (including site clearance) until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

9 Prior to the commencement of the development, the results of a phase 2 site investigation with details of any necessary remediation strategy and 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 water assets, the local topography and clearance between the face of the pile to the face of any pipe has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

10 No development shall take place (including demolition and site clearance) until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

11 No development shall take place (including site clearance) until the tree protection measures as detailed in the Arboricultural Impact Assessment dated 28th May 2025, Reference TH4575B by Trevor Heaps Arboricultural Consultancy Ltd have been implemented accordingly. The tree protection measures shall remain in place until the development has been completed. Within the tree protection areas to be fenced off in accordance with the AIA there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery. Any trees identified as part of Condition 9 shall not be covered by this condition.

12 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment dated 6th June 2025 and prepared by ACP Consultants Ltd.

13 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the 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.

14 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.

15 No development shall take place above slab level until a specification of the materials to be used in the construction of the external surfaces development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

17 No development shall take place above slab level until the identified works to Council owned trees on the southern and eastern boundary of the site within the Arboricultural Impact Assessment dated 28th May 2025, Reference TH4575B by Trevor Heaps Arboricultural Consultancy Ltd have been completed.

18 No development shall take place above slab level until details of integrated swift boxes are submitted to and approved in writing by the local planning authority. These features must be integrated into the brickwork of the development and located in the most appropriate locations to ensure occupation. They shall be fully installed prior to occupation and retained as such thereafter.

19 The parking, turning and servicing areas shown on drawing number 2064-SBA-XX-00-DR-A-505-A, shall be provided, marked out and hard surfaced ready for use prior to the first occupation of the building and shall be retained in that form and kept available for those purposes thereafter. The hardstanding areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.

20 Prior to the first occupation of the dwellings hereby permitted, not less than 50% of the approved secure cycle parking areas shall be constructed in accordance with the details identified on drawing 2064-SBA-XX-00-DR-A-010(Q) and associated document BXMW_BLOX_A_41_OF_FSC_BLOX_A and shall be permanently retained in that form. Within 12 months of the first occupation, an additional 25% of the approved storage shall be implemented, and within 24 months of the first occupation, the final 25% of the approved storage shall be implemented, unless otherwise agreed in writing by the Local Planning Authority.

21 Prior to the first occupation of the dwellings hereby permitted the general waste and recycle stores and plant areas associated with the development hereby permitted shall be implemented in accordance with the details shown on approved plan 2064-SBA-XX-00-DR-A-010(Q) and retained and maintained accordingly for the lifetime of the development.

22 Prior to the first occupation of the dwellings hereby permitted, the acoustic barrier complying with the specification set out on page 15 of the Change in Ambient Noise Impact Assessment report prepared by Dice Consulting Engineers Ltd.

(reference 101875-R02, Version 4, dated 13/6/2025) located in accordance with Drawing Number 1852-PWL-ZZ-XX-DR-L-1001-P09 has been erected in its entirety. The barrier shall thereafter be permanently maintained and retained.

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

- i. a timetable for its implementation.
- ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

24 Prior to the first occupation of the dwellings hereby approved, an updated Noise Impact Assessment shall be submitted to and approved in writing to confirm that the design of windows and ventilators to each dwelling have achieved an acoustic performance that, when windows are closed and ventilators are open, noise levels do not exceed:

- 35dB (LAeq,16hr) during the daytime (07:00 - 23:00) within bedrooms and living rooms;
- 40dB (LAeq, 16hr) during the daytime (07:00 - 23:00) within dining rooms;
- 30dB (LAeq,16hr) during the night (23:00 - 07:00) within bedrooms;
- 45 dB (LAmax) on more than ten occasions during any typical night (23:00 - 07:00) within bedrooms

Where mechanical purge ventilation is required to achieve the above standards with windows closed, this shall be designed so as to ensure that the ventilation system itself does not produce unacceptable levels of noise within each dwelling.

25 Prior to the first occupation of the dwellings hereby approved, an updated external lighting strategy shall be submitted to and approved in writing by the Local Planning Authority which shall include details of any off-site light spill from the development to ensure compliance with national guidance set out in the ILP Guidance Note 01 - The reduction of Obtrusive Light).

26 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the

surface water drainage system has been constructed in accordance with the details approved pursuant to condition [LPA to specify]. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

27 The development hereby permitted shall be carried out in accordance with the scheme of landscaping as shown on approved plan 1852-PWL-ZZ-XX-DR-L-1001-P09. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner. In regards to hard surfacing, this shall be carried out in accordance with any approved details within three months of the first occupation of the building or the completion of the development, whichever is the sooner.

28 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.

29 No tree shown as retained on the approved plans 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.

30 The rating levels of noise emitted by any or all fixed plant shall not exceed those set out Table 10 of the Noise Impact Assessment report prepared by Dice Consulting Engineers Ltd. (reference 101875-R01, Version 4, dated 12/6/2025) at any noise sensitive façade. Any measurement or computation, and allied assessment, shall be made in accordance with BS 4142:2014+A1:2019.

31 The development hereby permitted shall be carried out in accordance with the ecological mitigation and enhancement measures as detailed in the Preliminary Ecological Appraisal and Preliminary Roost Assessment, both dated 10th June 2025 by ACP Consultants Ltd. These documents shall be adhered to at all times during construction, including site clearance works, and during occupation of the development.

32 The windows in the northern side elevation shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above floor level and shall be retained in that form thereafter.

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

1 Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage

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 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>

6 UK Power Networks

1. UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development.
2. There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.
3. Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.
4. The development may have a detrimental impact on our rights of access to and from the substation. If in doubt please seek advice from our Operational Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.

7 UK Power Networks - Party Wall Act 1996

If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required. Any Party Wall Notice should be served on UK Power Networks at its registered office: UK Power Networks, Newington House, 237

Southwark Bridge Road, London SE1 6NP.

8 Herts Police Crime Prevention Design Advisor

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

9 Thames Water: Groundwater Risk Management Permit

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

10 Hertfordshire County Council as Highways Authority

Stopping up of highway: Highway rights will need to be extinguished across the area of land affected in accordance with a Stopping Up order to be made by the Secretary of State for the Department of Transport under Section 247 of the Town and Country Planning Act 1990 before development can commence. Further information is available on the Planning Portal at: https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/14 and on the government website: <https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

11 Hertfordshire County Council as Highways Authority

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

12 Hertfordshire County Council as Highways Authority

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

commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

13 Hertfordshire County Council as Highways Authority

Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

14 Hertfordshire County Council as Highways Authority

Roads to remain private: The applicant is advised that all new roads/access routes marked on the submitted plans, associated with this development, will remain un-adopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

15 Nesting Birds

All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

16 Environmental Health

During the demolition and construction phase of the development, the guidance in BS5228-1:2009 (Code of Practice for Noise Control on Construction and Open Sites) should be adhered to.

17 Environmental Health

All schemes for ventilation measures within the approved dwellings must adhere to the most up to date edition of the Building Regulations Approved Documents F and O.

18 Lead Local Flood Authority

The applicant is advised that as a starting point, all infiltration testing should

adhere to the most up to date edition of the BRE 365 guidelines.

***Recorded Vote**

For – Councillors Julie Ashley-Wren, Stephen Booth, Forhad Chowdhury, Peter Clark, Coleen De Freitas, Akin Elekolusi, Lynda Guy, Claire Parris, Ellie Plater, Carolina Veres and Nigel Williams.

Against - 0

Abstentions – 0

Absent – Councillors Robert Boyle and Kamal Choudhury

5 INFORMATION REPORT - DELEGATED DECISIONS

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

6 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

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

7 URGENT PART I BUSINESS

There was no Urgent Part I Business.

8 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.

9 HMO ENFORCEMENT REPORT - Q1 AND Q2 UPDATE

It was noted that the Committee discussed the Quarter 1 and 2 reports on Houses in Multiple Occupation (HMOs) across Stevenage.

The Committee asked several questions which were answered by Officers.

10 URGENT PART II BUSINESS

There was no Urgent Part II Business.

CHAIR