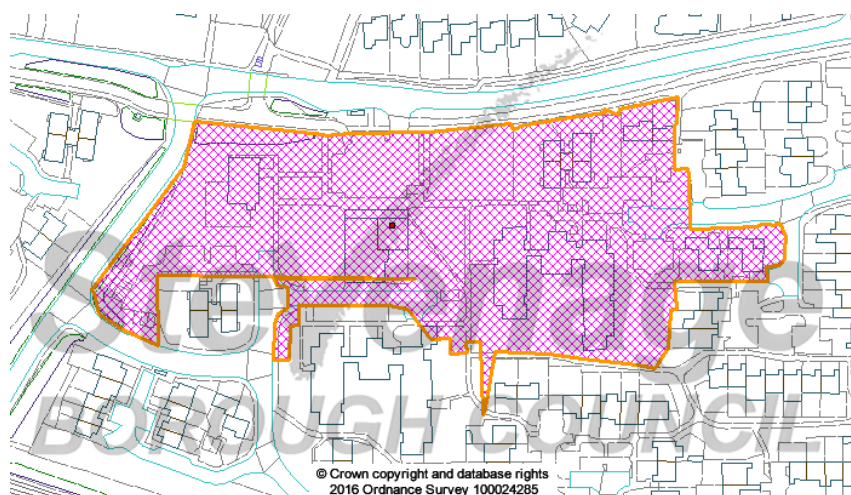


Meeting:	Planning and Development Committee	Agenda Item:
Date:	31 March 2021	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	20/00736/FPM
Location:	The Bragbury Centre, Blenheim Way, Stevenage.
Proposal:	Variation of conditions 1 (Approved Plans), condition 3 (Materials), 11 (Bird Boxes), 12 (Bat Boxes), 14 (Construction Management Plan), 16 (Site Waste Management) 21 (Surface Water Drainage), 22 (Drainage Scheme), 25 (Site Investigation) and 27 (Remediation Scheme) attached to planning permission 18/00398/FPM.
Drawing Nos.:	19063.wd2.01; 19063.A1.wd2.01; 19063.A1.wd2.02; 19063.A1.wd2.03; 19063.A1.wd2.04; 19063.A1.wd2.05; 19063.A1.wd2.06; 19063.A1.wd2.101; 19063.A1.wd2.102; 19063.A2.wd2.01; 19063.A2.wd2.02; 19063.A2.wd2.03; 19063.A2.wd2.04; 19063.A2.wd2.05; 19063.A2.wd2.06; 19063.A2.wd2.101; 19063.A2.wd2.102; 19063.A2.wd2.103; 19063.A4.wd2.02; 19063.A4.wd2.03; 19063.A4.wd2.04; 19063.A4.wd2.05; 19063.A4.wd2.101; 19063.A4.wd2.102; 19063.A4.wd2.103; 19063.A4.wd2.104; 19063.A5.wd2.01; 19063.A5.wd2.101 .
Applicant:	Hill Residential
Date Valid:	02 December 2020
Recommendation:	GRANT PLANNING PERMISSION.



Plan for information purposes only

1. SITE DESCRIPTION

- 1.1 The application site is currently designated as a neighbourhood centre. The site is bordered by Hertford Road which is located to the north, Watton Road to the east, Stirling Close to the west and Kenilworth Close to the south. The site, which has an area of 1.6 hectares (ha), currently comprises Asquith Court which is sheltered living accommodation, a three storey residential block of flats, 2 no. semi-detached dwellinghouses, 2 no. bungalows, the community centre and parade of shops. Asquith Court is two-storeys in height with a combination roof consisting of cat slides and gable-ends. The building itself is constructed from a mixture of buff multi-stock brick with parts of the first floor level clad in timber. The roof of the sheltered accommodation is clad in bold roll concrete inter-locking tiles with timber soffits with black uPVC gutters and downpipes. The fenestration detailing of the Walpole Court comprises of uPVC windows and doors which are symmetrically aligned and evenly spaced.
- 1.2 To the north of Asquith Court is a three storey residential block of flats with a double mono-pitched roof. The block itself is constructed from a stock red brick with the roof clad in concrete inter-locking tiles. On the flank elevations at second floor level the elevations are finished in timber cladding. To the east of this residential block is a pair of semi-detached, two-storey properties which front onto Stirling Close. These properties have gable-end roofs and are constructed from facing brick with tiled roofs. In regards to the two bungalows, these also front onto Stirling Close. These properties have a mono-pitched roof and constructed from a mixture of brick with timber cladding. The bungalows also comprise of an attached flat roofed canopy.
- 1.3 In regards to the existing Kenilworth Close neighbourhood centre, the centre comprises two no. single-storey buildings and a surface car park. The main building, which fronts onto the surface car park which is accessed off of Hertford Road, consists of 4 no. retail units. Immediately to the west of the small parade of shops is the detached single-storey community centre.
- 1.4 Turning to the surrounding area, to the south of the application site lies Walpole Court which is a sheltered housing development. The building itself is constructed from a mixture buff multi-stock brick with parts of the first floor level clad in timber. The roof of the sheltered accommodation is clad in bold roll concrete inter-locking tiles with timber soffits with black uPVC gutters and downpipes. The fenestration detailing of the Walpole Court comprises of uPVC windows and doors which are symmetrically aligned and evenly spaced. The Walpole Court site also comprises six bungalows which form a staggered terrace with hipped roofs. These properties are constructed from red and buff brick with a band of grey bricks. The roofs of the bungalows are clad in concrete inter-locking tiles
- 1.5 To the south-west/west of the application site is the residential development of Cragside and a residential block of flats on Blenheim Way. The development at Cragside comprises two residential terraces which front onto a centralised parking courtyard. The terraces themselves, which are uniform in design, are constructed from a mixture of red and buff brick with a grey brick band with their respective roofs clad in concrete inter-locking tiles. There is also a standalone pair of semi-detached properties which are of the same design as the terraced properties. To the north of Cragside off Blenheim Way (to the north-west of the site) lies a three storey residential block of flats with a double mono-pitched roof. The block itself is constructed from a stock red brick with the roof clad in concrete inter-locking tiles. On the flank elevations at second floor level the elevations are finished in timber cladding. To the west of the community centre beyond Watton Road is the residential development of Balmoral Close. This consists of a mixture if three storey blocks of flats and terraced houses.
- 1.6 To the east of the application is residential development in Blenheim Way and Stirling Close. The developments in both the aforementioned roads generally comprise of uniform,

two-storey terraced properties set within regimented building lines and regular shaped plots. These properties have been constructed from a stock buff brick with their roofs finished in bold roll inter-locking concrete tiles. To the north of the application site beyond Hertford Road is Petworth Close. This estate generally comprises of two-storey detached properties which are generally uniform in design, constructed from buff facing brick with gable-end roofs clad in concrete tiles set within spacious plots.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 2/0111/84 sought permission for a community centre. This application was granted planning permission in April 1984.
- 2.2 Planning application 2/0327/84 sought permission for the change of use of a shop to a doctors surgery. This application was granted planning permission in October 1984.
- 2.3 Planning application 2/0435/87 sought permission for the installation of two lifts and motor rooms. This application was granted planning permission in November 1987.
- 2.4 Planning application 2/0338/97 sought permission for a three storey extension to house a lift shaft for Asquith Court. This application was granted planning permission in December 1997.
- 2.5 Planning application 13/00393/FP sought permission for the retention of 1 no. ATM. This application was granted planning permission in October 2013.
- 2.6 Planning application 18/00398/FPM sought permission for the Demolition of the existing community centre, neighbourhood centre, Asquith Court sheltered accommodation and various residential dwellings and the construction of a mixed use development with 169 no. dwellings (Including independent living) and 4no. retail units across various blocks. This application was granted planning permission in October 2019.
- 2.7 Prior Approval application 19/00505/PADEMO sought prior approval for the demolition and clearance of various buildings:-
 - 1) 1 to 32 Asquith Court, Stirling Close, Stevenage, SG2 8UJ
 - 2) 70 & 72, Stirling Close, Stevenage, SG2 8UJ
 - 3) 74 to 96, Stirling Close, Stevenage, SG2 8UJ
 - 4) Community Centre, Kenilworth Close, Stevenage SG2 8TB
 - 5) 3, 3a, 5 and 5a Kenilworth Close SG2 8TB (Retail units).

Prior approval was not required and the decision was issued in September 2019.
- 2.8 Discharge of condition application 20/00575/COND sought to discharge condition 11 (bird boxes and 12 (bat boxes) attached to planning permission reference 18/00398/FPM. These conditions were discharged in October 2020.
- 2.9 Discharge of condition application 20/00576/COND sought to discharge conditions 14 (Construction Management) and 16 (Waste Management) attached to planning permission 18/00398/FPM. These conditions were discharged in December 2020.
- 2.10 Discharge of condition application 20/00577/COND sought to discharge conditions 25 (Site investigation) and 27 (Detailed remediation scheme) attached to planning permission number 18/00398/FPM. These conditions were discharged in October 2020.
- 2.11 Discharge of condition application 20/00707/COND sought to discharge conditions 21 (Surface Water Drainage) and 22 (Detailed Drainage Scheme) attached to planning permission 18/00398/FPM. These conditions were discharged in February 2021.

- 2.12 Discharge of condition application 21/00047/COND sought to discharge condition 19 (Acoustics) attached to planning permission 18/00398/FPM. This application is pending consideration.

3. THE CURRENT APPLICATION

- 3.1 This application seeks to vary conditions 1 (Approved Drawings), 3 (Materials), 11 (Bird Boxes), 12 (Bat Boxes), 14 (Construction Management Plan), 16 (Site Waste Management Plan), 21 (Surface Water Drainage), 22 (Drainage Scheme), 25 (Site Investigation) and 27 (Remediation Scheme). For reference, these conditions state the following:-

Condition 1 (Approved Drawings)

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

16059.01.A4.WD2.01A; 16059.01.A4.WD2.02; 16059.01.A4.WD2.03A;
16059.01.A4.WD2.04A; 16059.01.A4.WD2.05A; 16059.01.A4.WD2.101;
16059.01.A4.WD2.102A; 16059.01.A4.WD2.103A; 16059.01.A4.WD2.104A;
16059.01.A5.WD2.01A; 16059.01.A5.WD2.101A; 16059.01.SU1.01; 16059.01.SU1.02;
16059.01.SU1.03; 16059.01.WD2.01B; 16059.01.WD2.101A; 16059.01.A1.WD2.01B;
16059.01.A1.WD2.101A; 16059.01.A1.WD2.102A; 16059.01.A2.WD2.01A;
16059.01.A2.WD2.02A; 16059.01.A2.WD2.03A; 16059.01.A2.WD2.04A;
16059.01.A2.WD2.05A; 16059.01.A2.WD2.06A; 16059.01.A2.WD2.101A;
16059.01.A2.WD2.102A; 16059.01.A2.WD2.103A; 16059.01.wd2.05A; 16059.wd2.02A;
16059.01.wd2.03A; 16059.01.wd2.04A; 16059.01.A1.wd2.06A.

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

- 3.2 In terms of amendments to the design, the various alterations to the scheme are detailed as follows:-

- Change of the Zinc cladding and Petrarch Alabaster Panels on the frames on Blocks A1 and A2 with grey facing bricks and render on the framing features;
- Re-configuration of curtain wall glazing system to the retail units in Block A1;
- Alterations to the plant rooms on the roof of Blocks A1 and A2;
- Re-configuration of curtain wall glazing at ground floor level in Block A2 serving the on-site facilities (Restaurant, café, health & beauty and treatment suites);
- Omission of curtain wall glazing system on stair cores on northern and western elevations with introduction of windows on Block A2;
- Omission of curtain walling on elevation E (western) and replaced with windows and on elevation F oval windows on frame feature changed to standard windows on Building A2;
- Alteration to access at the rear of Block A1;
- Re-locating Block A2 by 2m to avoid a high voltage cable;
- Changing of the Zinc roof cladding on Houses A4 to concrete tiles;
- Raising of roof on northern elevation of A4 Flats and omission of dormer features;
- Re-positioning of Juliette windows on northern elevation of A4 Flats;
- Changing of the Zinc cladding (including the roof) to grey facing brick and concrete roof tiles on A4 Flats; and
- Re-alignment of angled eastern wall on A4 Flats.

- 3.3 A copy of the proposed Site Layout Plan is attached in **Appendix One**.

Condition 3 (Materials)

No development, above slab level, shall commence until a schedule and sample of the materials to be used in the construction of the external surfaces of the development hereby permitted has 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.

REASON:- To ensure the finished appearance of the development enhances the visual amenities of the area.

Condition 11 (Bird Boxes)

No development shall take place, above slab level, until a scheme for the provision of bird boxes have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted, the boxes shall be installed in accordance with the approved scheme and retained thereafter.

REASON:- To increase roosting opportunities for birds and to compensate for lost opportunities for nesting birds.

Condition 12 (Bat Boxes)

No development shall take place, above slab level, until a scheme for the provision of bat boxes have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted, the boxes shall be installed in accordance with the approved scheme and retained thereafter.

REASON:- To increase roosting opportunities for bats.

Condition 14 (Construction Management Plan)

Prior to the commencement of development, a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved statement. The Construction Management Plan/Method Statement shall address the following matters:-

- (i) Details of construction phasing programme (including any pre-construction demolition or enabling works);
- (ii) Hours of operations including times of deliveries and removal of waste; materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (v) Details of the provisions for temporary car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding;
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;

(xi) Cleaning of site entrances, site tracks and the adjacent public highway; and

(xii) Disposal of surplus materials.

REASON:- To minimise the impact of construction vehicles and to maintain the amenity of the local area.

Condition 16 (Site Waste Management Plan)

No development shall take place until a detailed Site Waste Management Plan (SWMP) to detail how waste materials generated as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level and type of soil to be imported to the site as part of the development has been submitted to and approved in writing by the Local Planning Authority.

REASON:- In order to reduce the level of waste generated during the demolition and construction phases of development and to recycle all waste materials where possible.

Condition 21 (Surface Water Drainage)

The development permitted by this planning permission shall be carried out in accordance with the approved submitted Surface Water drainage Strategy Rev. final v2.0, dated November 2018, prepared by JBA, and the following mitigation measures detailed within the FRA:

1. Implementing an appropriate drainage strategy based on infiltration, using appropriate SuDS measures as shown on drawing No. 2017s6007-001 Rev.P01, No.2017s6007-002 Rev. P01 and No.2017s6007-003 Rev.P01.

2. Providing attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + 40% to climate change.

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.

REASON:- To prevent flooding by ensuring the satisfactory disposal of and storage of surface water from the site. In addition, to reduce the risk of flooding to the proposed development and future occupants.

Condition 22 (Drainage Scheme)

No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run off from the existing site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the following approved details before the development is completed:

1. Infiltration tests in line with the BRE 365 methodology in the exact location of the geocellular soakaway, in a representative site where single soakaways are proposed to be installed and in a representative site where permeable pavement is being proposed. Infiltration tests to be carried out at the depth of the base of the proposed infiltration features and information regarding the strata layers should be included.

2. Updated detailed surface water calculations and modelling presented solely for the Site A (N), including detailed design calculation and modelling for SuDS features proposed for Site A (N) (single soakaways and the tanked permeable pavement) for all rainfall events up to and including the 1 in 100 years + climate change. Half drain times to be included.

3. Updated clearly labelled drainage layout plan showing pipe networks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

4. Provision of details of all proposed SuDS features, including their size, volume, depth and any inlet and outlet features including any connecting pipe runs, node numbers and all corresponding calculations/modelling.

5. Exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change, including extent and depth of the flooded areas shown on the modelling.

REASON:- To prevent the increased risk of flooding, both on and off site.

Condition 25 (Site Investigation)

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before the properties are occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

Condition 27 (Remediation Scheme)

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 3.4 This current application before the Council has been referred to the Planning and Development Committee for its decision. This is because, whilst there are a number of changes to conditions which are technical in nature, the overall visual appearance of the development has been altered to that which was originally approved under planning application 18/00398/FPM. As such, it is a different scheme to that which was previously determined by the Planning and Development Committee.

4. PUBLIC REPRESENTATIONS

- 4.1 This planning application has been publicised by way of a site notice and neighbouring properties have been notified about the application via a letter. The application was also published in the local press as it is a major application. At the time of drafting this report,

two objections were received, one with no address (so carrying very limited weight) and one from 6 Walpole Court. A summary of the objections raised are as follows:-

- Concern the scheme will be less environmentally restorative;
- Concern about the loss of habitat and foraging areas for nesting birds;
- There has been significant clearance works of trees and undergrowth on the south side of Blenheim Way by Network Rail;
- There are bats in the area and there has been destruction of their habitat;
- Reduction in drainage provision would be unacceptable especially due to extreme weather events being more common;
- How will the Council enforce the retention of the necessary boxes;
- The scheme should have retained more trees for foraging bats;
- The Council has allowed too much of the natural habitat to be decimated;
- Why are the applicants wanting to reword and remove conditions, are they seeking to remove the boxes at a later date, why were they not compliant when originally submitted?.

- 4.2 Please note that the aforementioned is not a verbatim of the comments and representations which have been received. However, a full version of the comments and representations which have been received are available to be viewed on the Council's website.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

- 5.1.1 It is confirmed that the requirement of planning condition 14 (Construction Management Plan) in respect to planning permission 18/00398/FPM has been met. The Construction Management Plan submitted is deemed to be acceptable in line with the criteria of the condition.

5.2 Hertfordshire County Council as Minerals and Waste Authority

- 5.2.1 The Site Waste Management Plan (SWMP) submitted to support the application is comprehensive and sets out all the necessary details the Waste Planning Authority expects to see included. The introduction of the SWMP clearly identifies how the document will be considered and maintained at each phase of the project (i.e. pre-construction, construction and post construction). The document provided is therefore acceptable to the Waste Planning Authority.

5.3 Herts and Middlesex Wildlife Trust.

- 5.3.1 The number, model and location of the bat and bird boxes are acceptable. However, it should be stipulated that the boxes are installed as high as possible under the roof line. The report should be adapted to reflect this.

5.4 Thames Water

- 5.4.1 Thames Water confirms the surface water condition referenced can be discharged based on the information submitted. With regard to water supply, this comes within the area covered by the Affinity Water Company.

5.5 Hertfordshire County Council as Lead Local Flood Authority

- 5.5.1 It is noted that the applicant seeks to amend the wording of condition SuDS and drainage related conditions (21, 22 and 23) to be compliance led conditions. A separate application

has been submitted for the discharge of conditions 21, 22 and 23 (20/00707/COND) where detailed comments have been provided on the drainage information. The LLFA have outstanding concerns in relation to the proposed drainage strategy and have requested additional information. Therefore, it is advised the LPA should not recommend the rewording of the conditions.

5.6 Council's Environmental Health Section

- 5.6.1 The findings in the report and the measures being taken are acceptable. However, there is concern with the request to have the contamination conditions removed. The conditions existing to ensure the strategy is complied with, which enables the Council to enforce against if required.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF, albeit with some revisions to policy. The policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF with which Members are fully familiar, is a material consideration to be taken into account in determining this application.

6.3 Planning Practice Guidance

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

6.4 Stevenage Borough Local Plan 2011-2031 (2019)

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable Development in Stevenage;
Policy SP4: A vital Town Centre;
Policy SP5: Infrastructure;
Policy SP6: Sustainable Transport;
Policy SP7: High quality homes;
Policy SP8: Good Design;
Policy SP9: Healthy communities;

Policy SP11: Climate Change, Flooding and Pollution;
 Policy SP12: Green infrastructure and the natural environment;
 Policy TC11: New convenience retail provision;
 Policy IT3: Infrastructure;
 Policy IT4: Transport Assessments and Travel Plans;
 Policy IT5: Parking and Access;
 Policy IT6: Sustainable Transport;
 Policy IT7: New and improved links for pedestrians and cyclists;
 Policy HO1: Housing Allocations;
 Policy HO5: Windfall Sites;
 Policy HO7: Affordable housing targets;
 Policy HO8: Affordable housing tenure, mix and design;
 Policy HO9: Housing types and sizes;
 Policy HO10: Sheltered and supported housing;
 Policy HO11: Accessible and adaptable housing;
 Policy GD1: High Quality Design;
 Policy HC1: District, local and neighbourhood centres;
 Policy HC2: Local Shops;
 Policy HC4: Existing health, social and community facilities;
 Policy HC5: New health, social and community facilities;
 Policy FP1: Climate Change;
 Policy FP2: Flood Risk in Flood Zone 1;
 Policy FP4: Flood storage reservoirs and functional floodplain;
 Policy FP7: Pollution;
 Policy NH5: Trees and woodland;
 Policy NH6: General protection for open space;
 Policy NH7: Open space standards.

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020
 Stevenage Design Guide Supplementary Planning Document January 2009.
 The Impact on Biodiversity SPD 2021
 Developer Contributions SPD 2021

6.6 Community Infrastructure Levy

- 6.6.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development (Please paragraph 7.9.1 which covers CIL).

7. APPRAISAL

- 7.1 When considering applications of this type, local planning authorities are entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remain relevant, so that the only issue for consideration in the determination of this application is how the variation of the conditions referred to above would impact on the approved scheme and whether any additional conditions are warranted.
- 7.2 The main issues for consideration of this application are, therefore, the acceptability of the proposed changes to the scheme in respect of affordable housing and Section 106 obligations, impact on the appearance of the area, impact upon residential amenity, impact on the environment, impact on Ecology, Development and Flood Risk.

7.3 Affordable Housing and Financial Contributions

- 7.3.1 Policy HO7 of the Emerging Local Plan (2016) states that planning permission will be granted for residential developments that maximise affordable housing provision. For developments on previously developed land, 25% of the dwelling units on these sites should be affordable. In regards to the proposed development, whilst the proposal seeks to provide 169 new dwelling units, there are 48 dwelling units which are to be demolished in order to facilitate the construction of the development. Therefore, the Council can only seek affordable housing provision and financial contributions on the net addition which in this instance is 121 dwellinghouse units. Taking this into consideration, there is a requirement to provide 31 affordable housing units. Policy HO7 continues that planning permission will be refused where these targets are not at least achieved unless:-
- a) Developers robustly demonstrate that the target cannot be achieved due to site specific constraints resulting in higher than normal costs, which affect its viability; or
 - b) Meeting the requirements would demonstrably and significantly compromise other policy objectives.
- 7.3.2 Turning to affordable housing tenure, mix and design, Policy HO8 of the same document states that where affordable housing is secured through Policy HO7, planning permission would be granted where those dwellings:
- a. Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
 - b. Meets the requirements of Policy HO9 (House types and sizes);
 - c. Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
 - d. Will remain at an affordable price for future eligible households.
- 7.3.3 The applicant, under the original planning permission, provided a policy compliant affordable housing scheme. In addition, it is important to note that this original application was brought forward in conjunction with the Walpole Court application. The Walpole Court application which was also approved by the Council sought planning permission for the provision of 60 dwellings (Planning Reference: 18/00399/FPM). These applications are linked in terms of affordable housing, where the affordable housing requirement for the Walpole Court development (6 units) would be provided within the proposed development under this application.
- 7.3.4 In terms of overall mix of affordable housing, the originally approved scheme comprised of 100% affordable/social rented units. These units would not be more than 80% of market rent value in accordance with the definition of affordable housing in the NPPF (2019). The policy compliant affordable housing requirement for the original permission (including that for Walpole Court) as well as the overall affordable housing mix was secured as part of a S.106 agreement.
- 7.3.5 In addition to affordable housing, financial contributions are also required in accordance with the Hertfordshire County Council tool kit and contributions to Stevenage Borough Council for commuted payments. Based on the number of units proposed, the following contributions would be sought:-

Stevenage Borough Council	Financial Contribution
Open outdoor space	£5,715.85
Children's play space	£6,333.78
Gardening Club	£4,500.00
Greenspace and Ecological Improvements	£25,000.00
Community or Ecological Amenity Infrastructure	£85,000.00
Total	£126,549.63
Hertfordshire County Council	
Primary Education	£88,690.00
Secondary Education	£32,706.00
Library	£10,184.00
Youth Services	£841.00
Sustainable Transport	£26,000
Total	£158,421
Overall total	£284,970.63

- 7.3.6 In terms of the financial obligations which have been listed above, it can be confirmed that the applicant, following correspondence with the Council's CIL Officer, have paid all of the relevant financial obligations (including Indexation).
- 7.3.7 Separately, Hertfordshire County Council had also previously sought the provision of a fire hydrant within the development. Moreover, there was also a requirement to provide CCTV cameras as required by the Council's CCTV Section.
- 7.3.8 Taking the above into consideration, if Members were minded to grant this planning application, then there would be a requirement for the applicant to enter into a Deed of Variation (DoV) to the original S.106 agreement. This DoV to the original S.106 would bind the applicant to the original obligations which included the agreed level of affordable housing, the provision of fire hydrants as well as the provision of CCTV cameras which were originally secured by the Council.

7.4 Impact on the Character and Appearance of the Area

- 7.4.1 In terms of design, Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 of the NPPF states that "permission should be refused for development of poor design that fail to make available opportunities available for improving the character and quality of an area and the way it functions".
- 7.4.2 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town's built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.3 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that

Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:

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

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

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

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

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

7.4.6 One of the key changes to the scheme is the substitution of all the approved cladding for brickwork on the buildings. This is in order for the development to comply with fire safety and building requirements for the flatted developments. The proposal also seeks to rationalise the windows across the development scheme in order to enhance the commercial and living spaces. This is to improve internal layouts and fit out arrangements for future occupiers.

7.4.7 The access which would serve Block A1 would be reconfigured and designed to provide an enhanced entrance into the building when one enters from the rear parking area. This entails a full height glazed entrance below the projecting white brick framed feature which is positioned above this entrance. This amendment would improve legibility and creates a focal point combined with improving the architectural character and appearance of the building.

7.4.8 Block A2 has been moved approximately 2m east of its approved location. This is in order to avoid an underground voltage cable which could delay the delivery of the new homes. The eastern elevation on Block A4 has been re-designed to give a cleaner and symmetrical elevation with the omission of the dormer features. This amendment would not harm the overall visual appearance of the approved development. There are also some minor changes to the design of the Block A4 and A5 houses. This consists of an amendment to

window design as well as the porch canopies which help to frame the front entrances of the dwellinghouses.

- 7.4.9 In summary, the proposed alterations to the development would not erode the approved architectural design of the scheme as previously considered by the Council. In addition, these changes would not harm the visual amenities of the wider street scene as the scheme still retains its contemporary modern design.

7.5 Impact upon residential amenity

- 7.5.1 It is not considered that the proposed changes would impact on the amenities of neighbouring properties. This is because the proposal does not seek to bring the buildings closer to residential properties which are located outside of the application site. In addition, the proposal, in terms of shifting Block A2, would still allow for an acceptable separation distance of approximately 32m between itself and Block A1. This would still allow future occupiers of both buildings to have suitable amenity standards in terms of privacy, outlook as well as sunlight and daylight.

7.6 Impact on the Environment

- 7.6.1 As part of the application submission, the applicant has provided a Phase 2 Geo-environmental Assessment prepared by MLM Group (Report reference 724476-MLM-ZZ-CC-RP-J-0001 dated August 2020). The report identified arsenic contamination in near surface soils which could potentially impact upon human health during construction and / or operation of development. There is also soil leachate which contains copper, nickel and zinc which would potentially impact upon surface water and groundwater quality. However, at present there were no ground water contaminants identified and no issues with ground gas or radon.

Given the above, the suggested remediation of the site is detailed below:-

- Clean capping of soil in garden and landscape areas;
- Installation of services in corridors of clean soil;
- Health and safety requirements working in the ground.

- 7.6.2 The applicant has also provided a Remediation Strategy and Verification Plan prepared by MLM Group (Report reference 724476-MLM-ZZ-CC-RP-J-0002 dated September 2020). This strategy goes into more detail as to the measures identified in the Contamination Report as well as suggesting an upgrade to potable water supply pipes. Following consultation with the Council's Environmental Health Section, they have advised they are content with the findings and recommendations in the Phase 2 Geo-Environmental Assessment. Furthermore, they consider the detailed remediation strategy would mitigate the impact of identified contaminants on the site on the wider environment as well as human health.

- 7.6.3 Notwithstanding the above, the Environmental Health Section did not agree with the applicants original proposal to have the contamination conditions to be removed from the planning permission. This is because these conditions require the developer to carry out the necessary remediation strategy in accordance with the specifications set out in the report. In addition, the conditions allow the Council to enforce the requirements of the condition if they are not strictly adhered too from a remediation perspective. As such, following negotiations with the applicant, they have agreed the conditions to be varied whereby they would be bound to the requirements of the condition in terms of implementing the approved remediation strategy. In addition, if planning permission were to be granted, conditions would be re-imposed to require further detailed remediation to be submitted to the Council as the Local Planning Authority in the event contaminants are identified which were not previously identified in the Geo-Environmental Assessment (Conditions 23 and 24).

7.7 Impact on Ecology

- 7.7.1 This application is accompanied by a Bat and Bird Box Scheme (Report by The Environment Partnership, document reference 8220.001 dated October 2020). The bat boxes which would be utilised in the development (Schwegler 1FR Bat Tube) are to suit the assemblage of bats identified present within the site following bat surveys. These boxes would be attached to the proposed houses. Turning to the proposed bird boxes (Manthorpe Swift Brick), these boxes have been chosen to suit the common bird species which have been identified as present. The boxes have been designed to blend in with the developments brick work.
- 7.7.2 Following consultation with the Herts and Middlesex Wildlife Trust, they consider the proposed bird and bat boxes are deemed to be acceptable. However, this is subject to the proposed boxes being located at a high level under the roofline of the buildings. Taking this requirement into consideration, it is recommended a condition is imposed requiring the bird and bat boxes to be installed at high level and to be in place prior to first occupation of the development. With these in place, they would help to enhance the overall biodiversity of the development site in accordance with the Council's Impact of Development on Biodiversity SPD (2021).
- 7.7.3 Given the above, the requirements of conditions 11 and 12 of planning permission 18/00398/FPM have been met. However, the full requirement of the condition cannot be fully discharged until the bird and bat boxes have been installed in accordance with the approved details. As such, the amended conditions which would be imposed if permission were to be granted would require these bird and boxes to be installed on the relevant dwellinghouses prior to their first occupation.

7.8 Development and Flood Risk

- 7.8.1 Turning to the proposed amendment to the drainage conditions (i.e. 21 and 22), the applicant sought to amend condition 21 for the development to be carried out in accordance with the Drainage Strategy and for condition 22 to be removed. As noted in paragraph 5.5.1, Hertfordshire County Council as Lead Local Flood Authority (LLFA) raised concerns as the strategy which was originally submitted was deemed acceptable at the time. However, since these comments were received by the LLFA, the Council has discharged application 20/00707/COND which relates to the aforementioned conditions (see paragraph 2.18).
- 7.8.2 The drainage strategy, as submitted with the discharge of condition application, is based on infiltration and initial testing was carried out at planning application stage. The proposed infiltration rates for the drainage design have been based on the results of the testing outlined in the JBA report approved at planning stage. Further infiltration testing has been carried out in the site at various locations around the site and has returned varying rates depending on the depth and position of the test on the site. As a result of the varying rates found, a design rate of $1.71 \times 10^{-6} \text{m/s}$ has been adopted for the large, deeper geocellular soakaways and a rate of $1 \times 10^{-5} \text{m/s}$ has been assumed for the smaller individual house soakaways. The half drawing down times have also been provided and tests have been carried out at depth for the SuDS features.
- 7.8.3 A drainage plan and engineering drawings of the proposed SuDS features had also been provided. The drainage strategy for site consists of permeable paving for the private driveways and parking areas, bio-retention areas and soakaways. There are also two large geo-cellular soakaways to accommodate the maximum predicted flood. The permeable paving has been sized to accommodate the 1 in 100 year plus climate change event. Private soakaways have been increased in size to accommodate the 1 in 30 year event without flooding. The drainage strategy states that water will be disbursed within private garden areas where it will infiltrate back to ground.

7.8.4 Following consultation with Hertfordshire County Council as Lead Local Flood Authority (LLFA) on this application, they consider the site can be adequately drained based on the information provided by the applicant and as set out above. In addition, Thames Water considers the details provided regarding foul water and management of surface water are deemed to be acceptable.

7.8.5 Given the aforementioned, it considered that conditions 21 and 22 can be altered to recommend that the drainage strategy shall be implemented in accordance with the approved details set out under discharge of condition application 20/00707/COND. With respect to condition 23, it has been agreed with the applicant that this condition should be retained. This is because it is a compliance condition which requires details of the implemented drainage strategy in terms of its management and maintenance to be submitted to the Council for its written approval. In addition, the LLFA will not agree to its removal. As such, this condition would be imposed if the Council was minded to grant planning permission.

7.9 Other Matters

Community Infrastructure Levy

7.9.1 The proposed amendments to the approved development does not seek to increase the approve level of floorspace to that already approved. Therefore, this development would not be subject to any CIL liability in this instance.

Equality, Diversity and Human Rights

7.9.2 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.

7.9.3 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.

7.9.4 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.

7.9.5 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.

7.9.6 It is not considered that the proposed amendments detailed under this application would have an impact on persons with protected characteristics under the Equality Act.

8. CONCLUSIONS

8.1 In summary, and subject to conditions, the principle of the proposed amendments sought under this Section 73 application are acceptable. In addition, these changes would not have a detrimental impact on the character and appearance of the development or the visual

amenities of the wider street scene. Furthermore, they would not impact on the amenities of neighbouring properties and there would suitable mitigation measures to manage contamination. There would also be a suitable surface water drainage system and there would be an acceptable provision of bird and bat boxes to enhance the sites biodiversity.

- 8.2 Given the aforementioned, the proposed development under this Section 73 application is considered to be acceptable in line with the Council adopted Local Plan, Planning and Design Guide SPD (2009), the Council's Car Parking Standards SPD (2020), the NPPF (2019) and NPPG (2014).

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into and completed a Deed of Variation to the S106 legal agreement to secure:-

- Provision of a fire hydrant;
- Securing on-site provision of affordable housing;
- Secure provision of CCTV cameras.

The detail of which be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor and subject to the following conditions:-

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

19063.wd2.01; 19063.A1.wd2.01; 19063.A1.wd2.02; 19063.A1.wd2.03; 19063.A1.wd2.04;
 19063.A1.wd2.05; 19063.A1.wd2.06; 19063.A1.wd2.101; 19063.A1.wd2.102;
 19063.A2.wd2.01; 19063.A2.wd2.02; 19063.A2.wd2.03; 19063.A2.wd2.04;
 19063.A2.wd2.05; 19063.A2.wd2.06; 19063.A2.wd2.101; 19063.A2.wd2.102;
 19063.A2.wd2.103; 19063.A4.wd2.02; 19063.A4.wd2.03; 19063.A4.wd2.04;
 19063.A4.wd2.05; 19063.A4.wd2.101; 19063.A4.wd2.102; 19063.A4.wd2.103;
 19063.A4.wd2.104; 19063.A5.wd2.01; 19063.A5.wd2.101 .

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

- 2 The external surfaces of the buildings (including the dwellings) hereby permitted shall be carried out in accordance with the approved Materials Palette as specified in application reference 20/00736/FPM as received on 02 December 2020.

REASON:- To ensure the finished appearance of the development enhances the visual amenities of the area.

- 3 Notwithstanding the details specified in the application submission, no public realm landscaping works shall commence until a scheme of soft and hard landscaping and details of the treatment of all hard surfaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all new planting to take place including species, size and method of planting as well as details of landscape management (including long term design objectives, management responsibilities and maintenance responsibilities for all landscape areas). The approved landscaping scheme shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner.

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

- 4 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.

- 5 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 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.

- 6 No 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 first occupation of the development. Any external lighting shall accord with the details so approved.

REASON:- In order to protect the amenities and operations of neighbouring properties and to ensure any external lighting does not prejudice highway safety. In addition, to ensure the development does not have a detrimental impact on foraging bats.

- 7 No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless searched before by a suitably qualified ornithologist.

REASON:- Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).

- 8 No development, including site clearance, shall commence until the trees as specified on drawing numbers 9575 TPP 02 Rev A (1/3) A; 9575 TPP 02 Rev A (2/3) A; 9575 TPP 02 Rev A (3/3) A (Arboricultural Impact Assessment, prepared by Aspect Arboriculture, Report reference 9575_AIA.001 dated October 2018) to be retained on the site have been protected by fencing in accordance with the vertical tree protection fencing detailed in the Arboricultural Impact Assessment. In addition, all works which are to be undertaken within the Root Protection Areas of trees which are to be retained as specified on the aforementioned drawings shall be undertaken in accordance with the details specified in the Arboricultural Impact Assessment.

REASON:- To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.

- 9 Within the areas to be fenced off in accordance with condition 9, there shall be no alteration to the ground levels and they shall be kept clear of vehicles, materials, surplus soils, temporary buildings and machinery.

REASON:- To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.

- 10 Prior to the first occupation of each dwelling hereby permitted the bird (Manthorpe Swift Brick) as detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be installed as high as possible under the roofline in accordance with the approved scheme and retained thereafter.

REASON:- To increase roosting opportunities for birds and to compensate for lost opportunities for nesting birds.

- 11 Prior to the first occupation of each dwelling hereby permitted any bat (Schwegler 1FR Bat Tube) boxes associated with that dwelling detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be installed as high as possible under the roofline in accordance with the approved scheme and retained thereafter.

REASON:- To increase roosting opportunities for bats.

- 12 Prior to the first occupation of the dwellinghouses hereby permitted, the parking areas as shown on drawing number 16059.01.wd2.01 B shall be surfaced (in either a porous material or provision shall be made for surface water drainage to be contained within the site) and marked out accordingly and shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved.

REASON:- To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents.

- 13 The Construction Management Plan/Method Statement as detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be carried out in accordance with the approved details, or any such scheme that is submitted to and approved in writing by the Local Planning Authority, which cover the following requirements:-

- (i) Details of construction phasing programme (including any pre-construction demolition or enabling works);
- (ii) Hours of operations including times of deliveries and removal of waste;
- (iii) The site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (v) Details of the provisions for temporary car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding;
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;
- (xi) Cleaning of site entrances, site tracks and the adjacent public highway; and
- (xii) Disposal of surplus materials.

REASON:- To minimise the impact of construction vehicles and to maintain the amenity of the local area.

- 14 The development hereby permitted shall not be occupied until the proposed accesses have been constructed as identified on drawing number 16059.01.wd2.01 B the existing accesses have been closed and the existing footway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

REASON:- In order to protect highway safety and the amenity of other users of the public highway.

- 15 The Site Waste Management Plan (SWMP) which details how waste materials as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level of soil to be imported to the site as submitted with application reference 20/00736/FPM dated 02 December 2020 shall be strictly adhered too during the course of construction of the development hereby permitted, or any such scheme that is submitted to and approved in writing by the Local Planning Authority.
REASON:- In order to reduce the level of waste generated during the demolition and construction phases of development and to recycle all waste materials where possible.
- 16 Prior to the first occupation of each dwelling hereby permitted the approved secure cycle parking areas and public cycle parking for the relevant dwelling shall be constructed in accordance with the details approved under Condition 1 and shall be permanently retained in that form thereafter.
REASON:- To ensure that there is sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings and the development as a whole on site in perpetuity.
- 17 Prior to the first occupation of each dwelling hereby permitted the approved refuse and recycle stores for the relevant dwelling shall be constructed in accordance with the details approved under condition 1 and shall be permanently retained in the form.
REASON:- To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity.
- 18 The design of windows and ventilators to each dwelling shall achieve an acoustic performance which shall ensure that, when windows are closed, the following noise levels are not exceeded:
- (i) An average of 35 decibels (dB) (LAeq) during the daytime (07:00 – 23:00) within bedrooms and living rooms
 - (ii) An average of 40 dB (LAeq) during the daytime (07:00 – 23:00) within dining rooms
 - (iii) An average of 30 dB (LAeq) during the night (23:00 – 07:00) within bedrooms
 - (iv) A maximum of 45 dB (LAmax,F) on more than ten occasions during any typical night (23:00 – 07:00) within bedrooms.
- REASON:-** To ensure that residents of the development do not suffer undue noise disturbance from traffic on the adjoining highway as well as noise generated from the nearby East Coast railway line.
- 19 No development shall take place, above slab level, until details of Electric Vehicle Charging Points have been submitted to and approved in writing by the Council as the Local Planning Authority. The approved Electric Vehicle Charge Points shall be installed in accordance with the approved details and thereafter permanently retained.
REASON:- In order to provide facilities to charge electric vehicles and to help reduce the impact of vehicle emissions on the local environment.
- 20 The development permitted by this planning permission shall be carried out in accordance with the approved submitted Surface Water drainage Strategy Rev. final v2.0, dated November 2018, prepared by JBA, and the following mitigation measures detailed within the FRA:
1. Implementing an appropriate drainage strategy based on infiltration, using appropriate SuDS measures as shown on drawing No. 2017s6007-001 Rev.P01, No.2017s6007-002 Rev. P01 and No.2017s6007-003 Rev.P01.

2. Providing attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + 40% to climate change.

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.

REASON:- To prevent flooding by ensuring the satisfactory disposal of and storage of surface water from the site. In addition, to reduce the risk of flooding to the proposed development and future occupants.

- 21 The detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles as submitted and approved by Hertfordshire County Council as Lead Local Flood Authority under discharge of condition application 20/00707/COND which demonstrated 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 existing site following the corresponding rainfall event. The approved scheme shall subsequently be implemented in accordance with the following approved details before the development is completed.

REASON:- To prevent the increased risk of flooding, both on and off site.

- 22 Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

1. Final confirmation of management and maintenance requirements
2. Provision of complete set of as built drawings for both site drainage

REASON:- To reduce the risk of flooding to the proposed development and future occupants.

- 23 Upon completion of the development a final management and maintenance plan must be supported by a full set of as-built drawings, a post construction location plan of the SuDS components cross-referenced with a maintenance diagram to secure the operation of the scheme throughout its lifetime.

REASON:- To prevent the increase risk of flooding, both on and off site.

- 24 The remediation measures as detailed in Phase 2 Geo-environmental Assessment (Prepared by MLM Group, document reference:- 724476-MLM-ZZ-XX-RP-J-0001, dated August 2020) and remediation strategy and verification report (Prepared by MLM Group, document reference 724476-MLM-ZZ-XX-RP-J-0002, dated September 2020) to remediate the contaminants which have been identified shall be implemented in order to render the site suitable for the development hereby permitted. The site shall be remediated in accordance with the approved measures before the properties are occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 25 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 26, which is subject to the approval of the Local Planning

Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 27.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 26 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 27 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 28 Prior to the first occupation of the ground floor retail units as detailed on drawing numbers 16059.01.wd2.01 B and 16059.01.A1.wd2.01 B, a scheme for the installation of equipment to control the emission of fumes and smell from these premises and/or for the installation of any external plant and equipment such as air conditioning units and refrigeration units shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first occupation of these units. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

REASON:- To protect the amenities of the occupiers of adjoining properties and the development.

- 29 Prior to first occupation of the dwellings hereby permitted, details of all boundary treatment which includes walls, fences or other means of enclosure, including any retaining walls, have been submitted to and approved in writing by the Council as the Local Planning Authority. The boundary treatment, including any retaining wall, shall be constructed in accordance with the approved details. Thereafter, the hereby approved boundary treatment(s) shall be permanently retained and maintained.

REASON:- To ensure that the finished appearance of the development will enhance the character and visual amenities of the area.

Pro-active Statement

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVE

Environmental Health

The ventilation system for each dwelling shall incorporate continuous mechanical supply and extract with heat recovery conforming to the current edition of Approved Document F to the Building Regulations and designed so as to ensure that the ventilation system itself does not produce unacceptable levels of noise within each dwelling.

Thames Water

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. Thames Water 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 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

In the car parking areas, it is recommended that a petrol/oil interceptor be fitted to ensure that local watercourses are not polluted from potential oil polluted discharges.

Hertfordshire Constabulary Crime Prevention Design Advisor.

The proposed development should achieve Secured by Design (SBD) accreditation in order for it to comply with current Building Regulations. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227 or by email on mark.montgomery@herts.pnn.police.uk.

Hertfordshire County Council as Highways Authority.

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

REASON:

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

Prior to commencement of the development the applicant shall contact Network Management North at NM.North@hertfordshire.gov.uk or call on 0300 1234 047 to obtain the requirements to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads.

Hertfordshire County Council as Lead Local Flood Authority

The applicant has not carried out ground contamination investigation for this site. Contamination on site can condition the suitability of the entire drainage strategy which

is based in infiltration. We therefore recommend the LPA to contact the Environment Agency in respect to this.

The LPA will need to satisfy itself that the proposed SuDS features can be maintained for its lifetime and we recommend the LPA obtains a maintenance and adoption plan from the applicant.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision SPD adopted October 2020; Design Guide SPD 2009; Developer Contributions SPD 2021; Impact of development on Biodiversity SPD 2021.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2020 and Planning Policy Guidance March 2014.