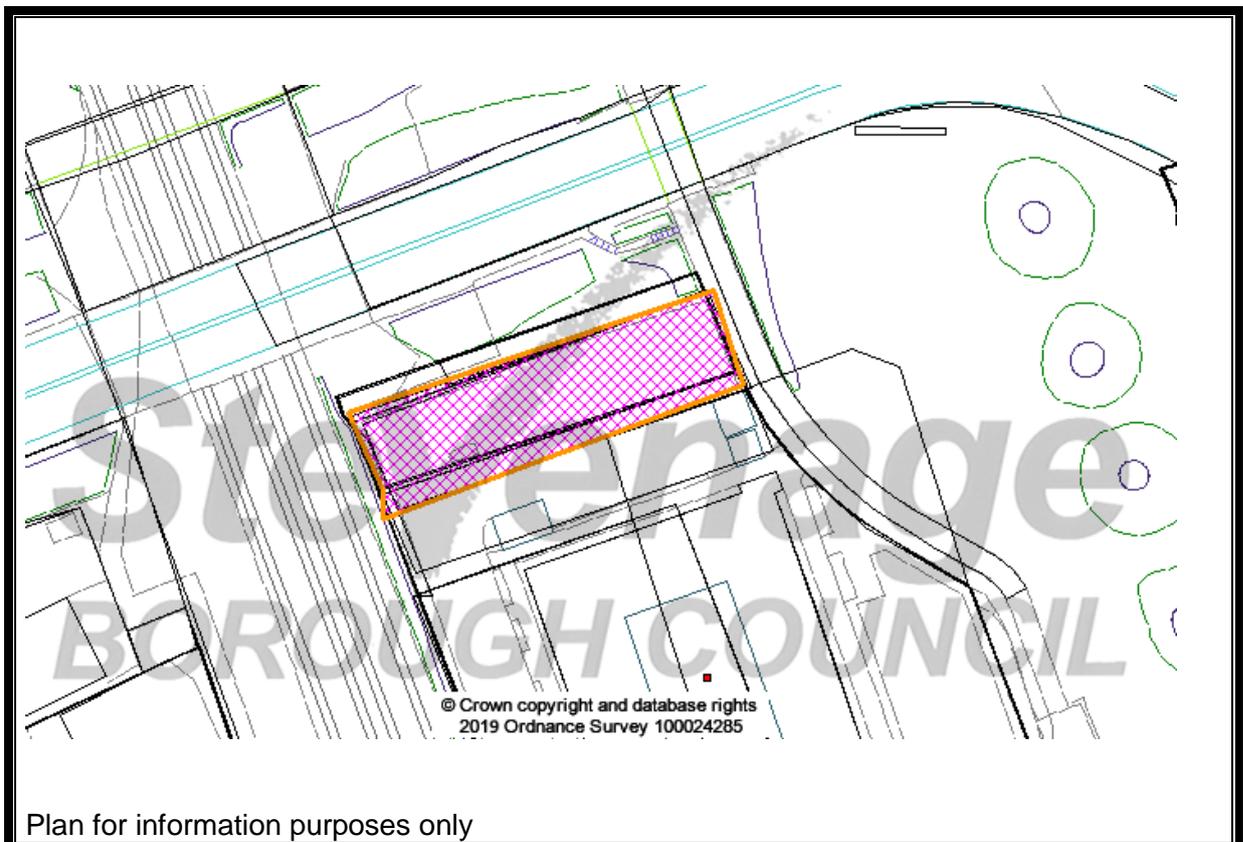


Meeting:	Planning and Development Committee	Agenda Item:
Date:	02 November 2021	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	21/00367/COND
Location:	Land at Six Hills House, London Road, Stevenage.
Proposal:	Discharge of conditions 11 (Construction Method Statement) and 18 (Site Waste Management) attached to planning permission references 16/00482/FPM and 20/00624/FPM.
Drawing Nos.:	SHW-HYD-ZZ-F1-DR-S-0900 Rev. P01; SHW-HYD-ZZ-ZZ-DR-S-0500 Rev. P01; 20-T057 01 rev B; SHS-HYD-CC-CC-DR-C-0110 P01; 119-4GA-37.
Applicant:	Westgold Developments Ltd
Date Valid:	8 April 2021
Recommendation:	DISCHARGE PLANNING CONDITIONS



1. SITE DESCRIPTION

- 1.1 The application site is located at the northern end of the Six Hills House site and is currently occupied by surface car parking. To the south of the application site is Six Hills House which is an existing part four storey, part eight storey building which has been converted into residential apartments. The external elevations of the building have been finished in white coloured render and strategically placed colour panels utilising a simple palette of materials in order to provide a contemporary design. Additionally, well-proportioned windows and door openings have been installed on the main building in order to maximise natural light. There are also Juliette balconies which are finished in either timber or tinted glass balustrades. The roof areas have been finished with single ply painted copper effect roof membrane with a décor profile. The existing building is surrounded by surface car parking which is punctuated by trees with new cycle and bin stores being erected.
- 1.2 To the north of the application site is Six Hills Way, beyond which is Stevenage Police Station. To the east of the application site is the Six Hills Common which is an established Wildlife Site and comprises the Six Hills Mounds which is classed as a Scheduled Ancient Monument. Beyond the common is Asda supermarket and the North Hertfordshire College Campus. To the south of the application site is Kings Court which is a five storey office building with residential properties to the east of this office block which front London Road. To the west of the application site is the East Coast railway line with Gunnels Wood Employment Area beyond.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application reference 2/0131/80 sought permission for an office development. Permission was granted in June 1980.
- 2.2 Planning application reference 2/0342/80 sought permission for car parking and landscaping ancillary to the office development. Permission was granted in November 1980.
- 2.3 Planning application reference 2/0099/85 sought permission for 36 additional car parking spaces. Permission was granted in May 1985.
- 2.4 Prior approval application reference 14/00328/CPA sought approval for change of use of office building (Use Class B1(a)) to Residential Dwellings (Use Class C3) comprising 52 no. one bedroom and 80 no. two bedroom flats. This application was granted in August 2014.
- 2.5 Planning application reference 14/00639/FPM sought permission for the construction of 17no. three bed and 1no. two bed duplex units on roof area of floors 3 and 8, including external alterations to existing building and construction of refuse and cycle storage, pumping housing and new sub-station. The proposal also comprised of alterations to existing car parking layout incorporating additional landscaping and a new footpath/cycleway. This application was withdrawn in August 2016.
- 2.6 Planning application reference 15/00078/FP sought permission for the erection of 4no. bin and bicycle stores, 1 no. sub-station and 1 no. pumping station. This application was granted in April 2015.
- 2.7 Prior approval application reference 15/00225/CPA sought approval for the change of use of commercial roof top plant enclosures (Class B1) to 15no. residential apartments (Class C3). This application was granted planning permission in June 2015.
- 2.8 Planning application reference 15/00293/FP sought permission for the erection of a 4 storey lift enclosure alongside existing stair tower and external alterations to existing building. This application was granted planning permission in July 2015.

- 2.9 Prior approval application reference 15/00483/CPA sought prior approval for the change of use of the office building (Use Class B1(a)) to Residential dwellings (Use Class C3) comprising 128 no. one, two and three bedroom apartments. This application was granted planning permission in October 2015.
- 2.10 Discharge of condition application 15/00708/COND sought partial discharge of condition 3 (Archaeology) attached to planning permission reference 15/00078/FP. The application was discharged in March 2016.
- 2.11 Application 16/00250/NMA sought a non-material amendment to planning permission 15/00078/FP to relocate and increase the size of substation, amend the size and adjust positions of the bin store, increase in size and relocation of pumping station and amendment to the cycle canopy design. The Non-material amendment was agreed in May 2016.
- 2.12 Discharge of condition application 16/00252/COND sought to discharge condition 7 (Tree protection) attached to planning permission reference 15/00078/FP. A response to the discharge of condition was issued in June 2016.
- 2.13 Planning application 16/00482/FPM sought permission for the erection of an 8 storey residential building comprising No. 17 one bedroom residential units, No. 34 two bedroom units, No. 13 three bedroom units and associated access. This application was granted planning permission in December 2017.
- 2.14 Section 106 Deed of Variation application 18/00515/S106 to vary "Contribution Trigger Event" under Section 1 and additional mortgagee clause imposed to Section 2 of the S.106 Agreement (dated 6 December 2017) approved under planning application 16/00482/FPM. The S.106 Deed of Variation was granted and issued in May 2019.
- 2.15 Discharge of condition application 20/00359/COND sought to discharge condition 3 (Samples of Materials) and 4 (Hard and Soft Landscaping) attached to planning permission reference 16/00482/FPM. The conditions were discharged in August 2020.
- 2.16 Non material amendment application 20/00627/NMA sought a non-material amendment to planning approval 16/00482/FPM to increase the overall height of the building by 682mm. The Non-material amendment was agreed in November 2020.
- 2.17 Planning application 20/00624/FPM seeks permission to vary condition 1 (Approved Drawings) and condition 6 (Car Parking) attached to planning permission 16/00482/FPM. This application was granted planning permission in October 2021.
- 2.18 Planning application 20/00625/FP seeks planning permission for the Installation of new fire escape route to be created from one of the two stair cores of the adjacent development approved under planning application 16/00482/FPM. The escape route is necessary as the stair core cannot discharge directly into the proposed car park. This application was granted planning permission in January 2021.
- 2.19 Non material amendment application 21/00564/NMA sought a non-material amendment to planning approval 16/00482/FPM to re-position brick work from the second floor to the first floor on the front elevation of the building. This application was approved in June 2021.
- 2.20 Discharge of condition application 21/01063/COND seeks to discharge condition 3 (root protection) attached to planning permission reference number 20/00625/FP. This application is pending consideration.

3. THE CURRENT APPLICATION

- 3.1 This application which comes before the Council seeks to discharge conditions 11 (Construction Method Statement) and 18 Site Waste Management Plan attached to planning permission 16/00482/FPM. In terms of timeframes for implementing this planning permission, the application would have expired in December 2020. However, under the provisions of the Business and Planning Act 2020 which was introduced due to the Coronavirus, an amendment to the Town and Country Planning Act 1990 (As amended) was made by Central Government. This amendment set out that where planning permissions were due to lapse between 19 August 2020 and 31 December 2020, these permissions were extended to 1 May 2021.
- 3.2 The applicant had commenced works on-site on the 29th April 2021 with works associated with the creation of new utility connections for the development. As such, planning permission 16/00482/FPM has been implemented before the 1 May 2021 deadline. Consequently, the planning permission remains live and has not lapsed for the purposes of this discharge of condition application. The aforementioned application was varied by planning permission 20/00624/FPM which was approved by the Council in October 2021. As some of the conditions had not been discharged, these were re-imposed on the new permission.
- 3.3 Turning back to the conditions at hand, for reference conditions 11 and 18 attached to permission 16/00482/FPM state the following:-

Condition 11 (Construction Method Statement)

No development shall take place until a construction method statement and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement and plan shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors;
- Routes for construction traffic;
- Hours of operation;
- Method of wheel cleaning to reduce the transfer of mud onto the highway;
- Pedestrian and cycle protection;
- The proposed methods of construction (including details of any excavation/buildings/piling/scaffolding which are located within 10m of the railway line and/or in close proximity to Thames Water assets);
- Risk assessment in relation to the railway;
- Arrangement and siting and construction compounds;
- Details on the screening or enclosure of plant and machinery;
- Details of dust control measures;
- Details of any vibro-compaction machinery which is to be used in development

REASON:- To safeguard the amenities of neighbouring properties, to protect the safety and operation of the highway network and the adjoining railway network.

Condition 18 (Site Waste Management)

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 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 construction of the development and to recycle all waste where possible.

3.4 This application comes before the Planning and Development Committee as it has been called-in by Councillor Tom Wren in conjunction with Councillor Adam Mitchell. The main reasons for the application to be called-in are due to the concerns around the impact on the historic Scheduled Ancient Monument Six Hills Burrows as well as the levels of public interest in this development.

4. PUBLIC REPRESENTATIONS

4.1 There is no statutory requirement under the Town and Country Planning (Development Management) Procedure Order 2015 to notify third parties on discharge of condition applications. However, since the application was submitted to the Council, 87 objections have been received from the following:-

- 8 Admiral Drive;
- 21 Balmoral Close;
- 48 Brent Court;
- 74 Briardale;
- 110 Broadoak Way;
- 32B Bucklebury;
- 17 Burghley Close;
- 1 Byron Close;
- 15 Cannix Close;
- 359 Canterbury Way;
- 97 Chertsey Rise;
- 15 Godfrey Close;
- 63 Gordian Way;
- 54 Halsey Drive;
- 17 Harefield;
- 21 Hertford Road;
- 16 Jackdaw Close;
- 74 Kilby Road;
- 84 Kilby Road;
- 90 Kilby Road;
- 9 Lammas Path;
- 66 Leaves Spring;
- Edgeley, London Road;
- Laurels, London Road;
- Lynn Cottage, London Road;
- The Bungalow, London Road;
- Peacehaven, London Road;
- Woodbine, London Road;
- 10 Oakfield;
- 3 Peartree Court;
- 15 Penn Road;
- 19 Pound Avenue;
- 351 Ripon Road;
- 51 Salisbury Road;
- 18 Shackledell;
- 38 Shephall Way;
- 54 Stanley Road;
- 70 Sterling Way;
- 149 Torquay Crescent;
- Flat 4, 26 Six Hills House;

- Numbers 101, 102, 103, 106, 204, 209, 309, 402, 501, 504, 505, 506, 509, 510, 610, 701, 704, 705, 803 West Terrace, Six Hills House;
- Number 801, Six Hills House;
- Numbers 110, 114, 201, 203, 205, 214, 215, 304, 305 East Terrace, Six Hills House;
- Flats 4, 8 Six Hills House;
- 3 Pollard Gardens, Vardon Road;
- 46 Rockingham Way;
- 28 Vista Tower;
- 4 Wensum Road;
- 34 Wildwood Lane;

4.2 Objections have also been raised by third parties from outside of Stevenage. These are listed as follows:-

- 64 Wolviston Road;
- 2 Hemploe Cottage, Welford;
- 53 Trinity Road, Stotfold, Hitchin;
- Bonnacord, Westmill Road, Ware;
- 59 Home Crescent, Biggleswade;
- 21 Stonecroft, Biggleswade;
- 17 Oliver Court, Ware;
- 10 Clothall Corner, Baldock;
- 38 Templar Road, Cuttleslowe, Oxford;
- 48 Mount Way, Welwyn Garden City.

4.3 A summary of the objections raised are detailed as follows:-

- The construction works including construction traffic arrangement would pose significant safety issues to pedestrians (including young children) and cyclists, including those who use the route to get into town and train station;
- The proposed construction traffic arrangement is likely to result in a serious accident;
- The development would remove an area of green space for local residents to enjoy (utilised as an area of play) and provides relief for local residents during the Covid-19 pandemic;
- The development and associated construction works would cause significant harm to the common;
- The proposal does not indicate the restoration of the Common and the Scheduled Monument;
- Insufficient parking to serve both developments;
- The construction traffic would prejudice highway safety;
- The development poses a significant health and safety risk;
- The development will significantly harm air quality in the area;
- The development will have a detrimental impact on the Scheduled Ancient Monument Six Hills Burrows which is protected by law;
- The construction works and associated machinery would have a detrimental impact on the health of local residents;
- The development will destroy the towns history;
- The existing building is already a significant fire safety risk;
- The development would generate unacceptable levels of additional traffic;
- Lack of safety barriers being provided by the contractors;
- Lack of safe alternative routes for pedestrians and cyclists (including residents) to utilise during construction;
- The site has been secured by Heras fencing which is not considered secure and could, if it falls over, cause damage to the existing building, residents cars as well as pose a safety risk to the railway line;

- The development would have a detrimental impact on local residents;
- The Council must take into the consideration of local residents mental health due to the impact of the Covid-19 pandemic;
- The construction access point is a fire escape route for local residents living within Six Hills House, so it must be kept clear in case of a fire;
- The overall construction of the development (including the proposed construction vehicle) would impact on emergency vehicle access into Six Hills House;
- Construction works pose a significant fire safety risk to the existing building due to the existing flammable cladding;
- Construction works will cause ongoing maintenance issues with the existing building and there are concerns around site cleanliness;
- The developer is asking residents to give up some parking spaces for their contractors which is unacceptable;
- The developer has potentially broken GDPR rules as they have secured personal information of residents when communicating in writing with them regarding the use of parking spaces for contractors;
- No provision has been made for safe access of pedestrians (including children and disabled residents) and cyclists, including safe access to the existing cycle/footpath network outside Six Hills House (People will be forced to go through the barriered vehicle access);
- The contractor has not properly considered the impact of the development on the Six Hills Scheduled Ancient Monument;
- No provisions have been made to protect children;
- There is a lack of information around smoking workers and concerns around fire safety;
- The construction management plans fails to accord with Health and Safety regulations;
- The statement is not clear around loading/unloading and turning areas for lorries;
- The construction management plan does not adequately provide safe access and egress for disabled residents (including wheelchair users);
- The proposed night closures of the road serving the development site is unacceptable as it would restrict access for people who work shifts and will have nowhere to park;
- The construction works would generate unacceptable levels of dust and will cause a significant nuisance to local residents;
- The development works would have a significant impact on local wildlife;
- The Council should be rejecting this application and wider development of the site;
- Significant concerns in terms of overlooking and loss of privacy;
- The development would have a detrimental impact on the quality of life of local residents;
- There is not sufficient space within the site for construction vehicles (including any cranes);
- There is no requirement for additional flats in Stevenage;
- The existing flats in the town are already unaffordable for local residents;
- Existing properties within the Borough of Stevenage should be refurbished to deliver flats;
- Contractors utilising the existing car park would cause significant disruption to local residents;
- The use of the existing car park could potentially result in damage being caused to local residents vehicles;
- The local residents have not been consulted on this development;
- Local infrastructure (including doctors and water services) cannot accommodate this development;
- Overdevelopment of the site;
- The existing building is under active review to replace flammable cladding so priority should be given to contractors to replace this cladding;
- The replacement of the existing cladding is essential to the safety of local residents as they are significantly hindered financially with the use of unsafe cladding;

- Re-routing the cycle track would cause significant disruption to local residents;
- Countryside is being lost by development for commuters along with blocks of flats being constructed in the town, they are detrimental to the town;
- There is insufficient parking within the site to accommodate the contractors, especially around this part of the town in general so vehicles are likely to park on the Common/Scheduled Monument site;
- Contractor vehicles will cause severe damage to the roads in the area;
- The barriered vehicle access is not a safe or acceptable entrance for pedestrians;
- The planning agents continue to fail to consider the concerns of residents including safe access points for residents which the Construction Management Plan still fails to consider;
- There is no space within the site for the developer to provide alternative safe access for residents during construction;
- The Council should review CDM 2015 and the complete lack of planning for residents in Six Hills House;
- The Council agreed to consult local Cycling UK on planning applications to ensure that suitable cycle parking provision is provided. The diversion of the cycle track is completely unacceptable to local cyclists and will inevitably lead to cyclists continuing to use the road;
- The developer is not looking to re-invest in the local community;
- It should be the Council developing of the application site to deliver affordable properties or Council rented properties;
- The town is losing its identity and heritage from all the development taking place;
- Unacceptable loss of trees;
- The Council should block development of this site;
- The existing and proposed use of heras fencing is unsafe and poses a safety risk as well;
- The contractors have not provided sufficient details to restore the green once works have been completed;
- The development should never have been granted planning permission by the Council;
- The development needs its own private access and should not be utilising the existing sites access;
- Has the Council sought specialist advice following comments from Historic England;
- The Council would be in dereliction of its legal duty if it fails to protect the historic mounds;
- The Planning officers would not even wish to live in the area if the development was to ahead;
- It is hard to comprehend how the Council can justify that the development can deliver any additional public benefit (paragraph 196 of the NPPF) in order to approve works on the common;
- Herts Highways have considered the reduced parking for the site to be acceptable; it is naive to believe that 64 flats that 25 of these will have a car. By approving the reduction in parking and not enforcing appropriate parking availability to residents, the Council are creating additional congestion in other areas of Stevenage.

4.4 The aforementioned is not a verbatim copy of the comments which have been received. A full copy of these comments can be found on the Council's website.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

- 5.1.1 It can be confirmed that the details submitted meet the reasons and purposes for the condition stated. Therefore, the requirements to the discharge of condition 11 (Construction Method Statement) and 18 (Site Waste Management) attached to planning permission 16/00482/FPM is acceptable.
- 5.1.2 The erection of any directional signs or permission for any crane to overhang the highway would need written approval of the Highway Authority for the location shown. The signs would need to be sent to the Network Management Team for their approval.

Comments received 19th August 2021

- 5.1.3 The Highways authority cannot confirm the requirements to the discharge of condition 11 (Construction Method Statement) and 18 (Site Waste Management) attached to planning permission 16/00482/FPM is acceptable. Although a S278 application has been submitted for the temporary construction access into the site, the developer would need to provide a title plan or permission to work on these areas of disturbance that are outside of the land in control of the highway authority. A Technically Approved S278 agreement is required to work on the highway / cycleway once this has been approved by the HCC implementation Team or which the discharge of condition would be reviewed.

Comments received 15th October 2021

- 5.1.4 Following the receipt of additional information from the Council, it can be confirmed that the requirement to the discharge of condition 11 (Construction Method Statement) and 18 (Site Waste Management) is acceptable in highway terms.
- 5.1.5 Once the above Application has been determined the Decision Notice would need to be submitted to HCC for the temporary works required for access along the Cycleway (public highway) into the site, HCC has noted that the developer has the necessary title or permission to work on the areas of disturbance that is outside of the land in control of the highway authority.

5.2 Hertfordshire County Council Minerals and Waste

Comments received 04th May 2021

- 5.2.1 Following a review of the documents submitted with the application, it is noted that the information on the SWMP has been set out within the Construction Management Plan (CMP). Chapter 7.0 of the CMP includes a commitment to developing a SWMP and sets out what information it will include.
- 5.2.2 ON page 37 of the CMP, it is stated that the '*Development of the Site Waste Management Plan (SWMP) will include appointment of a person or 'Waste Champion' to take responsibility of the SWMP, identify waste arisings and disposal routes through a pre-build audit and forecasting and prioritising waste production*'. It looks like it is still early days in terms of the production of a SWMP and therefore, there is not much to comment on at this stage/it's hard to discharge the SWMP condition. The information provided to date by the developer is really useful, but, usually Minerals and Waste require some additional information (usually a draft SWMP filled out as far as possible) in order to discharge a SWMP condition.

- 5.2.3 The applicant could submit a SWMP as an additional appendix to the CMP. It is noted that a lot of the information will not be known at this stage, but if they can fill it out as far as possible. [Officer Note – Hertfordshire County Council (HCC) Minerals and Waste provided templates for the applicant to consider].

Comments received 06th May 2021

- 5.2.4 Further to the additional information submitted, the requirements of the condition have been met and recommend the discharge of the condition.

5.3 Hertfordshire County Council Archaeology

Comments received 24th June 2021

- 5.3.1 The initial permission (16/00482/FPM) included construction of a residential building on an existing car park to the north-east. This car park was archaeologically evaluated and appeared to contain disturbed ground and no heritage assets of significance.
- 5.3.2 The construction management plan will include a temporary access route. Either this or a diverted cycle path will pass very close to the Six Hills Scheduled Monument as well as across the grassed area in front of it. This is in addition to the consented plans.
- 5.3.3 HCC are not clear as to what is exactly being proposed, if the new route is for cycles or lorries and whether the existing route is capable of bearing the load since it is a cycle path. Therefore, this existing route maybe a superficial construction and have the potential to contain heritage assets below it. This should be confirmed and the existing route may need archaeological evaluation prior to the construction management plan being approved.
- 5.3.4 In any case areas of any new ground impact, or increased impact should be archaeologically evaluated prior to approval of this construction plan. The site is very close to and in places immediately adjacent to a Scheduled Monument with national significance. The NPPF footnote 63 says: *“Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets”*.
- 5.3.5 The Historic Environmental Record (HER) notes that the area where the new route is proposed was part of the much larger Sixpenny Common or Six Borough Common (a version of Six Barrows) and recorded since the early 16th century (HER12550).
- 5.3.6 The route of the old A1 to the south of the Scheduled Monument and this may have caused some disturbance. Equally it is possible the route of a Roman or medieval road, evidence on which may have been observed further to the north in Stevenage (HER 10565). Archaeological evaluation should aim to confirm this and the survival and significance of any heritage assets.

Comments received 30th June 2021

- 5.3.7 HCC discussed the proposal and the issues raised in the previous advice. The applicant proposed some rubber matting be put down which they said would protect any archaeological remains. HCC would need evidence that this will be effective and also do not know the nature of any archaeological remains (if any) is present.
- 5.3.8 Therefore, HCC agreed that a WSI should be submitted which would include proposals for some test pitting and/or archaeological trenches so that HCC have some information regarding any archaeological remains which may be present and determine the likely impact of the proposal on them. Depending on the results, HCC would then be able to

amend the plans to protect the archaeology, mitigate the damage or carry on as per the submitted plans.

[Officer Note:- Whilst a consultation was issued to the Archaeologist on the 12th August 2021 and following chase up emails, to date no comments have been received on the applicants Archaeology Report and WSI by HCC. However, if comments are received by the day of the Committee, these comments will be report to the Committee accordingly].

5.4 Herfordshire County Council Fire and Rescue

- 5.4.1 It is expected that Herts Fire and Rescue access to the dry risers to be unaffected. It shows them on each corner so would expect the normal access requirements found in ADB, which is that we should be able to park within 18m of the inlets.
- 5.4.2 Any storage or building along access routes would need to ensure that both the appliances and aerial platform can get past; this is also the same for any turning facilities. As per the approved building documents an appliance should not be required to reverse more than 20m. On the plans submitted it would appear that the 'red area' with the crane in would be where we could normally turn and this could be affected.
- 5.4.3 If the build does go ahead it would probably be useful for all the relevant teams to involve the station and ensure they are aware of any adjustments in the access of the building.

5.5 Network Rail

- 5.5.1 It can be confirmed that Network Rail have no further comments to make and no objection to the discharge of conditions.

5.6.1 Herts and Middlesex Wildlife Trust

Comments received 6th May 2021

- 5.6.1 The area of land identified for the potential construction access would involve damage and potential partial destruction of Local Wildlife Site 29/042. NPPF states:

'174. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;'

- 5.6.2 The loss or damage of any portion of the local wildlife site would constitute a significant harm to biodiversity. The Stevenage local plan states:

'Policy SP12: Green Infrastructure and the natural environment

The green infrastructure, natural environment and landscape of Stevenage will be protected, enhanced and managed,.... We will:

- a. Create, protect and enhance key areas of open space and biodiversity value including:
- ii. locally important wildlife sites

e. Only grant planning permission if an adequate assessment of priority habitats and species has been undertaken. Any identified impact on these habitats and/or species will need to be avoided, mitigated or compensated.'

5.6.3 In accordance with the local plan and NPPF, the applicant will need to submit an ecological report that demonstrates how the proposal would be capable of being compliant with both these documents. The report must also be compliant with 'The impact of development on Biodiversity SPD'. In accordance with the SPD, the proposal must show that it can provide a biodiversity net gain of 10%.

5.6.4 If the applicant cannot do this, the condition cannot be discharged.

Comments received 18th October 2021

5.6.5 Herts and Middlesex Wildlife Trust (HMWT) has been in correspondence with the applicants Ecological Consultant, it is confirmed that the mitigation measures and management plan which have been put forward are agreed.

Comments received 19th October 2021

5.6.6 From HMWTs perspective, the latest information submitted by the Ecological Consultant is sufficient to enable the ecological considerations of condition 11 to be discharged. If followed, it provides a process by which the temporary negative impacts on the LWS can be mitigated and compensated so that an acceptable net gain can be achieved on site.

5.7 Historic England

Comments received 20th May 2021

Significance of the historic asset

5.7.1 The application site is located immediately to the west of the scheduled monument known as 'The Six Hills Roman barrows. In terms of the National Planning Policy Framework the site of the priory is a designated heritage asset, and as such has high associated heritage significance. There is high evidential and historical value in this asset and archaeological remains will be preserved that provide important information about the site.

5.7.2 There is also high potential for encountering non-designated assets at this location, as the line of the proposed access road is on (or close to) the line of a major Roman Road, Ermine Street. The burial mounds were situated in a line along the east side of the road. In addition, the area of green space is also protected as common land. This is the historic common known as Six Hills Common (CL 262).

Impact of the significance of the historic environment

5.7.3 The current application includes the creation of a proposed new access road, currently a cycle path, and a turning circle for construction vehicles, as well as a proposed diversion of the cycle path. These proposed works lie within the setting of, and the proposed diversion of the cycle path, which extends to the edge of the scheduled monument.

5.7.4 Any development or changes at the application site have the potential to affect the setting of the monument and cause harm to its significance. The proposals will result in an increase in hard landscaping in the vicinity of the scheduled monument, which is historic common, and it will result in the presence of vehicles in closer proximity to the monument.

5.7.5 The proposed position of the cycle path has potential to impact on the scheduled monument through the disturbance and loss of buried archaeological remains. There is also

potential for associated non-designated buried archaeological remains lying beyond the scheduled area to be affected by the proposed development.

Legislative and Policy Context

a) The Ancient Monuments and Archaeological Areas Act 1979 (as amended).

- 5.7.6 Scheduled monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979 (as amended). Paragraph 20 of The Department of Digital, Culture, Media and Sport policy statement on Scheduled Monuments (2013) states that for, 'works proposed for development-, conservation- or presentation-related purposes, the Secretary of State has particular regard to the following principles ... in cases that would lead to less than substantial harm to the significance of a Scheduled Monument the harm will be weighed against the public benefits of the proposal'.
- 5.7.7 Any groundworks within the scheduled monument will require an application for Scheduled Monument Consent and any proposals will need to demonstrate public benefit.

b) The National Planning Policy Framework (NPPF)

- 5.7.8 Heritage assets, including scheduled monuments, are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' (NPPF paragraph 189).
- 5.7.9 Paragraph 194 of the NPPF establishes that 'local planning authorities should require an applicant to describe the significance of any heritage assets affected' at a level of detail proportionate to the assets' importance and through consultation of the relevant historic environment record and the use of appropriate expertise'.
- 5.7.10 The NPPF goes on to state in paragraph 195 that, 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal' and 'take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.
- 5.7.11 When considering the impact of a proposed development upon the significance of scheduled monuments, NPPF paragraph 199 requires great weight to be given to the monument's conservation. As NPPF paragraph 200 sets out, any harm to the significance of a scheduled monument, including from development within its setting, requires clear and convincing justification irrespective of the level of potential harm.

c) The Commons Act

- 5.7.12 In accordance with Section 16 of the Commons Act 2006, the owner of any land registered as common land may apply to the appropriate national authority for the land ("the release land") to cease to be so registered. Section 38 of the Commons Act 2006 states that restricted works on common land are prohibited without consent. In determining an application for works under Section 38. The criteria for determining an application for works are set out in Section 39 of the Commons Act 2006. These criteria include public interest in:

(2b) the conservation of the landscape

(2c) the protection of archaeological remains and features of historic interest.

Historic England Advice

- 5.7.13 The policy tests in the NPPF for the historic environment state that, when deciding whether or not to grant planning permission, the Council will need to have considered two main elements - whether the scheme can justify the harm to the significance of the designated heritage asset (paragraphs 199 and 200) and whether the application can deliver any additional public benefit (paragraph 202).
- 5.7.14 In relation to justification, this is a matter for the Council to consider with reference to the submission, and with reference to local and national planning policies and local planning need. We acknowledge the scheduled monument is surrounded by roads and buildings. Historic England has concerns on heritage grounds, however, about the impact of the current scheme. This is because of the sensitivity of the area and the close proximity to the scheduled monument, 'The Six Hills Roman barrows'. Any archaeological remains within the scheduled monument are statutorily protected and of national importance and as NPPF paragraph 200 states, any harm to the significance of a scheduled monument, including from development within its setting, requires clear and convincing justification irrespective of the level of potential harm.
- 5.7.15 In our view, the current proposals will result in harm to the significance of the adjacent monument. We consider the harm would be less than substantial in nature but of a relatively high degree. This is because of the high value and importance of the scheduled monument, its designated status and the relatively intact nature of the surviving remains.
- 5.7.16 We have no objection in principle to the construction of the new access road. However, we have serious concerns about the siting of the turning circle close to the scheduled monument and within the historic common. We also have serious concerns about the proposed diversion of cycle path to the edge of the scheduled monument. These will result in a further erosion of the setting of the scheduled monument.
- 5.7.17 We would recommend that the proposed turning circle is removed from the scheme and the cycle path should be positioned alongside the new access road, i.e. set back further from the edge of the scheduled monument. This will reduce the impact, and thus harm, of the development on the significance of the scheduled monument. With regards to the case for public benefit for the historic environment, we consider this could be delivered by improved management of the scheduled monument and improvements in the interpretation of the monument, designed to improve public perception of the scheduled monument.

Recommendation

- 5.7.18 Historic England has concerns regarding aspects of this application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF.
- 5.7.19 We have serious concerns about the proposal to create a new turning circle in the historic common adjacent to the scheduled monument, and the proposal to divert the cycle path alongside the boundary to the scheduled monument. We consider the harm would be less than substantial in nature but of a relatively high degree. We would welcome proposals for public benefit, which would enhance the management and presentation of the scheduled monument. We would be pleased to provide further advice about possible options.
- 5.7.20 The Local Planning Authority's historic environment adviser takes the lead in advising on the identification, assessment and scope for mitigation on non-designated buried archaeological remains. In addition, the applicant should be aware that any groundworks for the proposed cycle path diversion that extend into, or along the boundary of, the scheduled monument will require Scheduled Monument Consent and any proposals will need to demonstrate public benefit. The applicant should be also aware that an application will be

required under Section 16 of The Commons Act 2006 in order to deregister that part of Six Hills common where the works are proposed.

Comments received 13th August 2021

- 5.7.21 On the basis of the further information (Archaeological Method Statement and Written Scheme of Investigation (WSI) for a Watching Brief, Icen Archaeology, August 2021), Historic England are satisfied that the significance of the scheduled monument known as 'The Six Hills Roman Barrows' (List Entry Number 1015579) will not be harmed by the temporary construction works. Historic England do not wish to offer any further comments.

5.8 Council's Conservation and Historic Advisor

Comments received 21st June 2021

- 5.8.1 Six Hills House is located to the west of a group of six Roman burial mounds known as 'The Six Hills', they give their name to the adjacent Six Hills House and Six Hills Way. The Six Hills have been designated a Scheduled Ancient Monument and their significance was formally recognised as early as 1923, they are of national importance and under the NPPF are a 'designated heritage asset'. They are of particular importance as the largest surviving group of Roman burial mounds (barrows) in England. Part of the scheduling description is given below:

'The Six Hills' are impressive earthwork features and form the largest surviving group of burial mounds dating to the Roman period in England. Although a degree of landscaping has infilled the quarry ditches and levelled the outer banks, evidence for these will survive beneath the present ground surface. Antiquarian excavations have diverted five of the six mounds, but this disturbance is limited and significant archaeological deposits, including human remains with funerary assemblages will survive, providing valuable evidence for the dates of the mounds, the method of construction and the religious beliefs of the builders. The fills of the buried ditches and the old ground surfaces beneath the mounds will retain environmental information which will illustrate the nature of the landscape in which the monument was set.

The Six Hills stand within the area of common land and are easily accessible to the public and visible from the adjacent highways, providing a striking and valued recreational and educational amenity in the centre of the new town of Stevenage'.

- 5.8.2 The Six Hills stand alongside London Road and are a well-known landmark, their position within an area of grassland helps to preserve their setting despite it having changed markedly since the creation of Stevenage's new town, its associated road network and nearby development.
- 5.8.3 As part of the proposed residential development to the north of Six Hills House a new temporary site access road with turning point is to be created to the east of Six Hills House and the cycle path re-routed very close to the Scheduled Ancient Monument. The re-routed cycle path will run close to the Scheduled Ancient Monument and cumulatively, the road, turning point and cycle path will have a detrimental visual impact upon the setting of the Six Hills, resulting in harm to the significance of this designated heritage asset.
- 5.8.4 The Conservation Advisor sets out that they cannot comment on whether the proposals will impact upon any existing below ground archaeology, although, they advise that the proposed creation of a road to be used by heavy good vehicles / cycle track certainly has potential to. Excavating or levelling the ground in this area to create the access road / cycle path could be harmful to archaeological deposits / remaining ditch or other features, for example. It is recommended expert advice from the Herts Historic Environment Team is sought prior to any decision being made.

- 5.8.5 NPPF paragraph 199 states that: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 5.8.6 NPPF paragraph 200 advises: *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.*
- 5.8.7 NPPF paragraph 202 states that: *Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
- 5.8.8 In summary, the creation of the temporary construction site access and re-routing of the cycle path will visually result in 'less than substantial' harm to the significance of the Six Hills Scheduled Ancient Monument, through development within its setting. Further details of how the access road / cycle path are to be created would be useful to assess any physical impact upon this area of land directly adjacent to the Six Hills Scheduled Ancient Monument.
- 5.8.9 The Conservation Advisor recommends the Council, as decision maker, weigh up the harm identified to the significance of the Six Hills Scheduled Ancient Monument against any public benefits that may arise from this. If the proposals are to be granted, clear public benefits will be required.

Comments received 16th August 2021

- 5.8.10 Further to initial consultation advice provided on 18th June, further information has been submitted in support of the discharge of condition in the form of an Archaeological Method Statement and a Written Scheme of Investigation for a Watching Brief.
- 5.8.11 To reduce any potential impact to the scheduled monument and its immediate setting, the temporary access road has been moved further west and the vehicle turning point reduced in size. This, along with the archaeological monitoring (as per the submitted WSI by Icen Archaeology) will ensure the significance of the Six Hills Roman Barrows is preserved during the temporary construction works.
- 5.8.12 Recommend conditions 11 and 18 are discharged.

5.9 Council's Arboricultural Manager

- 5.9.1 Following a review of the proposals, it can be confirmed that there is no objection from an Arboriculture View Point.

5.10 Council's Environmental Health Section

- 5.10.1 Following a review of the information provided, it is confirmed that the CMP is acceptable, providing the conditions are followed as written.

5.11 Council's Parks and Amenities Section (SDS)

Comments received 05th May 2021

- 5.11.1 The area looks to be roughly around where the Parks and Amenities Section have drawn a blue square on a plan showing the extent of the Common, as provided by Legal. It is believed from conversations, the area of land between the Common land strip and the cycle track is owned by the HCA, who referred back to the Council.
- 5.11.2 In previous discussions, the developer had “...redesigned the temporary construction vehicle route to ensure that the footway/cycleway does not pass onto the Six Hills Common land” – However, when comparing against the plans, this doesn't appear to be entirely true as the temporary route seems to pass slightly onto some of the red shaded area (Common Land), although the Parks Section could be wrong.
- 5.11.3 As previously advised to the developer, Common Land is highly protected, rigorously guarded and riddled with all sorts of legal & historical complications. Apart from a few exceptions, generally any works on Common Land need approval from the Secretary of State (Planning Inspectorate) <https://www.gov.uk/government/collections/common-land-guidance> as well as our own approval (as land owner) and may also need to check on any restrictive covenants on the land (the Church Commissioners have a covenant over most of our Commons).
- 5.11.4 Despite being temporary, the Parks Section will need to be confident that the developer will not cause any damage (e.g. driving, dumping soil, etc) to the surrounding Common Land as a result of their works (either directly or indirectly), mounds etc and there cannot generally be a restriction of access to the Common.
- 5.11.5 Does the developer have a proposal that shows:
1. The proposed route does not encroach onto the Common– might need to conduct a survey. If it does, they and/or we need to see that they've been through all the correct procedures and processes to ensure the works are permitted (Legally).
 2. How they plan to manage the works and so as not impact on the surrounding Common Land, the Barrows, wildlife etc
 3. A timescale for the works including reinstatement
 4. Their plan and approach to reinstatement, including the liability for any establishment defects.
- 5.11.6 The Parks and Amenities Section does manage Six Hill Common as an area of grassland meadow as per the Biodiversity Action Plan. It is believed there have been some county rare species identified and we'd look to ensure that any works would not affect this. The other map below (the coloured one) shows the area we maintain as meadow. It seems the area for the proposed temporary works fall mostly outside of this. HMWT may be able to help advise what can be done to help reduce any potential impact and perhaps even improve, upon reinstatement. The Parks Section is also mindful that there is an area of woodland / scrub on the northern part of the site but it's not clear if these works will look to impact this area until we know a bit more about their approach.
- 5.11.7 In terms of the heritage / archaeological element, Historic England may be able to advise . Initially the works look to be located some way away from the mounds themselves.

Comments received 20th October 2021

- 5.11.8 Given the work which has been put into this application by the Green Space Officer in correspondence with the applicant's Ecological Consultant, the view of Officers from

planning officers in terms of planning as well as HMWT agreement, the Council's Parks Team agree to the mitigation measures.

[Officer Note:- There have been extensive negotiations between the applicant and the Council's and Amenities Section following the appointment of an ecologist. This has resulted in the preparation of an Ecological Management Plan which was prepared in consultation with Herts and Middlesex Wildlife Trust.]

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 July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

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 (Adopted 2019)

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable Development in Stevenage;
Policy SP11: Climate Change, Flooding and Pollution;
Policy SP12: Green infrastructure and the natural environment;
Policy SP13: The historic environment;
Policy IT5: Parking and Access;
Policy FP7: Pollution;
Policy NH2: Local Wild Life Site
Policy NH5: Trees and woodland;
Policy NH6: General protection for open space;
Policy NH9: Areas of archaeological significance.

6.5 Supplementary Planning Document

The impact of development on Biodiversity SPD (2021).

7. APPRAISAL

7.1 Condition 11 (Construction Method Statement)

7.1.1 Accompanying this application with regards to the Construction Method Statement, the applicant has submitted the following:-

- Construction Management Plan (Prepared by Vascroft Contractors Ltd dated 24 March 2021);
- Construction Methodology (Prepared by Hydrock);
- Foundations Arrangement (Drawing No. SHW-HYD-ZZ-F1-DR-S-0900 Rev. P01);
- 3D Model of Foundations (Drawing No. SHW-HYD-ZZ-ZZ-DR-S-0500 Rev. P01);
- Site Logistics Document prepared by Vascroft Contractors Ltd (dated 12 May 2021);
- Archaeological Method Statement and Written Scheme of Investigation (WSI) for a Watching Brief (Prepared by Icení, dated 10th August 2021);
- Ecological Management Report – Ecological Management Plan (Prepared by Tim Moya Associated, report reference 210618-ED-02, dated October 2021);
- Preliminary Ecological Appraisal including: Extended Phase 1 Habitat Assessment (Prepared by Tim Moya Associated, report reference 210618-ED-01);
- Potential Construction Access (Drawing No. 20-T057 01 rev B);
- Temporary Construction Access (Drawing No. SHS-HYD-CC-CC-DR-C-0110 Revision P01);
- Proposed Site Plan (Drawing No. 119-4GA-37).

7.1.2 The main issues for consideration with respect to the Construction Method Statement are highway implications, impact on the railway line, impact on residential amenity, impact on the wildlife site, impact on the common, impact on the site of archaeological importance, impact on the scheduled ancient monument, fire safety, trees, impact on the environment and impact on the open space.

Highway implications

7.1.3 Paragraph 111 of the National Planning Policy Framework (2021) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 112 of the Framework sets out that application(s) for development should, which is of relevance to this application:

- Give priority to pedestrian and cycle movements;
- Create places that are safe, secure and attractive, which minimise the scope of conflict between pedestrians, cyclists and vehicles;
- Address the needs of people with disabilities;
- Allow for efficient delivery of goods, and access by service and emergency vehicles.

7.1.4 The residential development, as approved by the Council as Local Planning Authority, is located at the northern end of the existing Six Hills House site. As a consequence of this, the only way large construction vehicles (e.g. HGV's) can access this part of the site would be through the existing surface car park. Given this car parking area currently serves the residents who reside within Six Hills House, this could potentially result in a significant safety issue.

- 7.1.5 In order to overcome the aforementioned, the applicant is looking to construct a temporary access road along the existing cycle and pedestrian route which runs along the eastern boundary of the Six Hills House site. This would involve the creation, at the southern end, of a 2.4m wide shared cycle and pedestrian route with the hedge cut back (not removed) in order to create sufficient width. Adjacent to the shared cycle and pedestrian route would be the proposed construction access route which would measure approximately 3.7m in width.
- 7.1.6 Located between the construction vehicle access and the shared cycle/pedestrian route would be the provision of safety hoarding / fencing. This is to ensure that there is no conflict between pedestrians, cyclists and vehicles. Located between the main site access / proposed site compound and this shared surface area for pedestrians and cyclists, there would be provision of mobile barriers. These mobile barriers would be operated by on-site traffic marshals'. The vehicle holding area then widens to 4m and would be enclosed by hoarding, with the shared pedestrian and cycle area widened to 3m and would run to the left hand side of the vehicle holding area.
- 7.1.7 Just to the north of the vehicle holding area would be the site compound including offices and welfare facilities. The steps which run up to Six Hills Way from the cycle track would have a minor diversion in order to allow continued access for pedestrians. The site offices would then be enclosed by secure hoarding. In terms of the existing pedestrian and cycle access for the Six Hills House development, this would be retained with the area managed by the Site Traffic Marshall.
- 7.1.8 The proposed vehicle access route also comprises a small turning area located centrally. This is in order to allow vehicles to safely manoeuvre on this road and exit onto Kings Road in a forward gear. The turning area has been positioned away from the shared pedestrian / cycle route to ensure there are no conflicts with users on this part of the public highway. In terms of the construction of the temporary access road and shared cycle/pedestrian route, these would be constructed to Highway Authority standards which would require approval under a Section 278 Agreement of the Highway Act 1980. In addition, these areas would be continued to be managed and maintained in accordance with any final agreement with HCC as Highway Authority.
- 7.1.9 Lorries that enter and exit the site via this access will have to adhere to limits within the site as specified in the CMP. The CMP sets out that all vehicles and collections will be required to be scheduled in with agreement with the contractor and they can only arrive on designated timeframes. This is in order to reduce the number of lorries visiting the site at any given time.
- 7.1.10 With regards to loading and unloading, none of this will take place on public roads (including the shared cycle and pedestrian route) with all such activities taking place within the site boundary as far as is reasonably practicable. This is again to ensure there are no conflicts with users of the public highway. In addition, the movement of vehicles will be controlled by Banksman (Traffic Marshal).
- 7.1.11 In terms of construction activities themselves and the use of plant and equipment, these will all take place within the confines of the application site. The site itself would be enclosed by 2.4m high site hoarding. In addition, due to the height of the proposed development, a static tower crane would be erected within the confines of the application site. With the relevant enclosures in place, there should not be any safety conflicts between pedestrians / cyclists and construction vehicles which operate on the site.

- 7.1.12 The applicant would also look to put in place wheel cleaning facilities which would be brushed or sprayed clean frequently. These would be positioned near site entrances with the soil arising being cleared off-site. This is in order to reduce the amount of soil transferring onto the public highway which could pose a safety issue. Where any mud is transferred onto the road, the applicant will use road sweepers as and when required.
- 7.1.13 With regards to construction traffic, the CTP sets out that there would be up to 4 rigid back vehicles which would visit the site on a daily basis (Within the hours specified in the 'Impact on Residential Amenity' section). Once the sub and superstructure works have been completed, during the fit out and finishing works, a maximum of 5 vans and a few lorries will deliver materials and remove waste. All vehicles will have to park within the site perimeter. The overall construction timeframe is approximately 75 calendar weeks.
- 7.1.14 In terms of parking, there would be limited parking on-site for construction personnel or visitors in the initial stage of construction. The CMP sets out that all site staff and personnel would be requested to use public transport due to the sustainable location of the site. In addition, there would be no parking on-site for workers, including suppliers and subcontractor employees. Subcontractors and suppliers will be required to take deliveries of materials during designated hours.
- 7.1.15 Following extensive negotiations with the Highway Authority, Hertfordshire County Council as Highway Authority has advised that they consider the Construction Management Plan and updated temporary vehicle access layout plans are deemed to be acceptable. In addition, they do not consider the proposed construction activities, including traffic and movement, would have a detrimental impact on the safety and operation of the highway network for all respective users. As such, the proposal would accord with the relevant policies set out in the NPPF (2021).

Impact on the railway line

- 7.1.16 The CMP has been drawn up to ensure that during the construction phases of development, it does not cause any issues with the ongoing operation of the railway network. Following consultation with Network Rail, they consider the CMP to be acceptable.

Impact on residential amenity

- 7.1.17 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Dealing specifically with noise, the Construction Management Plan (CMP) sets out the following working hours:-

- Monday to Friday – 08:00 to 18:00;
- Saturday – 08:00 to 13:00.

- 7.1.18 The CMP also stipulates that no work would be carried out on Sundays and Bank Holidays except for the delivery of awkward loads as there may be a requirement for part road closures and traffic diversions. The subcontractors will be instructed to ensure deliveries take place within the specified construction hours. There would be a half hour start-up period (07:30 and 08:00) to allow staff to arrive and prepare for construction works. However, the CMP is clear that no construction will be permitted before 08:00AM. In terms of audible reversing alarm, these will not be permitted outside of working hours, except where

approved by the relevant authorities in connection with permitted works or where required for over-riding safety purposes.

7.1.19 There may, however, be limited circumstances where different working hours may apply. The CMP sets out that these will be agreed between the contractor and the Council in advance. Applications for consents from the Council will occur at least in such as:

- Mobile crane setup for erection and dismantling of the tower crane;
- Night-time road closure work, setting up contra-flows;
- Utility diversion, in periods of low demand;
- Special plant deliveries – boring plant, piling rig, tower/mobile crane.

7.1.20 With respect to noise from audio equipment, radios (other than for two-way communication) and other audio equipment will not be allowed to operate on-site. In relation to the site enclosure, hoarding will be erected and this will be frequently inspected, repainted and repaired as necessary. The enclosure would also be a minimum of 2.4m height, constructed from plywood, timber boundary hoard, for security and noise attenuation in the vicinity of sensitive neighbours. Looking at noisy activities, piling and other potential noise activities will be restricted to daytime only (09:00 to 17:00) and construction activities scheduled to minimise noise. Plant will be used in an appropriate manner to minimise noise emissions. Noisy plant will be located as far as possible from sensitive receptors and screened or enclose noisy activities using acoustic barriers. The contractors will also put in place vibration control measures in order to mitigate the impact of construction works.

7.1.21 The site would not comprise any on-site accommodation which could potentially cause a nuisance. In addition, mess rooms, locker rooms and toilets will be provided away from the existing residential development at Six Hills House to limit the impact on residents.

7.1.22 In relation to site lighting, this is to be positioned and directed to ensure it does not cause a nuisance to local residents. Following consultation with the Council's Environmental Health Section, they consider the measures put in place would minimise the impact the construction works would have on the nearby occupiers of the dwellings within Six Hills House. Therefore, the proposed mitigation measures in order to limit the impact on nearby residents would accord with Policy FP7 of the adopted Local Plan (2021).

Impact on the Common

7.1.23 Section 16 of the Commons Act 2006 stipulates that the owner of any land registered as common land may apply to the appropriate national authority for the land ("the release land") to cease to be so registered. Section 38 of the Commons Act states that restricted works on common land are prohibited without consent. In determining an application for works under Section 38, the criteria for assessment is set out in Section. These criteria include public interest in:

- (2b) the conservation of the landscape;
- (2c) the protection of archaeological remains and features of historic interest.

7.1.24 Following extensive negotiations with the applicant, Historic England, HCC Archaeology and the Council's Parks and Amenities Section, the proposed temporary construction access only falls on part of the designated common land.

7.1.25 Where the proposal falls on land which is designated Common, the Planning Inspectorate (the body which determines consents for work on a Common) has advised that consent is not required for the resurfacing of a common with loose material (e.g. gravel, shingle,

crushed stone) so long as it does not impede or prevent public access or does not interfere with rights over the common, e.g. commoners' rights to graze livestock.

- 7.1.26 The proposed temporary construction access would be constructed from materials such as crushed stone/gravel along with the use of a EuroMat (ground protection mat for heavy goods vehicles) as recommended by Historic England. In addition, the temporary access has been designed, through negotiations with Historic England, to ensure that there are no restrictions in place which would restrict the ability of the local community in being able to gain access to the common.
- 7.1.27 Given the approach used for the construction of the temporary access route, the applicant will not require consent from the Planning Inspectorate. In terms of the Borough Council's agreement, the applicant is looking to secure a Licence from the Council's Parks and Amenities Section.
- 7.1.28 Turning to remediation works, this is considered in further detail in the 'Impact on the Wildlife Site, Ecology and Biodiversity' section of this report. However, the applicant is looking to make good the common land once the temporary construction access route is no longer required.

Impact on the Wildlife Site, Ecology and Biodiversity

- 7.1.29 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by the Government to demonstrate a net gain in biodiversity:
- i. Permitted development;
 - ii. Householder development, including extensions;
 - iii. Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
 - iv. Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
 - v. Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building
- 7.1.30 To the west of the application site is Six Hills Barrows. This area is designated under Policy NH2/27 as a Local Wildlife Site in the adopted Local Plan (2019). This area also forms part of Six Hills Common and the Six Hills Barrows which are a scheduled ancient monument. Given the close proximity of the Six Hills Barrow/Common/Wildlife Site to the development site, substantive concerns have been raised by local residents as to the detrimental impact this development and its associated construction works could have on this protected area.

- 7.1.31 In order to assess the potential impact of the proposed works on the local wildlife site, the applicant has undertaken a Phase 1 Habitat Survey to assess the potential for the site and adjoining habitats to have species that receive legal protection at either UK and/or European level. The survey comprised a desk top study from Hertfordshire Environmental Records Centre and from the multi-agency Geographical Information for the Countryside (MAGIC). A site survey was also undertaken which includes a Phase 1 Vegetation and Habitat Survey.
- 7.1.32 The survey identified a small broadleaved woodland outside the proposed work area with a moderate biodiversity value. With regards to the Six Hills Common Local Wildlife Site (LWS), it is noted that the proposed work area includes a small area of grassland which forms part of the common. The grassland within the area is closely mown and appears lusher than the wider Local Wildlife Site. The wider areas of unimproved grassland within a long sward (expanse of short grass), including knapweed, ragwort and common velvet grass. As such, the LWS is identified as having moderate biodiversity value. The remainder of the site includes hardstanding which is currently used as a cycle path and public footpath.
- 7.1.33 Turning to the presence of protected species, the Ecological Report identifies that the site is unsuitable for species such as great crested newts, reptiles and dormouse. With regards to bats, it is considered likely bats will forage or commute within the local area. However, the site is isolated and is adjacent to a well-lit road; as such it is unlikely to provide a key foraging or community habitat. The assessment also considered other protected species such as badgers, otters, water voles and white-clawed cray fish. Again, there are no suitable habitats within the site for these species. In terms of hedgehogs and stag beetles, the woodland habitat outside the work area provides a suitable habitat but is not due to be impacted by the proposal.
- 7.1.34 With regards to nesting birds, there are trees, shrubs and scrub outside of the area which is proposed to be used for the temporary construction access. The grassland area within the site area is short mown which does not offer suitable opportunities for nesting birds.
- 7.1.35 Given the aforementioned, the proposed location for the access track is considered to be of low ecological value. The area due to be impacted by the development comprises lush, closely mown grassland which does not appear to be managed for biodiversity, unlike the grassland to the east of the LWS which offers higher biodiversity value.
- 7.1.36 The proposed access road would therefore result in the temporary loss of the short mown grassland habitat. The areas around the LWS which are managed for ecological value, including the woodland and long grass sward are to be retained. However, the Ecological Report sets out measures to mitigate the impact of the development which are considered in more detail in the Ecological Management Plan. However, one key recommendation in this Report is in order to protect foraging and commuting bats. It has been recommended that there should be no increased light spillage on to suitable habitats, particularly the woodland and grassland, where bats are most likely to forage. As such, the contractor would need to adhere to the recommendations set out in this report with respect to managing external lighting associated with the construction.
- 7.1.37 Turning to the Ecological Management Plan (EMP) which accompanies this application, this document provides detailed measures of mitigation as identified in the Ecological Report. The proposed measures as detailed in the EMP are as follows:
- Heras fencing to be installed and maintained along the boundary of the access track;
 - Ground Protection Mats to be installed along the proposed access track route and turning circle to minimise the impact of soil compaction;
 - Tree protection areas and methods to be detailed by a suitably qualified arboricultural consultant.

7.1.38 The Management Plan also provides details for the ongoing management of the Wildlife Sites. These measures are detailed as follows:

- Increase the area of meadow habitat;
- Improve the condition of meadow swards by reducing the prevalence of rank grasses and increasing the wildflower component and species diversity;
- Maintain public access;
- Increase structural diversity by undertaking canopy thinning to encourage shrub, field and ground layer vegetation;
- Manage fallen and standing deadwood to maximise wildlife benefits;
- Provide a safer feeding space, which is more open to deter antisocial behaviour;
- Provide an interpretation board to increase community engagement;
- Provide wildlife boxes and enhancements within the site such as bird boxes, invertebrate boxes and log piles;
- Ragwort management with 75% of the site cleared of ragwort each year.

7.1.39 With regards to the remediation of the areas which would be affected by the temporary construction route, the applicant would also seed the areas affected in order to speed up the recovery. In addition, they also recommend removal of the second annual cut from the mound areas. In order to assess the effectiveness of mitigation and enhancement measures, which will be funded by the applicant, they would be responsible for the site management for the period of disruption caused by the access road and any required remedial works. In order to ensure the management plan is successfully managed, an ecological walkover will be undertaken at the following points:

- During the construction of the access track to confirm mitigation measures are correctly implemented;
- 1 year after removal of the access track and remedial works to confirm ecological mitigation measures have been successfully implemented;
- 5 years after remedial works to monitor the success of the ongoing management.

7.1.40 Following consultation with Herts and Middlesex Wildlife Trust, the measures to mitigate the impact of the temporary access on the local wildlife site is considered to be acceptable. In addition, the Council's Parks and Amenities Section has also agreed to the suggested mitigation measures. Consequently, the proposal accords with Policy NH2 of the adopted Local Plan (2019), the Council's Biodiversity SPD (2021) and the NPPF (2021).

Impact on the site of archaeological importance

7.1.41 The NPPF paragraph 194 states that "*In determining applications...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*".

7.1.42 Paragraph 195 notes that "*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal*".

7.1.43 Policy NH9: Areas of Archaeological Significance of the adopted Local Plan (2019) states that The Six Hills (NH9/2) is an area identified as being of archaeological significance. As such, where a development proposal affects such areas, or has the potential to affect important archaeological remains on adjoining sites, developers will be required to submit

the results of an archaeological field evaluation. The policy goes on to state that if in situ preservation of important archaeological remains is considered preferable, development proposals would be required to demonstrate how those remains will be preserved and incorporated into the layout of that development.

- 7.1.44 Policy NH9 then goes on to state, where in situ preservation of important archaeological remains is not feasible, planning conditions or obligations will ensure that appropriate and satisfactory provision is made for the investigation and recording of archaeological remains that will be damaged or lost before development commences and for the subsequent analysis and publication of results and, where appropriate, excavation. Where appropriate the management, enhancement and public presentation of archaeological remains and their setting will be sought.
- 7.1.45 In support of this application, the applicant has submitted an Archaeological Report. The report sets out that an Archaeological Desk Based Assessment was undertaken. In addition, as part of the overall methodology, data from the British Geological Survey (2021) as well as evidence from an archaeological evaluation undertaken in 2016 have been utilised to inform the mitigation measures detailed within the accompanying Archaeological Report.
- 7.1.46 However, before going into the mitigation measures, it is important to understand the history of the site which would further help to inform the mitigation measures which would be used. The Archaeological Report details that the earliest evidence recorded on the Hertfordshire Historic Environment Record (HER) within the study area relates to vague accounts of surface finds of Palaeolithic hand axes within the vicinity of the study area (1758, TL 240 240), although one hand axe was detailed as being discovered immediately to the east of Danestrete, c.650m to the north of the site (418, TL 2370 2430). From around 4000 BC the mobile hunter-gathering economy of the Mesolithic gradually gave way to a more settled agriculture-based subsistence. The pace of woodland clearance to create arable and pasture-based agricultural land varied regionally and locally, depending on a wide variety of climatic, topographic, social and other factors. The trend was one of a slow, but gradually increasing pace of forest clearance.
- 7.1.47 Aerial photographic analysis, as set out in the Archaeological Report, has identified a possible Late Neolithic or Early Bronze Age ring ditch in close proximity to the A1(M) corridor (6645, TL 2288 2343) located approximately 750m to the west of the site. Two isolated Neolithic artefacts have been recovered c150m to the northwest of the site, consisting of a polished flint axe head (612, TL 2352 2376) and non-descript flint tool (2239, TL 2350 2375). By the 1st millennium, i.e. 1000 BC, the landscape was probably a mix of extensive tracts of open farmland, punctuated by earthwork burial and ceremonial monuments from distant generations, with settlements, ritual areas and defended locations reflecting an increasingly hierarchical society.
- 7.1.48 The HER lists four Iron Age coins which have been found by metal detecting within the general vicinity of the study area (22434, 22853, 23361, 23555, TL 23 24). Turning to the Roman Period, evidence for Roman activity within the Study Area relates to the Scheduled Monument of Six Hills Roman Barrows (1577, TL 2375 2370) located c.50m to the east of the site. The monument consists of six large round barrows aligned approximately north-south (36, 4291, 4292, 4293, 4294, 4295). They are assumed to be Roman burial mounds constructed about AD 100, although the scant records of their exploration during the 18th and 19th century are inconclusive. The barrows are assumed to be located along the eastern edge of a former road. The actual date for the road and barrows are uncertain. The road likely forms part of the Roman route between Welwyn and Baldock (Niblett 1995; 10565, TL 2378 2394). Evidence for drainage ditches, agricultural activity, settlement activity and burials are commonly associated with the course of Roman roads. Due to the relationship of the barrows with the alignment of the Roman road, it is likely that any below

ground remains associated with the Scheduled Monument are restricted to the eastern side of the road alignment.

- 7.1.49 The Six Hills Roman Barrows form the largest surviving group of Roman burial mounds in England, with Roman Barrow monuments in general being a rare monument form. Originally, the Six Hills Barrows would have had a close relationship with the Roman road, designed to be highly visible in a rural environment to any travellers on the road. The monuments are now located within the urban expanse of Stevenage, surrounded on all sides by modern buildings severely limiting the surviving setting of the monument, containing the setting to the grassy area within which the monuments lay.
- 7.1.50 A Roman coin, recovered from surface deposits, has been found in association with the Six Hills Roman Barrows (433, TL 2374 2375). Further isolated Roman artefacts, consisting of coins and pottery, have been recovered at a distance to the north and east of the site (431, TL 2365 2414; 434, TL 2390 2449; 438, TL 2430 2423; 450, TL 2413 2359). No evidence for Roman activity was identified during the archaeological investigations immediately to the south of the site (Archaeological Solutions 2016), or during the evaluation stage (AOC 2016). Roman finds from the area are dispersed and limited in quantity. Apart from the presence of the Six Hills Barrows and alignment of the Roman road, recent archaeological investigations have yet to identify any contemporary features. As a consequence, the potential for encountering Roman activity within the study site is considered to be low to moderate.
- 7.1.51 Turning to the Medieval period, the Archaeological Report details that no finds of Anglo-Saxon date have been identified within a 1km radius of the study site. The historic village of Woolwicks, located approximately 1.1km to the northwest of the site, is recorded in the Domesday Book of 1086 as a small settlement containing 9 households. The larger settlement recorded at Stevenage is thought to lie approximately 2km to the north (Open Domesday 2016). During the later medieval period, documentary evidence suggests the land surrounding the Six Hills Barrows was designated as common land, and characterised as open pasture (12550, TL 2375 2362). During the majority of the post-medieval period the site is likely to have remained within common land.
- 7.1.52 Turning to post-medieval to modern times, Andrew and Drury's map of 1766 (not replicated) as detailed in the Archaeological Report shows the study site located to the west of Six Hills Barrows and associated road alignment, in an area of localised high ground open in character. The general character of the site remains unaltered between 1810 and 1822. The 1839 Stevenage Tithe map (not replicated) and associated Award record the site located in a narrow strip field listed as pasture.
- 7.1.53 The Ordnance Survey map of 1880 (not replicated), as detailed in the report, indicates that the site is now located within a larger field. The western boundary is now formed by the Stevenage to London railway, with the southern boundary defined by a raised causeway for a bridge over the railway (5101, TL 23603 23688). The layout of the site remains unaltered between 1898 and 1974. By 1986 the bridge causeway has been removed with the site now lying within the hardstanding car park associated with the newly constructed Six Hills House immediately to the south. A cycle path now forms the eastern boundary. The layout of the site remains unaltered up to the present.
- 7.1.54 With regards to past archaeological investigations, one of which was undertaken as part of planning application 16/00482/FPM where no archaeology was observed and it was established that the site had been subjected to significant truncation with the removal of almost all subsoil, likely during the construction of the present Six Hills House in the late 1970s/early 1980s.
- 7.1.55 Notwithstanding this, there is still the potential presence of archaeological remains in the area which could be disturbed as part of the construction of the temporary access road. Therefore, the Archaeological Report details the following mitigation measures:-

- Erection of a temporary barrier along the edge of the access route and turning area. Fencing will comprise the water filled base type and as such, will not be below ground impact;
- Implementation of clear 'No Go Zone' signage on the fencing to alert drivers to stay on the designated access route and turning area;
- The installation of a protective layer to the ground surface comprising a 300mm thick layer of type 1 (crushed aggregate) set on a geotextile, capped with heavy duty Euromat;
- Due care to be given when the protective layers are installed and removed to ensure that no below surface penetration occurs. A toothless machine bucket would be used to remove the type 1. The geotextile will be removed by hand;
- The protective layer and Euromat surface will be kept in good working condition throughout its use, regular inspection and maintenance will be required.

7.1.56 In addition to the above, an Archaeological Watching Brief will be carried out on the reduction/cutting back of the grass verge. This would take place on a narrow strip of the verge to widen the access route in the north opposite the site entrance. If archaeological deposits are encountered, the monitoring archaeologist will investigate and record them. Site contractors will be made aware that when carrying out works, they need to consider the requirements set out by the archaeologist and to co-operate with the monitoring archaeologist to facilitate monitoring, investigation and recording.

7.1.57 If extensive archaeological remains are uncovered, a meeting would be set up on site with the Archaeological Curator, Historic England, the Archaeological Contractor/supervising archaeologist, the Archaeological Consultant, the Attendance Contractor and the developer. This will allow for a programme of investigation to be established and recording of the remains. The Archaeological Report also details the requirement to prepare a Watching Brief Report within 3 weeks of the field and made available to the developer and Historic England. A copy of the report would also be submitted to the Council.

7.1.58 Given the mitigation measures set out in the Archaeological Report, Historic England no longer raises any concerns as to the potential impact the development could have on the area of archaeological significance. This is especially given the fact that Historic England has been fully engaged by the Archaeological Consultant in combination with Hertfordshire County Council's Archaeologist during the preparation of the Archaeological Report. In addition, they have negotiated with the consultant the detailed mitigation measures which have been specified in paragraph 7.1.55 of this report. As such, the Council's Conservation and Historic Advisor also no longer raise concerns based on the detailed mitigation measures.

7.1.59 With regards to the County Council Archaeologist, they were formally consulted on the Archaeological Report and officers have been chasing them for comments. However, to date, no comments have been received from them on this report. Notwithstanding this, the Government's Planning Practice Guidance (PPG) Local Planning Authorities are expected to determine applications within a reasonable timeframe. As such, where a consultee fails to respond within a specified period, a local planning authority has the ability to proceed to decide the application in the absence of their advice (Parag 016 Reference ID: 15-016-20190722). Therefore, whilst it is noted the County Archaeologist has failed to provide comments within a reasonable timeframe, confirmation has been received from Historic England and the Council's Historic Advisor that the protective measures proposed are deemed to be acceptable. Consequently, it is considered that this part of the discharge of conditions application would accord with Policy NH9 of the adopted Local Plan (2019) and the policies set out in the NPPF (2021).

Impact on the Scheduled Ancient Monument

- 7.1.60 Scheduled monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979 (as amended). Paragraph 20 of The Department of Digital, Culture, Media and Sport policy statement on Scheduled Monuments (2013) states that for, 'works proposed for development-, conservation- or presentation-related purposes, the Secretary of State has particular regard to the following principles ... in cases that would lead to less than substantial harm to the significance of a Scheduled Monument the harm will be weighed against the public benefits of the proposal'.
- 7.1.61 Heritage assets, including scheduled monuments, are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' (NPPF paragraph 189).
- 7.1.62 Paragraph 194 of the NPPF establishes that 'local planning authorities should require an applicant to describe the significance of any heritage assets affected' at a level of detail proportionate to the assets' importance and through consultation of the relevant historic environment record and the use of appropriate expertise'.
- 7.1.63 The NPPF goes on to state in paragraph 195 that, 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal' and 'take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.
- 7.1.64 Paragraphs 199 to 202 of the NPPF (2021) have to be considered in the determination of this planning application. As established through case law, if there is any harm to designated heritage assets, great weight has to be given as to the impact the development may have on these assets. Dealing with Paragraph 199, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.1.65 Paragraph 201 sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In reference to paragraph 202 of the NPPF (2021), this sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.1.66 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement would be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 7.1.67 Paragraph 204 sets out that Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. With respect to paragraph 199, this sets out that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 7.1.68 Additional to the above, Policy SP13 of the Adopted Local Plan relates to the historic environment. This states that the council will preserve and enhance the most important area and characteristics of Stevenage. The policy goes on to state that the Council will:-
- a. Have carried out Heritage Impact Assessments for development sites within, or adjacent to, conservation areas. Site specific mitigation measures have been incorporated to minimise the impacts of development.
 - b. Will use national guidance and legislation to review, designate and determine planning applications affecting heritage assets.
 - c. Will protect areas of archaeological importance and other relevant heritage assets by applying the detailed policies set in this plan.
- 7.1.69 The Six Hills Barrows are a Scheduled Monument which was listed in 1923 and amended in 1996. The reason for the designation is because, as set out in Historic England's Records, the earthen barrows are the most visually spectacular survivals of a wide variety of funerary monuments in Britain dating to the Roman period. Constructed as steep sided conical mounds, usually of considerable size and occasionally with an encircling bank or ditch, they covered one or more burials, generally believed to be those of high-ranking individuals, The burials were mainly cremations, although inhumations have been recorded, and were often deposited with accompanying grave goods in chambers or cists constructed of wood, tile or stone sealed beneath the barrow mound. Occasionally, the mound appears to have been built directly over a funeral pyre.
- 7.1.70 The barrows are usually occur singly, although they can be grouped into "cemeteries" of up to ten examples. They are sited in a variety of locations but often occur near Roman roads. A small number of barrows were of particularly elaborate construction, with masonry revetment walls or radical internal walls. Roman barrows are rare nationally, with less than 150 recorded examples, and are generally restricted to lowland England with the majority in East Anglia. The earliest examples date to the first decades of the Roman occupation and occur mainly within East Anglian concentration. It has been suggested that they are the graves of native British aristocrats who chose to perpetuate aspects of Iron Age burial practice.
- 7.1.71 The majority of the barrows were constructed in the early second century AD but by the end of that century the fashion for barrow building appears to have ended. Occasionally the barrows were re-used when secondary Anglo-Saxon burials were dug into the mound. Many barrows were subjected to cursory investigation by antiquarians in the 19th century and, as little investigation to modern standards has taken place, they remain generally poorly understood. As a rare monument type which exhibits a wide diversity of burial tradition, all Roman barrows, unless significantly damaged, are identified as nationally important.
- 7.1.72 The Six Hills, therefore, according to the listing, form the largest surviving group of burial mounds dating to the Roman period in England. Whilst a degree of the landscaping has infilled the quarry ditches and levelled the outer banks, evidence for these will survive beneath the present ground surface. Antiquarian excavation have disturbed five of the six

mounds, but this disturbance is limited and significant archaeological deposits, including human remains with funerary assemblages will survive providing valuable evidence for the dates of the mounds, the method of construction and the religious beliefs of the builders. The fills of the buried ditches are the old ground surfaces beneath the mounds will likely retain environmental information which will illustrate the nature of the landscape in which the mounds are set.

7.7.73 The Six Hills, as set out earlier in this report, stand within an area of common land and are easily accessible to members of the public and visible from the adjacent highway, providing a striking and valued recreational and educational amenity value in Stevenage. Given the significance of the Six Hills Barrows as a Scheduled Monument, the proposed development is likely to have impact on the historic setting of these Barrows. Following initial consultation with Historic England and the Council's Conservation and Historic Advisor, it was advised that the original submission in terms of the proposed temporary access is likely to cause significant harm to the overall setting of the Six Hills Barrows.

7.7.74 Taking the aforementioned into consideration, the applicant undertook negotiations with Historic England in order to address their concerns. This has led to the proposed temporary access arrangement to be redesigned so that the works are pulled further to the west. This is in to reduce the overall level of harm to the setting of the Six Hills Barrows. In addition, and set out in paragraph 7.1.55 of this report, mitigation measures are also being put in place to ensure the significance of the scheduled monument would not be harmed. Therefore, Historic England and the Council's Conservation and Heritage advisor consider that the revised design of the temporary construction access combined with the suggested mitigation measures would ensure the setting of the schedule monument is preserved. As such, the proposal accords with Policy SP13 of the adopted Local Plan (2019) as well as the relevant policies detailed in the NPPF (2021).

Fire Safety

7.1.75 With respect to fire safety, HCC Fire and Rescue have advised that they would require continued access to the dry risers. These are located on each corner of the existing building with a requirement to be able to park within 18m of the respect inlets. In regards to storage or buildings along access routes, these need to be positioned to ensure that both appliances and the aerial platform can get past these structures. There is a similar requirement for turning areas as well. In addition, an appliance should not be required to reverse more than 20m.

7.1.76 Based on the submitted plans, where the crane would be located in the red area, HCC have advised this would normally be the area where an appliance would need to turn and this could potentially be affected. As such, if the development was to go ahead, then the applicant would need to liaise with HCC Fire and Rescue to consider adjustments in the access of the building.

7.1.77 The amended plans submitted have been drawn up to ensure large vehicles can safely manoeuvre and exit onto the highway in a forward gear, including fire appliances. As such, there should be sufficient space for emergency vehicles to safely manoeuvre in the event of a fire. Notwithstanding this, if members were minded to recommend this condition is discharged, an informative can be imposed requiring the applicant to engage with HCC Fire and Rescue to work up detailed plans regarding the location of the crane. This is to ensure that fire vehicles can safely enter the site in the event there was a fire at Six Hills House.

Trees

- 7.1.78 Policy NH5: Trees and Woodland of the adopted Local Plan (2019) stipulates that proposals which affect, or are likely to affect existing trees, will require an arboricultural report. Existing trees must be protected and retained where possible, and sensitively incorporated into developments.
- 7.1.79 There is a small area of woodland and a number of scattered trees within the immediate vicinity of the proposed temporary access road. However, the proposal does not seek the removal of any of these existing trees as set out in the applicant's Ecological Report. In terms of tree protection measures, these would need to be installed in accordance with British Standards BS:5837 2012. In addition, the applicant's CMP also sets out details of tree protection measures which would need to be put in place before construction works are to commence. As these measures would need to be put in place prior to commencement of works and be sited on land managed and maintained by the Council, the applicant would need to liaise with the Borough Council as landowner to secure the relevant tree protection measures.
- 7.1.80 Following consultation with the Council's Arboricultural Manager, subject to the tree protection measures being put in place, the proposal would accord with Policy NH5 of the adopted Local Plan (2019).

Impact on the environment (including air quality)

- 7.1.81 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution, the development is not located within or in close proximity to an Air Quality Management Area (AQMA). In terms of mitigating the impact of the construction works with respect to air quality, in order to manage dust as set out in the applicants Construction Management Plan (CMP), apart from the use of wheel cleaning facilities, hard surfacing areas which are heavily used will be cleaned regularly with brushing and water spraying.
- 7.1.82 The CMP also sets out that unsurfaced haulage route would also be dampened down and cleaned. There would also be speed restrictions to reduce dust being generated. Drilling and excavation surfaces would also be wetted and debris piles kept watered and sheeted. In addition, control of cutting and grinding of materials would take place within the site. Vehicles would require sheeting of the sides and top when carrying spoil and other dusty materials. Where dust generating works are undertaken close to neighbouring properties the contractors would clean windows and ledges where necessary.
- 7.1.83 In terms of emissions, the CMP stipulates that all vehicles would be regulated and maintained in accordance with current legislation. Vehicles would also be required to be switched off when stationary. Turning to waste, any waste susceptible to spreading by wind or cause litter would be stored in an enclosed container. Rubbish would be removed at frequent intervals with the site kept tidy and clear. Food waste would also be removed frequently. In relation to wheel washing, a wheel cleaning facilities area would be created and these would be brushed or sprayed frequently. It would be located near the site entrance and any soils from wheels would be cleared off site.

- 7.1.84 In addition to the above, the site would also operate a no open fire policy. The contractor would also set up a Complaints Log where all complaints received will be registered in a log with remedial actions taken by the contractors. They will also prepare an up to date copy of the complaints register which is compiled on a weekly basis, together with a report on the progress of any actions. This is to ensure that any issues around noise and disturbance are managed in order to minimise the impact of construction work on local residents.
- 7.1.85 Looking at contaminated materials, the contractor would undertake their own watching brief during initial site preparation. However, if any contaminated material was encountered, there are conditions attached to the planning permission which would require the applicant to submit a detailed remediation strategy. This strategy would require the written approval of the Council.
- 7.1.86 Following consultation with the Council's Environmental Health Section, they consider the mitigation measures put in place would ensure the environment is not detrimentally effected during the construction phase of development. Therefore, the proposed mitigation measures put in place would ensure the construction phase of the development accords with Policy FP7 of the adopted Local Plan (2019).

Impact on the open space

- 7.1.87 The application site constitutes an area of landscaped open space as defined by policy NH6 of the Local Plan (2019). Policy NH6: General protection of open space states that the loss of unallocated open space (or part of any open space) should have regard to the quality and accessibility of the open space, whether the open space is serving its function and purpose, and whether alternate space(s) would remain available for community use.
- 7.1.88 As mentioned in paragraph 7.1.36, the proposed development would result in the loss of part of the mown grass habitat in order to construct the temporary access. This area of grass forms part of the wildlife site / common which is considered to not only be an area of ecological and historical importance, but also an area which is used for recreational purposes by the local community.
- 7.1.89 Whilst part of the proposed development would result in the loss of a small section of the area of open space and fencing is to be erected along the edge of the temporary access (Bullet point 1, paragraph 7.1.55) for safety purposes, as well as to protect the common/wildlife site/scheduled monument, the wider area of open space would remain accessible to the general public for recreational purposes. In addition to this, once the works have been completed, the temporary access road and fencing would be removed with the land made good (paragraph 7.1.39). In addition, the applicant would also be putting in place compensation measures in order to mitigate the short-term impact on the temporary construction access as detailed in the Ecological Management Plan.
- 7.1.90 Given the aforementioned assessment, whilst the development would cause an element of harm to a small area of the open space and an element of disruption, the area of open space would, on the whole, remain open to the wider community. In addition, with the combined mitigation and remediation measures the applicant is looking to put in place, there would be a level of enhancement to the area of open space following the completion of the construction works. Moreover, the Parks Team no longer raise any concerns with respect to the temporary impact on the area of open space due to the mitigation and remediation measures which will be put in place. As such, it is considered the proposal detailed in this discharge of condition application would, on balance, accord with Policy NH6 of the adopted Local Plan (2019).

7.2 Condition 18 (Site Waste Management)

- 7.2.1 Details for the site waste management of the development are detailed in the Construction Management Plan (Prepared by Vascroft Contractors Ltd dated 24 March 2021). The applicant also submitted a Site Waste Management Guidance and Plan (Document No. VCL SWM 1003, dated 05 May 2021 prepared by Vascroft Contractors Ltd) and a BRE Smart Waste Plan dated 05th May 2021.
- 7.2.2 Following consultation with HCC Minerals and Waste department, they have advised that the details provided in relation to the SWMP are deemed to be acceptable. Therefore, if the Planning Committee is minded to support the officer's recommendation, then it is recommended this condition is hereby discharged subject to the SWMP being strictly adhered to during the demolition and construction phases of development.

7.3 Other matters

External cladding on the existing building

- 7.3.1 The Council fully appreciates and understands the substantive concerns of residents associated with cladding on buildings since the tragic events that occurred at Grenfell in June 2017. However, this planning application does not relate to the existing residential development at Six Hills House. Furthermore, the matter regarding replacement cladding is between the residents of Six Hills House and the owners of the building. As such, the Council has no control with respect to the removal and replacement of any cladding where the building is privately owned.

Objections to planning permission 16/00482/FPM

- 7.3.2 A number of objections raised to this planning application relate to the approved residential development under planning permissions 16/00482/FPM and 20/00625/FPM. Therefore, they cannot be considered material in the determination of this planning application. This is because the application before the Council merely seeks to discharge the conditions attached to the aforementioned permission.

Lack of consultation

- 7.3.3 Turning to planning application 16/00482/FPM, the Council notified by letter 142 properties regarding the proposed residential development. In addition, the Council displayed site notices and the application was also publicised in the local press at the time. Moreover, the application was also readily available to view on the Council's website. In addition, residents were also consulted on planning application 20/00624/FPM which sought to amend the aforementioned permission. The Council also notified 169 properties along with the display of a site notice. Therefore, residents would have been fully consulted with respect to the proposed residential development.
- 7.3.4 Turning to the current application which is before the Council, this application is only seeking to discharge conditions attached to the aforementioned permissions. Therefore, as set out in paragraph 4.1 of this report, there is no statutory requirement on the Council to notify local residents on such an application.

Health and Safety

- 7.3.5 It is important to note that health and safety (including consideration of Construction Design and Management Regulations (CDM) 2015) with respect to construction activities is not a material planning consideration. This is because such health and safety regulations, including CDM 2015 is enforced by the Health and Safety Executive. However, it is noted that this is an area of significant concern with local residents, especially with regards to safety of children, cyclists and pedestrians. As such, details of some of the measures around health and safety are set out further in the following sections of this report.
- 7.3.6 Taking the substantive concerns into consideration by local residents, the CMP specified that there would be qualified marshals on site who would liaise with residents where required and co-ordinate emergency procedures. They would also prepare and maintain emergency contact procedures and these would be displayed around the site. These procedures would also be given to the respective local authority, the fire brigade, Police, Ambulance Service and relevant statutory authorities. All site works would be undertaken in accordance with the Health and Safety Act and to the satisfaction of the local Health and Safety Executive (HSE) officer. The Health and Safety Manager on the site would ensure compliance with all health and safety legislation.
- 7.3.7 Due to the height of the proposed building, there would be a requirement for a static tower crane which would cover the whole site. Before the crane is erected, consultation would be undertaken with the police and appropriate statutory bodies. The crane would not oversail any neighbouring properties. In addition, it would require a licence from the relevant bodies before it can be constructed and operated.
- 7.3.8 The site would have appropriate security where gates would be locked when no activities are taking place. Site cameras would be placed in locations that would not unduly infringe upon the privacy of residents. There would also be full time static security and the site entrance points to control entry and exit of all personnel. The security personnel would patrol the site regularly outside of working hours.
- 7.3.9 With regards to fencing, the contractor would look to erect the following:-
- Weld mesh fencing to be erected where appropriate for security needs and to prevent trespassing;
 - Solid timber and plywood hoarding with access gates erected around scaffolding. The hoarding would be designed by a suitably qualified engineer to allow for wind and other impact loading;
 - A 2.4m minimum height, plywood faced, timber framed boundary hoarding.
- 7.3.10 The weldmesh fencing that could create poorly lit pedestrian routes would have lighting provided that would automatically switch on during hours of darkness. All fencing would be maintained for site safety and security. There would also be the use of security cameras and these would be placed at site entrances with the entrance managed by security. Security personnel would also regularly patrol the site during out of hours. In terms of explosives, as the scheme does not propose any demolition works to building(s), no explosives would be permitted on this project. The applicant would also put in place safety measures when the crane is to be erected and dismantled. Separately, there would a Traffic Marshal (Banksman) who will also control vehicle movements to and from the construction site to ensure people using for example the footpath/cycle track, are kept safe whilst the site is active.

7.3.11 In relation to enforcing safety on the construction site, as mentioned above, this would be the Health and Safety Executive. They can issue notices and fines where a site contractor fails to meet relevant safety measures as is required by current UK law. As such, if residents do have any concerns around site safety when the construction site is operational, they will need to make contact with the Health and Safety Executive accordingly.

Concern around smoking

7.3.12 This is not a material planning consideration. However, the applicant has confirmed that all working areas would be non-smoking. In addition, the applicant would set up specific areas within the site as designated smoking areas, which would be equipped with containers for smoking waste. The CMP stipulates that these would not be located within the boundary of working areas or public footpaths which would cause a nuisance.

Equalities and Human Rights

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

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

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

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

7.3.17 The proposed temporary construction access arrangement which comprises a temporary pedestrian and cyclist diversion route has been designed to ensure that any person who has a disability for example, can continue to gain access to the Town Centre or travelling south along London Road / Kings Road. The applicant has also designed the construction access route to ensure that residents, including those who are disabled, can still access the residential development at Six Hills House via a level access. This area would also have a traffic marshal to ensure residents, especially those who are disabled, can safely access and exit from the Six Hills House site.

8. CONCLUSIONS

8.1 In summary, it is considered that the proposed Construction Management Plan (CMP) and associated temporary construction access would not have a detrimental impact on the safety and operation of the highway network. In addition, through appropriate mitigation measures, the temporary construction access would not have a detrimental impact on the common, local wildlife site and scheduled ancient monument (including archaeology). Furthermore, through the measures detailed in the CMP, the construction works should not have a detrimental impact on the amenities of local residents outside of general

construction hours, with noisy activities carefully managed during hours of construction. Moreover, the measures put in place would ensure the construction works would have a limited impact on the wider environment, including air quality.

- 8.2 Further to the above, it is considered that the Site Waste Management Plan (SWMP) which has been submitted with this application to reduce overall waste and to increase recycling of materials is deemed to be acceptable.

9. RECOMMENDATIONS

- 9.1 That conditions 11 (Construction Method Statement) and 18 (Site Waste Management) attached to planning permission 16/00482/FPM and 20/00624/FPM are hereby discharged subject to the development being carried out in accordance with the approved details.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – The impact of Development on Biodiversity adopted March 2021.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.