

**STEVENAGE BOROUGH COUNCIL**  
**PLANNING AND DEVELOPMENT COMMITTEE**  
**MINUTES**

**Date: Wednesday, 15 February 2023**

**Time: 6.30pm**

**Place: Council Chamber**

**Present:** Councillors: Michael Downing (Chair), Adrian Brown (Vice-Chair), Myla Arceno (substitute), Julie Ashley-Wren, Sandra Barr, Nazmin Chowdhury, Chris Howells, Graham Lawrence CC, Mrs Joan Lloyd, Maureen McKay, Adam Mitchell CC, Claire Parris, Graham Snell and Anne Wells.

**Start / End Time:** Start Time: 6.30pm  
End Time: 8.53pm

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

Apologies for absence were submitted on behalf of Councillor Teresa Callaghan. Councillor Myla Arceno was substituting for Councillor Callaghan.

The following declarations were made in respect of Item 4 on the agenda – 22/00902/ENF: Tranquil Turtle:

Councillor Michael Downing (Chair) advised that he had met with residents objecting to the unauthorised structure on various occasions, including at Member surgeries for the Ward he represented (Symonds Green). He announced that he had listened to the views expressed, but had not offered any opinions on the matter, and that he would be considering the issue with an open mind.

Councillor Maureen McKay and Myla Arceno stated that there were also Members of the Licensing Panel which would be meeting in March 2023 to consider an application for a variation of the premises licence relating to the Tranquil Turtle. They advised that they would only be considering the Planning aspects of the matter at this Planning & Development Committee meeting.

Councillor Graham Lawrence wished it to be noted that the Tranquil Turtle was located in the Division (Old Stevenage) he represented on Hertfordshire County Council.

**2 22/00923/FPM - THE FORUM CENTRE**

The Committee considered an application for the demolition of existing retail units (use Class E) and erection of proposed mixed-use development comprising biopharma manufacturing laboratories and workspace facilities (use class E(g)) together with flexible active ground floor uses including cafes, retail, collaboration spaces (use class E), Cinema (Sui Generis) and drinking establishments (Sui

Generis), new multi-storey public car park, service road, public realm improvement works and ancillary works, at The Forum Centre, Stevenage.

The Principal Planning Officer advised that 8,000 square metres of floorspace would be provided, together with a new three-level Multi-Storey Car Park (MSCP) with 326 parking spaces, replacing the equivalent number of existing spaces in the surface level Forum car park. There were currently two vacant units in the Forum complex and a third was soon to be moving to the Roaring Meg Retail Park.

The Principal Planning Officer explained that the scheme would be constructed in a phased manner, as set out in the report, and would provide an estimated 1,800 new jobs. The use of the laboratories would be complementary to the GSK campus and the nearby Autolus building. A new pedestrian crossing would be provided on St. George's Way to link the development with the Swimming Pool and Town Centre Gardens, and new cycleways would be constructed to link into the existing cyclepath network.

The Chair invited Mr Will Rohleder (Reef Group) to speak on behalf of the applicant. Mr Rohleder advised that Stevenage benefitted from an international reputation in the life sciences sector, in the centre of the Oxford-Cambridge-London triangle. The current scheme, in common with the plans for the GSK campus and the soon to be completed Autolus building, would enhance that reputation.

Mr Rohleder stated that the laboratories would be at the cutting edge of cell and gene therapy work aiming to provide effective cures for major conditions, such as cancer. The new jobs would include apprenticeships and upskilling opportunities, with the hope of attracting a number of local employees.

In response to a number of Members' questions, the Principal Planning Officer, assisted by the Assistant Director (Planning & Regulation) stated:

- the concerns about the level car parking (and the suggestion for an additional floor on the new MSCP) were acknowledged, although the new MSCP would replace the same number of existing surface level parking spaces. If capacity was reached, then other nearby car parks would need to be used – there was a 12% surplus of parking across the other town centre car parks. The level of car parking had been calculated based on the number of expected trips, as set out in the Transport Assessment submitted with the application;
- the surface level parking would be unavailable once the contract had commenced, as it would not be viable for the MSCP to be built in advance of the de-commissioning of the surface level provision;
- it should be noted that the laboratory facilities would operate on a 24 hour shift system, and so the demand for car parking would be spread over that whole period;
- Phase 1 of the scheme would not impact on existing retailers, as it related to the two vacant units and the occupier who would be re-locating. The aim was to provide alternative space in the development for retailers impacted by Phase 2 or to assist them in re-location;
- the traffic changes to both Lytton Way and St. George's Way were included in the

Local Plan, and were supported by the Highway Authority (HCC). The aim of the traffic modelling work was to increase public safety by slowing down traffic and improving traffic flow;

- the existing bus stop serving the Forum on Fairlands Way would be retained post-construction; and
- in view of the new complex including restaurants/cafes, discussions would take place with the applicant to consider the inclusion of public conveniences as part of the internal arrangements for the development.

It was **RESOLVED**:

(1) That application 22/00923/FP be GRANTED planning permission, subject to the conditions set out below, and subject also to the applicant having first entered into a S106 Legal Agreement to secure/provide contributions towards:

- S278 Agreement (covering the junction improvements, surface level crossing and public realm works on highway verge land to be adopted by HCC Highway Authority)
- £6000 Travel Plan evaluation and support fee
- £116,600 'Strand 2' HCC Highway Authority contribution
- Local Employment and Apprenticeships
- Retail phasing planning obligations
- Management Company to manage areas of un-adopted public realm
- S106 monitoring fee,

the detail of which would be delegated to the Assistant Director of Planning and Regulation, in liaison with the Council's appointed solicitor, along with the recommendations of Highways England following cessation of their holding direction and the Council's Drainage Consultant, as well as the imposition of suitable safeguarding conditions.

(2) That authority be given to the Assistant Director of Planning and Regulation, in consultation with the Chair of the Planning & Development Committee, to amend or add to the suggested draft conditions set out in this report and listed below, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning & Development Committee has resolved to approve.

## **Conditions**

### **General**

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

547-PL-001-P01; 547-PL-002-P01; 547-PL-003-P01; 547-PL-004-P01; 547-PL-010-P03; 547-PL-011-P02; 547-PL-012-P02; 547-PL-013-P02; 547-PL-014-P02; 547-PL-015-P02; 547-PL-016-P02; 547-PL-017-P02; 547-PL-018-P02; 547-PL-019-P02; 547-PL-020-P02; 547-PL-021-P01; 547-PL-022-P02; 547-PL-023-P02; 547-PL-024-P02; 547-PL-025-P01; 547-PL-026-P02; 547-

PL-027-P02; 547-PL-028-P01; 547-PL-029-P02; 547-PL-035-P02; 547-PL-036-P01; 547-PL-040-P02; 547-PL-041-P02; 547-PL-042-P01; 547-PL-043-P01; 547-PL-044-P01; 547-PL-045-P01; 547-PL-046-P01; 547-PL-047-P01; 547-PL-048-P01; 29948 / 7021 P04; 29948 / 7022 P04; 29948 / 9001 P05; 29948 / 9002 P03; 29948 / 9003 P02; 29948 / 9004 P02; 29948 / 7030 P03  
SY691-CAM-XX-00-DR-L-0001 P02; SY691-CAM-XX-00-DR-L-0002 P02; SY691-CAM-XX-ZZ-DR-L-0101; SY691-CAM-XX-ZZ-DR-L-0102; SY691-CAM-XX-ZZ-DR-L-0103; SY691-CAM-XX-ZZ-DR-L-0104; SY691-CAM-XX-ZZ-DR-L-0105; SY691-CAM-XX-ZZ-DR-L-0106; SY691-CAM-XX-00-DR-L-0021 P03 (GA Phase 1 and 2 Proposed external Levels Plans); SY691-CAM-XX-00-DR-L-0031 P02; SY691-CAM-XX-00-DR-L-0041 P02; SY691-CAM-XX-00-DR-L-0051 P02; SY691-CAM-XX-00-DR-L-0071 P02; SY691-CAM-XX-00-DR-L-0081 P02; SY691-CAM-XX-00-DR-L-0091 P02; SY691-CAM-XX-00-DR-L-1320; 220923-1.0-TFS-TPP--JI

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. No site clearance or construction work relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
4. The use of floors 1 – 5 of building 3A and the Grad Lab and floors 1 – 6 of buildings 3B and 3C hereby approved shall be limited to Schedule 2, Part A, Class E (g) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 relating to office, research and development of product or processes and industrial processes and shall be used for no other purposes.
5. If contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority.
6. The development to which this permission relates shall be carried out in accordance with the external materials specified within the Design and Access Statement by Stanton Williams submitted as approved or any alternatives to be submitted to and approved by the Local Planning Authority.
7. All hard and soft landscaping shall be carried out in accordance with the approved details as set out in phase 1 and 2 landscape plan ref: SY691-CAM-XX-00-DR-L-0002 P02 to a reasonable standard in accordance with the relevant British Standards or other recognised Codes of Good Practice.
8. All planting, seeding or turfing comprised in the approved details of

landscaping shall be carried out in the first planting and seeding seasons following the completion of the development.

9. All hard surfacing comprised in the approved details of landscaping shall be carried out within 6 months of the completion of the development, or, prior to first occupation of in relation to each building or phase of the development hereby permitted, whichever is the earliest.
10. The proposed shrub bed to be maintained by Stevenage Direct Services (SDS) shall be designed to prevent soil from washing onto surrounding hard surfaces. All paved/hard surface areas maintained by SDS shall be designed for mechanical sweeping with suitable resistant surfaces.
11. The measures to address adaptation to climate change as set out within the Design and Access Statement by Stanton Williams, Energy Statement and BREEAM Pre-Assessment by KJ Tait Engineers shall achieve minimum BREEAM Very Good and be implemented and permanently maintained in accordance with the approved details.
12. The development to which this permission relates shall be carried out in accordance with the recommendations set out within the Air Quality Statement by Gem Air Quality Ltd (ref. AQ2158) as approved or any alternatives to be submitted to and approved by the Local Planning Authority.
13. The development to which this permission relates shall be carried out in accordance with the recommendations set out within the Noise Report by Sandy Brown (ref. 22079-R01-D) as approved or any alternatives to be submitted to and approved by the Local Planning Authority.
14. The recommended ecological and nature conservation enhancements set out within the Preliminary Ecological Appraisal by SLR dated March 2022 shall be implemented and permanently maintained in accordance with the approved details.
15. No use of outside trolleys or cages in connection with loading, unloading, deliveries or collections shall take place in external public realm areas other than between the hours of 07.00 hours and 22.00 hours seven days a week. Deliveries within dedicated service yards are unrestricted.
16. The development to which this permission relates shall be carried out in accordance with the recommendations set out within the Flood Risk Assessment prepared by STM Environmental dated 11 October 2022.

#### Prior to Commencement

17. No demolition and site clearance shall take place until a demolition management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, demolition and clearance of the site shall only be carried out in accordance with the approved plan. The demolition management plan shall include details of the following:
  - a) Vehicle numbers, type, routing;
  - b) Access arrangements to site;

- c) Traffic and pedestrian management requirements;
  - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;
  - g) Timing of demolition activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) Provision of sufficient on-site parking prior to commencement of demolition/site clearance activities;
  - i) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - j) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
  - k) Dust control measures during demolition and construction from plant and machinery, and vehicles.
18. No development shall take place in relation to Buildings 3A, 3B, 3C and the Grad Lab (excluding demolition and site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority in relation to each building or phase of the development. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:
- a) Construction vehicle numbers, type, routing;
  - b) Access arrangements to site;
  - c) Traffic and pedestrian management requirements;
  - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;
  - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) Provision of sufficient on-site parking prior to commencement of construction activities;
  - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.

- l) Dust control measures during construction from plant and machinery, and vehicles.
19. No development shall take place in relation to the Multi Storey Carpark (excluding demolition and site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:
- a) Construction vehicle numbers, type, routing;
  - b) Access arrangements to site;
  - c) Traffic and pedestrian management requirements;
  - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;
  - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) Provision of sufficient on-site parking prior to commencement of construction activities;
  - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
  - l) Dust control measures during construction from plant and machinery, and vehicles.
20. No development shall take place in relation to the Collaboration Building (including demolition and site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:
- a) Construction vehicle numbers, type, routing;
  - b) Access arrangements to site;
  - c) Traffic and pedestrian management requirements;
  - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;
  - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) Provision of sufficient on-site parking prior to commencement of

- construction activities;
  - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
  - l) Dust control measures during demolition and construction from plant and machinery, and vehicles.
21. No development shall take place (excluding demolition, site clearance and utility diversion enabling works) until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
- i) Roads, footways.
  - ii) Cycleways.
  - iii) Foul and surface water drainage.
  - iv) Visibility splays
  - v) Access arrangements
  - vi) Parking provision in accordance with adopted standard.
  - vii) Loading areas.
  - viii) Turning areas.
22. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water in relation to each building or phase of the development. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
23. Prior to the first commencement for each phase or building of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

#### Prior to Work above Slab Level

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



the scheme has been implemented in accordance with the approved details.

25. No development shall take place above slab level, excluding super-structure works, until a Landscape Management Plan and Planting Schedule has been submitted to and approved in writing by the local planning authority. The approved plan shall then be implemented in the first planting and seeding season following completion of the development unless otherwise agreed in writing by the local planning authority.
26. No development shall take place above slab level until a final detailed design for the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented in full prior to occupation of each building or phase of the development to which this permission relates and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
27. A) Design Approval  
Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level (excluding superstructure works and multistorey car park) shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number (29948 / 7030 P03) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.  
B) Implementation / Construction  
Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

#### Prior to Occupation/First Use

28. Prior to the first use of the multistorey car park hereby permitted, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 80% of the remaining car parking spaces to have passive provision for EV charging.
29. Prior to the first occupation of each phase or building of the development hereby permitted the proposed access arrangements / onsite car and cycle parking / servicing / loading, unloading / turning / waiting area shall be implemented in accordance with the approved drawing number 547\_PL\_010\_P03 Proposed Site Plan and retained thereafter available for that specific use.
30. Prior to the first occupation of the development hereby permitted (excluding the Multi Storey Car Park), a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access(es) where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
31. Prior to the first occupation of buildings 3A, 3B and 3C hereby permitted, the vehicular accesses shall be completed and thereafter retained as shown on

drawing numbers (SY691-CAM-XX-00-DR-L-0002 P02, 29948 / 7021 P04, 29948 / 7022 P04, 29948 / 9001 P05, 29948 / 9002 P03, 29948 / 9003 P02 and 29948 / 9004 P02) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

32. Prior to the first occupation of each phase or building of the development hereby permitted, the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the accesses shown on drawing numbers (SY691-CAM-XX-00-DR-L-0002 P02, 29948 / 7021 P04, 29948 / 7022 P04, 29948 / 9001 P05, 29948 / 9002 P03, 29948 / 9003 P02 and 29948 / 9004 P02) only. Any other access(es) or egresses shall be permanently closed, and the footway / kerb / highway verge shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
33. Prior to first occupation of each phase or building hereby permitted the vehicular access improvements, as indicated on drawing numbers (SY691-CAM-XX-00-DR-L-0002 P02, 29948 / 7021 P04, 29948 / 9001 P05, 29948 / 9002 P03 and 29948 / 9003 P02), shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
34. Prior to first occupation of each phase or building hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway except for the existing overland flow path as outlined in the Drainage Strategy (rev 3) by Price & Myers (Jan 2023).
35. Prior to the first occupation of the development hereby permitted (excluding the Multi Storey Car Park), a Management and Maintenance Plan for the approved SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority in relation to each building or phase of the development. The scheme shall include:
  - (a) provision of a complete set of as built drawings, including the final drainage layout for the site drainage network
  - (b) maintenance and operational activities
  - (c) arrangements for adoption; and
  - (d) any other measures necessary to secure the operation of the scheme throughout its lifetime.

The approved plan shall be fully implemented from the date of approval and thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

36. Prior to the first occupation of each building hereby permitted (excluding the Multi Storey Car Park), details of the proposed external lighting strategy shall be submitted to and approved by the Local Planning Authority. The lighting

strategy shall be implemented in accordance with the approved details prior to first occupation of each building or development phase:

- a) Building 3A
- b) Building 3B
- c) Building 3C
- d) Grad Lab
- e) Collaboration Building

37. Prior to the first occupation of each building hereby permitted (excluding the Multi Storey Car Park), details of the proposed CCTV arrangements shall be submitted to and approved by the Local Planning Authority. The CCTV arrangements shall be implemented in accordance with the approved details prior to first occupation of each building or development phase:

- a) Building 3A
- b) Building 3B
- c) Building 3C
- d) Grad Lab
- e) Collaboration Building

38. Prior to first use of the Multi Storey Car Park, details of the proposed external lighting strategy shall be submitted to and approved by the Local Planning Authority. The lighting strategy shall be implemented in accordance with the approved details prior to first occupation of each building or development phase.

39. Prior to first use of the Multi Storey Car Park, details of the proposed CCTV arrangements shall be submitted to and approved by the Local Planning Authority. The CCTV arrangements shall be implemented in accordance with the approved details prior to first occupation of building or development phase.

40. Prior to first occupation of the development hereby permitted (excluding the Multi Storey Car Park), a public art programme in accordance with the Council's Cultural Strategy shall be submitted to and approved in writing by the Local Planning Authority. The public art shall be implemented in accordance with the approved details and permanently maintained thereafter.

41. Prior to first occupation of any café/restaurant uses (Use Class E(b)) hereby permitted, a scheme for the extraction and filtration of cooking fumes shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the approved details. The implemented scheme shall be permanently maintained in good working order thereafter.

42. At least 3 months prior to the first occupation of the development hereby permitted (excluding multistorey car park), a detailed Travel Plan or Travel Plan for each building on the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as

long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

#### Post Occupation/Completion

43. Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
44. No tree shown on the approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.

#### **INFORMATIVES**

1. Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020.  
This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.  
Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at [www.stevenage.gov.uk/CIL](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk).  
The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>  
or by telephoning 0300 1234047.
2. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be

undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

3. Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)
4. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
7. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the

highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

8. Roads to remain private: The applicant is advised that all new roads associated with this development will remain unadopted (and shall not be maintained at public expense by the Highway Authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.
9. Adoption (section 38): The applicant is advised that Hertfordshire County Council as Highway Authority will likely adopt the pedestrian and cycle routes through the development to ensure their long-term continuity, however the developer should put in place permanent arrangements for long-term maintenance. Details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. Furthermore, the extent of adoption as public highway, once finalised, must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
10. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
11. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website

[www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms)

or by telephoning 0300 1234047.

12. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>  
or by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk).
13. During the demolition and construction phase of the development, the guidance in BS5228-1:2009 (Code of Practice for Noise Control on Construction and Open Sites) should be adhered to.
14. The applicant is advised to contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design to ensure that the development is compliant with both National and Local Planning Policies. In addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations".
15. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

### **3 22/01075/FPM - THE BRAGBURY CENTRE**

The Committee considered an application for the Variation of Condition 1 (Approved Plans) attached to planning permission 18/00398/FPM to sub-divide the approved retail units, at the Bragbury Centre, Kenilworth Close, Stevenage.

The Development Manager advised that the proposal comprised no other changes in terms of floorspace or external alterations to the built fabric of the residential block in which the retail units will form part of. The reason why the sub-division of the retail units required planning permission related to a recent Court of Appeal case (as outlined in the report).

The Development Manager reminded Members that the description of application 18/00398/FPM was *“Demolition of the existing Bragbury End community centre, Asquith Court and various residential dwellings and the construction of a mixed-use development with 169 no. dwellings (Including independent living) and 4no. retail units across various blocks”*.

The Development Manager explained that a non-material amendment application (S.96A application) had sought to remove the wording **"4 no."** from the description of and replace it with **"provision of"**. The justification for this amendment was to allow the future sub-division of the retail units to create additional or smaller units to reflect market requirements. The current wording of the 2018 permission restricted the applicant's ability to do so as it restricted the number of retail units to 4.

The Development Manager advised that the non-material amendment application was approved as it was determined that the overall amendment did not materially affect the parameters established under the original planning permission. Application 22/01075/FPM had been submitted to amend the approved plans under application 18/00398/FPM i.e. to sub-divide the approved retail floorspace to create more than 4 no. retail units. This application was deemed to be lawful because the S96A permission (22/00979/NMA) effectively amended the description of development of the 2018 permission to allow greater flexibility.

The Development Manager stated that the application was before Members as Stevenage Borough Council was the applicant. In addition, it was a Major application and sought to amend the scheme which was previously approved by the Committee.

The Committee supported the Development Manager's recommendation to grant planning permission. With regard to an issue raised by a resident during the consultation process requesting that a protection order be placed on the trees adjacent to Hertford Road as they provided a privacy screen to 32 Petworth Close, the Assistant Director (Planning & Regulation) agreed to discuss this matter with the Council's Arboricultural Officer.

It was **RESOLVED** that application 22/01075/FPM be GRANTED planning permission, subject to the imposition of suitable conditions, as set out below, and that authority be given to the Assistant Director of Planning and Regulation, in consultation with the Chair of Planning & Development Committee, to amend or add to the suggested draft conditions set out below, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning & Development Committee has resolved to approve.

### **Conditions**

1. The development hereby permitted shall be carried out in accordance with the following  
19063.wd2.01 E; 19063.A1.wd2.01 B; 19063.A1.wd2.02 B; 19063.A1.wd2.03 B; 19063.A1.wd2.04 B; 19063.A1.wd2.05 B; 19063.A1.wd2.06 A; 19063.A1.wd2.101 A; 19063.A1.wd2.102 B; 19063.A2.wd2.01 A;



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

2. The external surfaces of the buildings (including the dwellings) hereby permitted shall be carried out in accordance with the approved Materials Palette as specified in application reference 20/00736/FPM as received on 02 December 2020
3. The approved hard and soft landscaping scheme, unless otherwise agreed in writing by the Local Planning Authority, shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner, in accordance with the following plans which accompanied discharge of condition application 22/01072/COND:
  - Soft Landscaping with Planting Schedule (Drawing number HILL23073 – 11F Sheet 1)
  - Soft Landscaping with Planting Schedule (Drawing number HILL23073 – 11F Sheet 2)
  - Soft Landscaping with Planting Schedule (Drawing number HILL23073 – 11F Sheet 3)
  - Hard Landscaping Strategy including details of materials (Drawing number HILL2303 – 12G Sheet 1);
  - Hard Landscaping Strategy including details of materials (Drawing number HILL2303 – 12G Sheet 2);
  - Planter Details (Drawing number HILL23073 – 1401A);
  - Seating with back rest details (Drawing number HILL23073 – 1402A);
  - Bench details (Drawing number HILL23073 – 1403A).
4. Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
5. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
6. Prior to first occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the external lighting scheme shall be installed in accordance with the following approved documentation and plans which accompanied discharge of condition application 21/01273/COND:
  - Block A4 Communal Ground Electrical Services Layout (drawing number CVG/965/E3000 Rev C1);

- Block A1 - Flat Type A3 Electrical Services Layout (drawing number CVG/979/E6002 Rev P1);
- Block A2 - Flat Type C Electrical Services Layout (drawing number CVG/979/E6016 Rev P1);
- Lighting Layout (Adoptable Lighting) (drawing number 2436-DFL-HLG-XX-DR-EO-13001 P01);
- External lighting plan (drawing number D44820/RD/C);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 1 of 4 (drawing number CVG/979/E3000 Rev. P1);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 2 of 4 (drawing number CVG/979/E3001 Rev. P1);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 3 of 4 (drawing number CVG/979/E3002 Rev. P1);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 4 of 4 (drawing number CVG/979/E3003 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 1 of 5 (drawing number CVG/979/E3100 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 2 of 5 (drawing number CVG/979/E3101 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 3 of 5 (drawing number CVG/979/E3102 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 4 of 5 (drawing number CVG/979/E3103 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 5 of 5 (drawing number CVG/979/E3104 Rev. P1);
- A4 House Type 1 Electrical Services Layout (drawing number CVG/965/E6000 Rev C2);
- A4 House Type 2 Electrical Services Layout (drawing number CVG/965/E6001 Rev C3);
- A4 House Type 3 Electrical Services Layout (drawing number CVG/965/E6002 Rev C4);
- A5 House Type 1 Electrical Services Layout (drawing number CVG/965/E6003 Rev C3);
- Proposed feature lighting / soft landscape proposals (drawing number HILL23073-11D Sheet 1);
- External lighting illumination plan (drawing number 21-0234-1A);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-CA-13001-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-CA-13002-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-CA-13003-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-DR-13001-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-RA-13001-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-RP-13001-S3-P01);
- Luminaire Schedule by Colne Valley Group.

7. No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless searched before by a suitably qualified ornithologist.
8. No development, including site clearance, shall commence until the trees as specified on drawing numbers 9575 TPP 02 Rev A (1/3) A; 9575 TPP 02 Rev A (2/3) A; 9575 TPP 02 Rev A (3/3) A (Aboricultural Impact Assessment, prepared by Aspect Arboriculture, Report reference 9575\_AIA.001 dated October 2018) to be retained on the site have been protected by fencing in accordance with the vertical tree protection fencing detailed in the Aboricultural Impact Assessment. In addition, all works which are to be undertaken within the Root Protection Areas of trees which are to be retained as specified on the aforementioned drawings shall be undertaken in accordance with the details specified in the Aboricultural Impact Assessment.
9. Within the areas to be fenced off in accordance with condition 8, there shall be no alteration to the ground levels and they shall be kept clear of vehicles, materials, surplus soils, temporary buildings and machinery.
10. Prior to the first occupation of each dwelling hereby permitted the bird (Manthorpe Swift Brick) as detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be installed as high as possible under the roofline in accordance with the approved scheme and retained thereafter.
11. Prior to the first occupation of each dwelling hereby permitted any bat (Schwegler 1FR Bat Tube) boxes associated with that dwelling detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be installed as high as possible under the roofline in accordance with the approved scheme and retained thereafter.
12. Prior to the first occupation of the dwellinghouses hereby permitted, the parking areas as shown on drawing number 16059.01.wd2.01 B shall be surfaced (in either a porous material or provision shall be made for surface water drainage to be contained within the site) and marked out accordingly and shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved.
13. The Construction Management Plan/Method Statement as detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be carried out in accordance with the approved details, or any such scheme that is submitted to and approved in writing by the Local Planning Authority, which cover the following requirements:-
  - (i) Details of construction phasing programme (including any pre-construction demolition or enabling works);
  - (ii) Hours or operations including times of deliveries and removal of waste;
  - (iii) The site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
  - (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;

- (v) Details of the provisions for temporary car parking during construction;
  - (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
  - (vii) Screening and hoarding;
  - (viii) End of day tidying procedures;
  - (ix) Construction and storage compounds (including areas designated for car parking);
  - (x) Siting and details of wheel washing facilities;
  - (xi) Cleaning of site entrances, site tracks and the adjacent public highway; and
  - (xii) Disposal of surplus materials.
14. The development hereby permitted shall not be occupied until the proposed accesses have been constructed as identified on drawing number 16059.01.wd2.01 B the existing accesses have been closed and the existing footway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.
15. The Site Waste Management Plan (SWMP) which details how waste materials as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level of soil to be imported to the site as submitted with application reference 20/00736/FPM dated 02 December 2020 shall be strictly adhered too during the course of construction of the development hereby permitted, or any such scheme that is submitted to and approved in writing by the Local Planning Authority.
16. Prior to the first occupation of each dwelling hereby permitted the approved secure cycle parking areas and public cycle parking for the relevant dwelling shall be constructed in accordance with the details approved under Condition 1 and shall be permanently retained in that form thereafter.
17. Prior to the first occupation of each dwelling hereby permitted the approved refuse and recycle stores for the relevant dwelling shall be constructed in accordance with the details approved under condition 1 and shall be permanently retained in the form.
18. The design of windows and ventilators to each dwelling shall achieve an acoustic performance which shall ensure that, when windows are closed, the following noise levels are not exceeded:
- (i) An average of 35 decibels (dB) (LAeq) during the daytime (07:00 - 23:00) within bedrooms and living rooms
  - (ii) An average of 40 dB (LAeq) during the daytime (07:00 - 23:00) within dining rooms
  - (iii) An average of 30 dB (LAeq) during the night (23:00 - 07:00) within bedrooms
  - (iv) A maximum of 45 dB (LAm<sub>ax,F</sub>) on more than ten occasions during any typical night (23:00 - 07:00) within bedrooms.
- And prior to first occupation of the development hereby permitted, the noise mitigation measures detailed in discharge of condition application 21/00047/COND being implemented as detailed in the following

documentation:

- Noise Assessment with detailed mitigation prepared by Cass Allen (Report reference: RP02-17645-R0 dated December 2020);
- Glazing specifications with associated technical notes;
- Acoustic Facade specifications;
- Balcony door specifications;
- BRE Laboratory measurement of sound insulation.

19. Prior to first occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the Electric Vehicle Charging Points shall be installed in accordance with the approved drawing number 19063.WD3.L.01 rev 1 which accompanied discharge of condition application 21/01274/COND and thereafter permanently retained.

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

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

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

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

21. The detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles as submitted and approved by Hertfordshire County Council as Lead Local Flood Authority under discharge of condition application 20/00707/COND which demonstrated the surface water run off generated up to and including 1 in 100 year + climate change critical storm will not exceed the runoff from the existing site following the corresponding rainfall event. The approved scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

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

23. Upon completion of the development a final management and maintenance plan must be supported by a full set of as-built drawings, a post construction

location plan of the SuDS components cross-referenced with a maintenance diagram to secure the operation of the scheme throughout its lifetime.

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

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

25. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 26, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 27.
26. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
27. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
28. Prior to the first occupation of the ground floor retail units as detailed on the approved drawings, a scheme for the installation of equipment to control the

emission of fumes and smell from these premises and/or for the installation of any external plant and equipment such as air conditioning units and refrigeration units shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first occupation of these units. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

29. Prior to first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the boundary treatment shall be constructed in accordance with the approved details set out in discharge of condition application 21/01275/COND which are as follows:

Detailed Drawing Reference Numbers:

- Proposed Site Plan (drawing number:- 19063.WD3.L.01 P);
- Proposed Site Plan (West) (drawing number:- 19063.WD3.L.02 J);
- Proposed Site Plan (East) (drawing number:- 19063.WD3.L.03 O).

The boundary treatment would comprise as follows:

- 1800mm close board timber fence;
- 1800mm close board timber fence with 300mm trellis;
- 2100mm brick wall - buff to match adjacent building;
- 2100mm brick wall - blue to match adjacent building;
- Brick retaining wall with 1500mm metal polyester powder coated (PPC) railings (total 1800mm above ground);
- 1200mm PPC railings;
- Brick retaining wall with 1100mm metal PPC railings above;
- 450mm knee high rail fence;
- 1800mm close board timber fence gate.

Thereafter, the hereby approved boundary treatment(s) shall be permanently retained and maintained accordingly.

## **INFORMATIVES**

### **Environmental Health**

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

### **Thames Water**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed

on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

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

### **Hertfordshire Constabulary Crime Prevention Design Advisor.**

The proposed development should achieve Secured by Design (SBD) accreditation in order for it to comply with current Building Regulations. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 35227 or by email on [mark.montgomery@herts.pnn.police.uk](mailto:mark.montgomery@herts.pnn.police.uk).

### **Hertfordshire County Council as Highways Authority.**

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

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

### **Hertfordshire County Council as Lead Local Flood Authority**

The applicant has not carried out ground contamination investigation for this site. Contamination on site can condition the suitability of the entire drainage strategy which is based in infiltration. We therefore recommend the LPA to contact the Environment Agency in respect to this.

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

## **4 22/00902/ENF - TRANQUIL TURTLE**

The Committee considered a report recommending enforcement action for the removal of an unauthorised erection of a large outdoor structure without planning permission, at the Tranquil Turtle, Symonds Green Lane, Stevenage.

The Development Manager drew attention to a late representation submitted by residents of Symonds Green objecting to this unauthorised structure.



The Development Manager advised that, in his opinion, the structure was harmful to the character and appearance of the Symonds Green Conservation Area by virtue of its size and makeshift / scaffolded, poor quality appearance. This view was supported by the Council's Conservation and Heritage Advisor (BEAMS).

The Development Manager commented that the owners of the Tranquil Turtle had stated that they would be removing the unauthorised structure by 26 February 2023. However, he recommended that enforcement action should be authorised should the structure remain in situ beyond that date.

Councillor Jackie Hollywell, Ward Member for Symonds Green, addressed the Committee on behalf of the residents who had objected to the unauthorised structure, and had requested that enforcement action be taken for its removal. She and the residents were wholeheartedly opposed to the structure, which was not in keeping with the area and did not preserve or enhance the Conservation Area in which it was located. She also referred to the general noise complaints and nuisance issues associated with the premises.

Councillor Hollywell acknowledged the owner's intention to remove the structure by 26 February 2023. However, she and residents were concerned that, if removal did not take place, the period of six months for compliance with any approved enforcement notice would be too long, as it would allow the structure to remain in place throughout the summer period.

The Committee was supportive of the Development Manager's recommendations for enforcement action. Mindful of the comments made by Councillor Hollywell, Members agreed that the period for compliance with the enforcement notice should be amended to three (rather than six) months.

It was **RESOLVED**:

- (1) That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation, and subject to an appointed solicitor by the Council being satisfied as to the evidence, requiring the removal of the existing structure in the outdoor seating area of the Tranquil Turtle. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- (2) That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- (3) That, in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.
- (4) That, within three months of the date of any Enforcement Notice served, the

entirety of the scaffolded structure which forms a cover for the outdoor seating area shall be removed in its entirety and the land made good where required.

## **5 22/00952/FP - 22 BASILS ROAD**

The Committee considered an application for the Variation of condition 4 (Boundary Treatments) attached to planning permission reference number 19/00287/FP, at 22 Basils Road, Stevenage.

Prior to presenting the report on the application, the Development Manager showed a short video clip taken by the occupiers of the neighbouring property (24 Basils Road) showing an interaction between them and the applicant on the highway adjacent to the application site. Members of the Committee had also been provided with a string of e-mail's from the occupiers of 24 Basils Road, describing a number of other alleged confrontational interactions with the applicant. Although the Development Manager considered this to be a civil (rather than a planning) matter, the occupiers of 24 Basils Road had threatened legal action should the video not be shown to the Committee.

The Development Manager advised that, under planning permission 19/00287/FP, the existing rear wall of the two-storey building which was to be demolished was to remain in-situ. This was in order to protect the privacy of numbers 33 and 35 Grove Road located to the rear of the site, specifically in terms of overlooking from the approved 2 no. dwellinghouse which were to be constructed at 22 Basils Road. Moreover, the wall would also act as a screen to protect the amenities of the future occupiers of the development at 22 Basils Road.

The Development Manager stated that the applicant had since demolished the 4.8m high wall which was to be retained as part of planning permission 19/00287/FP. This was because the applicant's structural engineer had considered the wall to be structurally unsafe. Taking this into consideration, the applicant was now looking to replace the two-storey wall with a 1.8m high close board timber fence.

The Development Manager considered that the proposed fence was not deemed to be of a sufficient height to overcome the privacy issues identified above. Therefore, if the application was to be approved, there would not be suitable mitigation measures in place to deal with the privacy issues identified. He therefore recommended that planning permission be refused.

The Committee was addressed by the applicant and developer, Mr Edger. Mr Edger re-iterated the Development Manager's comment that the rear wall had been demolished because his appointed structural engineer had considered the wall to be structurally unsafe. He drew attention to the fact that the replacement 1.8m wooden boundary fence would be in keeping with those of adjoining and nearby properties.

The Committee debated the application, and considered that it would be unreasonable to expect a 4.8m high replacement brick wall to be constructed in this location. Members agreed that the proposed 1.8m wooden fence would be an acceptable boundary treatment, and would be in keeping with those of other properties in the area. The Committee therefore agreed that application

22/00952/FP should be granted planning permission.

It was **RESOLVED** that application 22/00952/FP be GRANTED planning permission, subject to appropriate conditions.

**6 INFORMATION REPORT - DELEGATED DECISIONS**

Noted.

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

Noted.

**8 URGENT PART I BUSINESS**

22/00423/FP – Town Square (Event Island) - Cycling on the road in front of Daneshill House

With the Chair's permission, a Member referred to the planning permission relating to the Event Island space in the Town Centre, and the condition prohibiting cycling on the road in front of Daneshill House (known informally as the "Yellow Brick Road"). She was concerned that cyclists were still using the road in contravention of this condition.

In response, the Assistant Director (Planning & Regulation) advised that cycling was banned in the area up to 6.00pm as part of the Town Centre wide cycling prohibition. The extension of the ban beyond 6.00pm for the "Yellow Brick Road" had required the drawing up of a Traffic Regulation Order (TRO), which officers had included as part of the wider TRO relating to the adjacent Matalan site development. Objections had been received to the element of the TRO relating to the prohibition of cycling on the "Yellow Brick Road". If such objections were not overcome, then a Public Inquiry would be required. In the circumstances, and to avoid the need for a Public Inquiry, officers had separated the cycling element from the Matalan site element, which would enable the TRO relating to that element to be progressed. Officers were working on a solution to the remaining cycling prohibition issue, but if necessary would report back to the Committee should changes be required to the planning permission for the Town Square/Event Island space.

**9 EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

**10 URGENT PART II BUSINESS**

None.

**CHAIR**