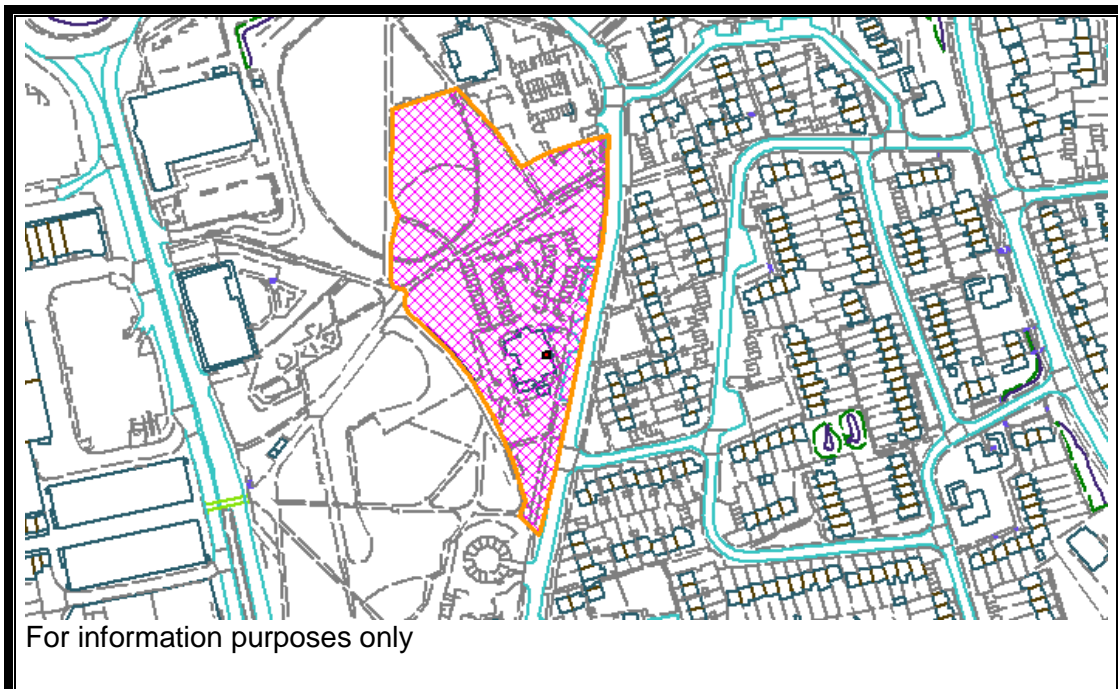


Meeting:	Planning and Development Committee	Agenda Item:
Date:	18 July 2023	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No:	22/00963/FPM
Location:	Brent Court, Silam Road, Stevenage
Proposal:	Demolition of existing multi storey garage blocks and construction of 96no. independent living apartments with associated parking, amenity space and improvements to the parking and refuse collection for the existing building
Drawing Nos.:	18069su1.01; 18069SU1.02; 18069SU1.03; 18069SU1.04; 18069SU1.05; 18069WD2.029; 18069WD2.030; 18069WD2.031; 18069WD2.032; 18069WD2.033; 18069WD2.034; 18069WD2.040; 18069WD2.041; 18069WD2.063; 18069WD2.064; 18069WD2.065; 18069WD2.066; 18069WD2.067; 18069WD2.068; 18069WD2.069; 18069WD2.070; 18069WD2.081; 18069WD2.082; 46697B; 18069WD2.020-A; 18069WD2.023-A; 18069WD2.024-A; 18069WD2.025-A; 18069WD2.061-A; 18069WD2.062-A; 7552.PP.4.0-B; 7552.PP.4.1-B; 7552.PP.4.2-B; 7552.HSP.5.0-B;
Applicant:	Stevenage Borough Council
Date Valid:	2 November 2022
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site is on the western side of Silam Road, with the Town Centre Gardens on its western side and residential dwellings of Silam Road on its eastern side. To the north is a pedestrian route known as Bedwell Lane which links Silam Road to Park Place in the town centre via an underpass under St. George's Way; beyond that is Harrow Court. To the south is High Plash.
- 1.2. Brent court tower is an 18-storey high tower block of flats built in 1966. Along with Harrow court and High Plash, the three towers are dominating the landscape of Stevenage's town gardens.
- 1.3. There are two existing vehicular access locations to the site from Silam Road. There are also two additional pedestrian access points, one on Silam Road and the other to the Town Gardens at the south of the site.

2. RELEVANT PLANNING HISORY

- 2.1 2/0410/96 – 4no. antenna and equipment cabinets. Brent Court, Silam Road. Permitted 17 April 1997.

3. THE CURRENT APPLICATION

- 3.1 To demolish the existing two-tier garage compound on the northern section of the site and replace with a 7-storey building containing 63no. one-bed and 33no. two-bed units for independent living of older persons. Additionally, a two-tier parking compound will be provided beneath the building. Owing to the topography of the site, this parking area will be basement at Silam Road street level and above-ground, enclosed, under-croft parking adjacent to the town centre gardens.
- 3.2 The main aims of independent living are:
 - To provide older people with their own self-contained apartment;
 - To promote independence within a community where people have active social lives;
 - To provide flexible care and support from a care team when required;
 - To provide and maintain a balanced community ranging from those with high care needs to those with virtually none;
 - To offer a 'home for life' as far as practically possible;
 - To provide cost-effective care and value for money for the commissioning authority.
- 3.3 New and modern independent living schemes are designed to be suitable for residents who require varying degrees of care ranging from people who still live fully independent lives through to people who require a daily carer. The principle behind this is that as people's needs vary over time, residents can remain in their homes and adapt their environment to suit their needs rather than having to move to a new house.
- 3.4 Personal care services would be provided either through social services or paid for privately. Residents live in their own apartment although there are communal areas, such as lounges, so people can meet up with friends or join in with social activities if they want to. Support accommodation such as staff/visitor sleep-over facilities, offices, quiet areas, laundry, treatment room and bathing spa are provided within the building to aid the support network for the residents.

- 3.5 The 2 bed apartments are constructed to allow for future adaptability and choice so that a person or couple can move into a 1-bedroom apartment with an enlarged lounge & dining area. If over time the needs of one or both of them changes and they prefer to sleep in separate rooms or a live-in carer is required, the flats can be easily adapted to create a second bedroom. The flexibility in terms of the internal layout means that people can live as independently as possible and do not necessarily need to move to alternative accommodation if their needs change.
- 3.6 The building would measure 22m high when viewed from Silam Road; between 20m and 32m high when viewed from the north and the same when viewed from Brent Court to the south; and 32m high when viewed from Town Centre Gardens.
- 3.7 It would have a total width on Silam Road of 40m; a width of 60m when viewed from the north and from Brent Court to the south; and a width of 38m when viewed from Town Centre Gardens.
- 3.8 The building would be constructed of similar materials to Brent Court using two differing tones of brick colour – a white brick and multi grey-buff brick. The two car parking floors would be constructed in a brown-multi roman brick. A more detailed description of elevational treatments can be found in the design section of this report further below.
- 3.9 The proposal consists of the following:
- 7 storey building comprising 63no. one-bed and 33no. two-bed apartments
 - Two-tier partial basement/partial undercroft parking compound
 - Ground floor communal areas to include 2no. lounges with outside terraced seating areas, snug, kitchen, hobby room, reception area, staff office & changing room, meeting rooms, guest room, bathing spa & treatment room and communal podium garden.

Schedule of Accommodations

- Ground floor – 5no. two-bed units and 6no. one-bed units
 - First floor – 5no. two-bed units and 12no. one-bed units
 - Second floor – 5no. two-bed units and 12no. one-bed units
 - Third floor – 5no. two-bed units and 12no. one-bed units
 - Fourth floor – 6no. two-bed units and 11no. one-bed units
 - Fifth floor – 3no. two-bed units and 4no. one-bed units
 - Sixth floor – 4no. two-bed units and 3no. one-bed units
- 3.10 Following an internal review of the Council's independent living accommodation stock, a large number have been identified as unfit for modern living. As such, this application seeks to replace the existing units which are being removed and provide a net gain. In this regard, the applicant has advised that 32 units at Asquith Court and 40 units at Walpole Court will be, or have already been, removed from stock (total loss of 72 units). They confirm that new units at Walpole Court (88 units) along with this current application for 96 units would provide a total of 184 new units. This would result in a net gain of 112 units of assisted living apartments. This is a key consideration in the assessment of this application.
- 3.11 The application is submitted by the Council's Housing Development department and comes before the Council's Planning and Development Committee as the application is a Major residential development on Council owned land.

4. PUBLIC REPRESENTATIONS

4.1. Following notification of the applications via letter, the erection of site notices and a press notice in the local newspaper, public representations have been received from the following:

- Brent Court: 1, 5, 33, 34, 38, 51, 56, 62, 92, 98.
- Boston Place, Park Place: 5

4.2 A summary of the objections raised are set out as follows:

- Daylight and sunlight report is not clear – cannot distinguish windows and whether light will be lost;
- Amount of daylight/sunlight to be lost to some flats is unacceptable;
- Concerns over amount of car parking spaces, especially the loss of spaces to existing Brent Court;
- Concerns over impact on car parking on Silam Road;
- Separation distances between habitable rooms is 12-15m when it should be 22m;
- Bats roost in the garages;
- Discrimination against disabled and elderly residents when construction is underway and their parking is removed;
- Noise and dust pollution from construction;
- Existing residents will not be able to open windows in summer during construction;
- Council is disregarding human rights of existing tenants of Brent Court because they are Council Tenants;
- Construction noise will be harmful to mental health;
- Will it be social housing as indicated or will the land be sold off for private development once permission is granted?
- SBC promised to improve car parking on site and has now reneged on this promise – the law requires promises to be honoured unless there is very good reason not to do so;
- Existing waste bins have caused a rat problem on site;
- Existing site suffers with high levels of anti-social behaviour;
- Will affect house prices;
- Will non-residents be able to retain their rented garages?

4.3 The aforementioned is not a verbatim copy of the objections which have been raised. Full copies of the representations received can be viewed on the Council's website.

5. CONSULTATIONS

5.1. Sport England

5.1.1 The proposed development does not fall within our statutory remit; therefore, we are not providing a detailed response.

5.2 Herts County Council Growth & Infrastructure Unit

5.2.1 As the development falls within SBC's CIL Zone, we do not request financial contributions but do reserve the right to seek CIL contributions towards the provision of infrastructure.

5.3 SBC Environmental Health

5.3.1 No objection subject to conditions relating to land contamination and noise.

5.4 HCC Minerals and Waste

5.4.1 The site is not located within the Sand and Gravel Belt; however the British Geological Survey data does suggest there may be some sand and gravel deposits within the boundary of the site. HCC's adopted Minerals Local Plan Policy 5 encourages extraction of minerals for use on site prior to non-mineral development and it should be encouraged on this site to minimise transport of sand and gravel to the suite to make sustainable use of these valuable resources.

5.4.2 A development of this size should minimise waste generated during demolition, construction and occupation and re-use unavoidable waste where possible. We request that a Site Waste Management Plan is secured via condition.

5.5 Thames Water

5.5.1 No objection. Request a condition relating to piling foundations as within 15m of strategic sewer pipe.

5.6 Health & Safety Executive

5.6.1 23.11.2022 - Objection - Electric vehicle charging is prohibited in undercroft parking as per Building Regulations Approved Document S. The stairwell from the west core connects to ancillary accommodation (residential lounges at ground floor); this is not acceptable.

5.6.2 12.06.2023 – No objection. A further consultation request from the LPA was received on 22/05/2023. Revised drawings for the two basement levels and a revised design and access statement (Rev A) dated March 2023 was provided with the request. These documents will be referred to as the 'applicant's response'. Previously, HSE raised a concern regarding the provision of vehicle electrical charging points in the covered car park (both basement levels). The applicant's response states that 'the provision of Electric Vehicles charging points will be in compliance with Part S of the building regulations.' 1.8 Following a review of the revised information provided in the applicant's response, HSE is satisfied with the fire safety design to the extent that it affects land use planning.

5.7 Natural England

5.7.1 No objection.

5.8. East of England Ambulance Service

5.8.1 Should this development materialise then it will have an impact on emergency ambulance healthcare provision and must be mitigated by securing developer contributions of £18,468.00. If contributions can be secured, then no objection to the development.

5.9 Herts and Middlesex Wildlife Trust

5.9.1 The submitted documents show a biodiversity loss of 0.31 habitat units. In order to provide a 10% net gain in line with Policy, then 1.18 habitat units needs to be secured via condition.

5.10 SBC Green Spaces Manager

5.10.1 02.12.2022: Concerned over red line plan including the Town Centre Gardens which is a Principal Parkland and contains valuable amenities. Concerned about the south of the site being used for car parking and access as this on Principal Parkland. A suitable financial contribution will be needed to mitigate this. The improved access for fire tenders is welcome but it must be constructed in the same materials as the existing park to prevent

flooding. Cycling is not permitted in the Town Centre Gardens. Concerned about the lack of details on the landscaping proposals so a more detailed proposal will be required.

5.10.2 21.06.2023: No overall objection. They agree to the amended plans submitted although request that a number of landscaping issues are dealt with by way of conditions. They do wish to see details of access to the podium garden in order that they can ascertain any concerns over access and maintenance to it.

5.11 Herts County Council as Highways Authority

5.11.1 Defer for amended plans: layout is car dominated which is not LTP4 compliant – remove the southern access and it will be more compliant. LTN1/20 infrastructure requested during pre-app has not been provided – the re-instatement of a 2m wide footpath does not unlock the site sustainably, a segregated footpath/cycleway through the Bedwell Link (to the town centre) would be advised. There are no bus stops on Silam Road although the submitted transport assessment claims there to be although they are close enough to the site to be LTP4 compliant so no concern in this regard.

5.11.2 The submitted crash data is not based on acceptable data although our records show only 1 crash since 2019 so no concern in this regard. The visibility splays in the transport assessment are acceptable in size but they will be obscured by vehicles and trees so not acceptable in use. A construction method statement will be required prior to commencement. The travel plan is acceptable in principle but will need additional work to be provided 3 months prior to occupation.

5.11.3 In summary, the only concern they have that needs addressing is the LTP4 non-compliance of the site in terms of the secondary southern access being created. This needs to be removed and link directly to the path through the site to cycle network and segregate pedestrians/cyclists.

5.11.4 They also require £655,296.00 Strand 2 contributions.

5.12 Council's Drainage Consultant

5.12.1 Based on a review of the submitted documents, we are unable to recommend that planning permission is granted at this stage. An updated drainage strategy will need to be supplied which contains a strategy to cover the whole red-line boundary; updated drawings consistent across the site, for example detailing on the landscape plans showing where permeable paving would be provided and the location of attenuation tanks; interception and treatment requirements which maximise biodiversity and amenity benefits for example, green & blue roof coverage, permeable paving, rain gardens, SuDS tree pits; additional detail on the blue roof; greenfield rate calculations; existing run-off rates; and consideration of exceedance flow pathways to show they would not pose unacceptable risk to the proposed development.

5.13 Herts County Council as Lead Local Flood Authority

5.13.1 No comments received.

5.14 UK Power Networks

5.14.1 No comments received.

5.15 Affinity Water

5.15.1 No comments received.

5.16 Herts Police Crime Prevention Design Advisor

5.16.1 No comments received.

5.17 SBC Arboricultural Manager

5.17.1 No objection. Having analysed the amended plans, I have some concerns with regards to the tree planting; Betula Pendula is likely to struggle due to the shade at the proposed locations (particularly to the north and western sides of the development). I would suggest that they are replaced with a shade tolerant species.

5.18 National Grid

5.18.1 No comments received.

5.19 NHS England

5.19.1 No comments received.

5.20 Herts Fire and Rescue Water Officer

5.20.1 No comments received.

5.21 SBC Waste and Recycling Manager

5.21.1 No comments received.

5.22 SBC Engineering Team

5.22.1 No objections or concerns raised.

5.23 The aforementioned is not a verbatim copy of the objections which have been raised. Full copies of the representations received can be viewed on the Council's website.

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.

- 6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by the Ministry of Housing Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities (DLUHC)) in January 2022 (DLUHC have not yet published the latest HDT results), identifies that Stevenage delivered 79% of its housing requirement. This exceeds the 75% target and renders the adopted Local Plan housing policies as being in-date. However, this is still well below the 95% target which is set out in the NPPF (2021). Consequently, the Council has to apply a 20% buffer in its 5-year housing supply calculations. In addition, the Council also has to produce an Action Plan in order to boost housing delivery.
- 6.2.3 The Council prepared an Action Plan in July 2022 to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. This has been prepared in accordance with Planning Practice Guidance and analyses the reasons for under-delivery of new homes against the Government's requirements. It also sets out clear actions on how to improve housing delivery. A copy of the Stevenage Borough Council published Action Plan is set out in the link below:
<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/housing-delivery-test-action-plan-2022.pdf>
- 6.2.4 Turning to 5-year housing land supply, the Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can currently demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.2.5 The Council, based on its HDT score and 5-year housing land supply calculations, the Council is not currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2021). For reference, if this policy was to be engaged, it would mean the Local Plan policies would be classed as out-of-date.
- 6.2.6 The Council is now commencing preliminary work into a review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.
- 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 Adopted Local Plan (2019)

6.4.1 The policies set out below are relevant in the determination of this application:

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP5: Infrastructure;
Policy SP6: Sustainable transport;
Policy SP7: High quality homes;
Policy SP8: Good design;
Policy SP11: Climate change, flooding and pollution;
Policy SP12: Green infrastructure and the natural environment;
Policy IT4: Transport assessments and travel plans;
Policy IT5: Parking and access;
Policy IT6: Sustainable transport;
Policy IT7: New and improved links for pedestrians and cyclists;
Policy HO1: Housing allocations;
Policy HO5: Windfall sites;
Policy HO7: Affordable housing targets;
Policy HO8: Affordable housing tenure, mix and design;
Policy HO9: House types and sizes;
Policy HO10: Sheltered and supported housing;
Policy HO11: Accessible and adaptable housing;
Policy GD1: High quality design;
Policy FP1: Climate change;
Policy FP2: Flood risk in Flood Zone 1;
Policy FP5: Contaminated land;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH5: Trees and woodland.

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020
Stevenage Design Guide Supplementary Planning Document January 2023.
The Impact on Biodiversity SPD 2021
Developer Contributions SPD 2021

6.6 Community Infrastructure Levy

Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development.

7. APPRAISAL

7.1.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, affordable housing and planning obligations, visual impact of the development, impact upon neighbouring amenities, impact upon future amenities of residents, parking provision, highway implications, development and flood risk, impact on the environment, trees, landscaping and Biodiversity.

7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 Land Use Policy Considerations

Compliance with the Council's Housing Policies

- 7.2.1 The NPPF (2021) states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption on favour of sustainable development".
- 7.2.2 Paragraph 62 of the NPPF (2021) requires that the planning system should deliver, inter alia, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Paragraph 69 of the Framework sets out that small and medium sites can make an important contribution to meeting housing requirements in an area, and this includes supporting the development of windfall sites.
- 7.2.3 Paragraph 119 of the NPPF (2021) stipulates that planning policies and decisions should promote the effective use of land in meeting the need for homes such as through the use of brownfield sites (previously developed land) and the development of underutilised land.
- 7.2.4 The site is not allocated in the Local Plan and would therefore, be classed as windfall. Policy HO5 of the adopted Local Plan (2019) deals with windfall housing sites and states that permission will be granted where: the site is on previously developed land or is a small, underused urban site; there is good access to local facilities; there will be no detrimental impact on the environment and the surrounding properties; proposals will not prejudice the Council's ability to deliver residential development on allocated sites; and, the proposed development would not overburden existing infrastructure.
- 7.2.5 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council's aim of delivering a number of homes which fall outside the designated sites.
- 7.2.6 Policy HO5 of the Local Plan (2019) (windfall sites) stipulates that proposals should not prejudice the Council's ability to deliver residential development on allocated sites, and it does not overburden existing infrastructure.
- 7.2.7 For the purpose of clarity, the definition of previously-developed land, as stated within the National Planning Policy Framework (NPPF) (2021) is "land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure". The site occupies the existing garage compound associated with Brent Court. The development is, therefore, considered to constitute development of previously developed, brownfield land and therefore complies with Policy HO5. This is a key material consideration in the determination of this current application.
- 7.2.8 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is located in close proximity to the town centre and has easy access to a range of retail, service, food and drink premises, pharmacies, a library, doctors and dental surgeries all within a short walking distance to the site. The closest bus stops are Fairlands Way to the north (4 minutes' walk) and Cuttys Lane to the south (3 minutes' walk).
- 7.2.9 The nearest primary school, Broom Barns, is located approximately 650m south-east and the site is approximately 2.5km-3km from both Thomas Alleyne School and Barclay Academy. As such, the application site is considered to have excellent access to local facilities and

alternative forms of travel to the private car and, therefore, deemed to be within a highly sustainable location. Furthermore, the site is also located close to a well-connected cycle and pedestrian network. The application site is approximately 800m from the town centre bus station and 900m from the train station, both of which are easily accessible by foot within 10 minutes.

7.2.10 Criterion (c) of Policy HO5 states that there should be no detrimental effect on the environment and the surrounding or adjoining properties. These issues will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity.

7.2.11 Turning to 5-year land supply and housing delivery, Paragraph 68 of the NPPF (2021) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15.

7.2.12 Paragraph 74 of the NPPF (2021) stipulates policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
- b) 10% where the Local Planning Authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

7.2.13 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by Government planning policy and guidance. The results of the HDT dictate whether a Local Planning Authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in accordance with paragraph 74 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development in addition to incorporating the 20% buffer.

7.2.14 The latest HDT results, published by the MHCLG in January 2022, identifies that Stevenage delivered 79% of its housing requirement which exceeds the minimum requirement of 75% which means there is no longer a requirement to apply the presumption in favour of sustainable development. The figure does fail to meet the upper limit of 85% which means the Council must incorporate a 20% buffer in its housing supply calculations. The Council is also preparing an Action Plan in accordance with the requirements of the NPPF.

7.2.15 The Council's Planning Policy Team have advised that the Council can now demonstrate 5.91 years of supply (which includes the 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can currently demonstrate a housing supply of 6.68 years (including 20% buffer). Given this position, this proposal is not fundamental in the Council's ability to meet its 5 Year Land Supply and the titled balance under para. 11d of the NPPF (2021) is not engaged.

- 7.2.16 In respect to Policy HO9 (House types and sizes) of the adopted Local Plan (2019), the proposed development seeks to deliver 63no. one-bedroom and 33no. two-bedroom assisted living units. As such, it would be in accordance with this policy because it would help to deliver a number of smaller dwellings and contribute to the delivery of a mix of housing types in the Town, especially with the delivery of independent living accommodations for older persons which the evidence base for the Local Plan identified as a need for this type of accommodation.
- 7.2.17 In summary, the Council is currently able to demonstrate a five-year supply of deliverable housing sites. Consequently, this is considered to be a key material consideration in the assessment of this application. Nonetheless, the proposed development would contribute to the aim of boosting housing supply as required under Paragraph 60 of the NPPF without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure.
- 7.2.18 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. Given the quantum of development, it is considered that these benefits would be substantial and therefore attracts significant weight in favour of the proposal.
- 7.2.19 On balance, having regard to all the policy considerations laid out above, the proposed development is considered to be acceptable in principle.

7.3 Affordable Housing and Planning Obligations

- 7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission would be granted for residential development which would maximise affordable housing provision. Taking this into consideration, there is a requirement to provide 25% of new homes to be affordable on previously developed sites. In this regard, there would be a requirement to provide 24 affordable units.
- 7.3.2 Turning to affordable housing tenure, mix and design, Policy HO8 states that planning permission will be granted where those dwellings:
- a) Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
 - b) Meets the requirements of Policy HO9 (House types and sizes);
 - c) Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
 - d) Will remain at an affordable price for future eligible households.
- 7.3.3 In addition to the above, paragraph 65 of the NPPF (2021) stipulates that for major developments involving the provision for housing, planning decisions should expect at least 10% of the total number of homes to be made available for affordable home ownership (this includes affordable housing for rent, starter homes, discounted market sales housing and other routes including shared ownership, equity loans and other low-cost homes (at a cost to at least 20% below market value)). However, the 10% requirement is part of the overall affordable housing contribution for the site.
- 7.3.4 On the 24 May 2021, the Government announced its First Home policy through a Written Ministerial Statement (WMS) and accompanying changes to the Planning Practice Guidance (PPG). As a result, these changes came into effect on the 28 June 2021. First Homes are designed to support local first-time buyers onto the property ladder, by offering homes at a discount to the market price. The discount will apply to the homes- in perpetuity, meaning that generations of new buyers and the local community will continue to benefit every time the property is sold.

First Homes are a specific kind of discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

7.3.5 First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.

7.3.6 In regard to affordable housing delivery, the Council's evidence base has demonstrated that since the start of the Local Plan period, delivery of affordable housing has been limited to 282 units, an average of 31 units per annum. Consequently, this evidence does demonstrate that there has been a significant under provision of affordable housing delivery within the Borough. This is also reflected in the appeal decision letter for Land West of Lytton Way appeal whereby the inspector states (para. 87) and quote:

"I have been referred to other schemes which have been granted planning permission or it has been resolved that planning permission should be granted. In these schemes, for one reason or another, affordable housing provision has been lower than the expected policy figure of 20%. Indeed 52 homes would equate to over 17% of the affordable housing that has been delivered thus far in the Local Plan period. In these circumstances of poor delivery of affordable homes and with sizeable unmet need for such housing, I give the provision of affordable housing significant weight".

7.3.7 The proposed development is seeking to deliver 96no. dwellings. Accordingly, the overall provision of affordable housing would be 24 units, broken down as follows:

- 70% affordable rent – 17 units
- 25% First Homes – 6 units
- 5% to be determined by the Council's Housing Development Team – 1 unit

7.3.8 Taking into consideration the above, the benefit of the affordable housing is unarguable based on the undersupply of affordable housing identified over the Local Plan period. As a consequence, if planning permission were to be granted, the level of affordable housing the development would provide is deemed to be a significant benefit. The applicant has confirmed they look to deliver a policy compliant scheme of affordable housing on this site.

7.3.9 Turning to the recently adopted Developer Contributions SPD (2021), this SPD introduces a new requirement that developers of major development when signing an agreement with the Council, will need to:

- Attempt to fill 5% to 10% of construction jobs on-site associated with the development with Stevenage Residents;
- Attempt to fill 1 apprenticeship position per 10 construction jobs on-site with a Stevenage Resident or Student (cap requirement of 10 apprenticeships);
- Report whether or not these requirements are met; and
- Provide a financial contribution in lieu of not achieving either or both targets.

- 7.3.10 The calculation of the financial contribution will be as follows:
- a) £4,000 per number of targeted jobs not filled by Stevenage residents;
 - b) £2,000 per number of targeted apprenticeships not filled by Stevenage residents or students; and
 - c) £250 per apprenticeship position as an administrative fee towards the brokerage system to fill apprenticeship positions.
 - d) If a major development could not provide suitable apprenticeship opportunities due to the quick construction of the development project, and the resultant lack of suitable opportunity to provide apprenticeships, they should pay a lesser fee of £1,000 per number of targeted apprenticeships not created rather than the £2,000 fee.
- 7.3.11 HCC Growth and Infrastructure unit and the NHS have advised they have no requirement for any financial contributions.
- 7.3.12 It was identified that the site does not provide a Biodiversity Net Gain and that there is a shortfall of 1.18 units which equates to a financial contribution of £21,738.00 plus the funding to plant 3no. urban trees, or, a financial contribution of £53,936.00 to provide a mix of scrub and neutral grassland. At the time of writing this report, negotiations are still ongoing as to which of the two aforementioned options are most viable. The Committee will be provided an update on this on the night of the meeting. Therefore, it is recommended that delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chairman to secure any financial obligations which may be required to off-set biodiversity shortfall which would form part of a S106 Legal Agreement.
- 7.3.13 In line with the Biodiversity SPD (2021) this contribution will go towards three separate funds as outlined below and will contribute to projects identified in the Council's Biodiversity Action Plan:
- a) Biodiversity Accounting Fund
 - b) Contingency Fund
 - c) Management and Monitoring Fund
- 7.3.14 The development would see the loss of 15 individual trees, a single hedgerow, 3 groups of trees and the partial removal of a fourth group, resulting in a total loss of 35 trees, and, although at least 45 trees will be planted on site, there remains a shortfall of 60 trees for the proposed development, following a replacement strategy of 3:1. In addition, an unknown number of trees as a result of the site compound will be lost, which will be determined as part of a discharge of conditions. Accordingly, a financial contribution will be required, and the Council's Arboricultural and Conservation Manager advises this can be calculated at a cost of £350.00 per tree, to become payable prior to the first occupation of the first unit.
- 7.3.15 With regards to the impact of the site compound on the open space and children's play area to the north of the application site, the applicant advises that as part of the tender process for the contractors, a sum has been factored in for the winning contract bid that requires the main contractor to re-provide the children's play area. As this is being dealt with as part of the tender process, it is not a requirement of the planning application to include it in any legal agreement.
- 7.3.16 East of England Ambulance Service have requested a contribution of £18,468.00 to mitigate impacts on the ambulance service and healthcare provision in the area.
- 7.3.17 Herts County Council (HCC) as highways authority have requested strand 2 contributions of £655,296.00. It is expected that they will also require their standard £6,000.00 towards Travel Plan monitoring, which is usually sought on all schemes of this nature, although this was not included in their initial consultation response. Council officers will seek clarification on this prior to the formulation of the s.106 legal agreement.

7.3.18 The applicant does not agree to the financial contribution sought by HCC for the strand 2 contributions. Strand 2 relates to mitigation works that address the wider cumulative impact of developments for which the development itself is not solely responsible for but does derive a benefit from. Whilst the applicant does not dispute there is a need to support and finance highway improvements; the financial contribution which has been sought does not accord with Regulation 122 of the Community Infrastructure Levy (CIL) 2010 (as amended). For reference, Regulation 122 states:-

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

7.3.19 The main area of contention is around the “*Fairly and reasonably related in scale and kind to the development*” test. In this regard, HCC have not provided a formula to demonstrate how they arrived at the financial contribution they have sought. This is a requirement in order for the applicant to establish whether or not what is being sought by HCC is “reasonable”. To date, HCC has not been willing to provide the developer with the formula on how they have calculated the contribution they have sought for strand 2 contributions for highway improvements.

7.3.20 Further to the above, the financial contribution needs to be necessary such as funding a key piece of infrastructure or developing services to support the development. As such, a request to use monies to deliver the identified Route 3 (East of Stevenage to Town centre) in the SBC adopted Local Cycling and Walking Infrastructure Plan (LCWIP) (2019) as well as providing an improved pedestrian/cycle route from the site, through Town Centre Gardens, to the Town Centre, is not considered to be necessary to make the development acceptable in planning terms.

7.3.21 This is because, whilst the Council accepts that an improved pedestrian/cycle route to the Town Centre from the Brent Court site is reasonable, this cannot be accommodated via Bedwell Lane through Town Centre Gardens. The Council is custodian and landowner of Town Centre Gardens and has put in place restrictions with regards to cyclists. Therefore, SBC as landowner will not accept cyclists being allowed to travel along Bedwell Lane through Town Centre Gardens. Therefore, can HCC consider an alternative route which does not include the route through Town Centre Gardens via Bedwell Lane.

7.3.22 Further, the Council continues to support the aspirations of the LCWIP, however, the level of contribution sought is considered unjustifiable as the development proposed will not result in a significant demand for such provisions at a scale HCC are proposing. It must be borne in mind that this development is for assisted living apartments, and not standard residential development. The majority of residents in these types of developments will not be capable of cycling. However, it is considered that the future residents of the proposed development may well utilise an improved network to and from the Town Centre to some degree but certainly not the length of Route 3 to and from Gresley Way. Therefore, the Council maintains the level of contribution sought is not commensurate with the proposed development and the use as assisted living apartments, where an element of care for residents is generally expected.

7.3.23 As it stands, the Council does not feel that the contributions sought are compliant with the CIL Regulations (Reg 122), and so we do not currently support HCC's request. At the time of writing this report, officers were undertaking further negotiations with Highways officers to look at alternative proposals in order to improve connectivity to the town centre for cyclists from Silam Road. Officers intend to provide the planning and development committee with an update with respect to whether or not an alternative proposal can be secured which accords with the CIL Regs and the NPPF. However, should negotiations be on-going, it is recommended that delegated powers be given to the Assistant Director of Planning and

Regulation in consultation with the Chairman to secure any financial obligations (providing they meet Reg 122 of CIL and the NPPF) which may be required in this regard, which would form part of a S106 Legal Agreement.

- 7.3.24 The Council's Engineering Section, who deal with Parking and Traffic Enforcement have been consulted on the application and as at the time of writing this report have not provided any comments as to whether they wish to seek financial contributions. An update will be provided at the committee meeting.
- 7.3.25 In terms of monitoring, the Council's Developer Contributions SPD sets out that the Council will seek a monitoring fee of 2.5% of the value of the contributions being monitored. The fee would be capped at £25,000.00. The monitoring fee itself would be secured as part of any S.106 legal agreement.
- 7.3.26 The applicant has agreed to pay all monies sought through the signing of a S106 legal agreement with the exception of the HCC Highways contributions which they have challenged and for which, negotiations are currently still ongoing at the time of writing this report

7.4 Design and Impact on the Character and Appearance of the Area

- 7.4.1 In terms of design, paragraph 126 of the NPPF (2021) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 130 of the NPPF (2021) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 7.4.2 Paragraph 134 of the NPPF (2021) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.
- 7.4.3 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment, and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.4 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the towns' built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment, and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

- 7.4.5 Policy HO5 requires residential development on unallocated sites to not have a detrimental impact on the environment and on surrounding properties. The Council's Design Guide SPD (2023) generally reflects the aforementioned policies whereby it seeks development to respect surrounding buildings in terms of scale, massing, height, and design. As such, it encourages good design as it can enhance the appearance of places.
- 7.4.6 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 7.4.7 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.
- 7.4.8 The Guide further iterates that all developments are made up of these components put together in a particular way. As such, the choices made in the design process contribute towards achieving the ten characteristics and shape the character of a place. For reference, these ten characteristics are as follows:-
- Context – enhances the surroundings;
 - Identity – attractive and distinctive;
 - Built form – a coherent pattern of built form;
 - Movement – accessible and easy to move around;
 - Nature – enhanced and optimised;
 - Public spaces – safe, social, and inclusive;
 - Uses – mixed and integrated;
 - Homes and buildings – functional, healthy, and sustainable;
 - Resources – efficient and resilient;
 - Lifespan – made to last.
- 7.4.9 Paragraph 40 of the National Design Guide states that well-designed places are:
- Based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
 - Integrated into their surroundings so they relate well to them;
 - Influenced by and influence their context positively; and
 - Responsive to local history, culture, and heritage.
- 7.4.10 The Council recently adopted an updated Design Guide SPD (Jan 2023) and Sections B (Built Form) and H (Homes and Buildings) of this SPD are particularly pertinent to the design of new residential units. An understanding and analysis of the original New Town design concepts led to some key issues becoming apparent. These have been used as key themes, which run throughout the entirety of this guidance. Considering these concepts at all stages of the development process will provide a good basis for the creation of a successful place; based on the recognised principles of urban design, but also building on the existing fabric of

the town without taking away from Stevenage's history as Britain's first Mark One New Town. The themes have been identified as follows:

- Sustainability – incorporate principles of sustainable development from a town-wide perspective to measures incorporated into an individual property;
- Increasing densities – encourage high densities in accessible locations;
- Respecting existing characteristics – respect local characteristics and preserve and enhance existing features, where appropriate;
- Legibility – provide landmark developments at nodal points;
- Design innovation – showcase Stevenage as an example of high-quality design, creating safer places through urban design techniques.

7.4.11 The application proposes the erection of a 7-storey building on the site of the existing two-tier garage compound within the Brent Court site. It would comprise two levels of undercroft parking, which when viewed from Silam Road would not be seen and appear as basement parking; whereas from the town centre gardens side, it would have the appearance of two storeys of above ground parking; this is due to the topography of the site. Brent Court itself is an 18-storey block of flats constructed in the 1960's, along with Harrow Court to the north and High Plash to the south.

7.4.12 The prevailing character of the area is that of two storey residential dwellings and 18-storey flat blocks. The residential dwellings are mostly constructed of red, buff or cream brick with dual pitched roofs. The tower blocks are constructed of buff brick with green or blue detailing around the fenestrations. To the north and west of the site is the extensive public open space of Town Centre Gardens.

7.4.13 The proposed building will be sited adjacent to the 18-storey Brent Court and will have 7-storeys. Whilst this will be taller than the residential dwellings along Silam Road, in context there is Brent Court, Harrow Court and High Plash in the immediate vicinity which are 16-18 storeys. Further afield from the site but still within the town centre area, Vista Towers (formerly Southgate House) which is a 13-storey building, Pine Tree Court which is a 6 storey building, The Towers which is 13 storeys and the Holiday Inn which is 7 storeys.

7.4.14 Additionally, there are a number of buildings over 5 storeys within the town centre, along St. George's Way, namely Park Place and Autolus. Further, there are a number of approved planning permissions in the Town Centre area for tall buildings, such as the former Matalan site, former BHS site, The Forum, the former Icon site and the SG1 re-development proposals for the Town Centre. In the appeal statement for the Icon site (planning ref. 19/00474/FPM, appeal ref. APP/K1935/W/20/3255692), paragraphs 30-33, the Inspector concludes that tall buildings around the periphery of the Town Centre is not harmful per se, where they are close to other existing and proposed tall buildings within and outside the Town Centre. Therefore, the proposed development would not be out of character with the wider area due to the range of building heights.

7.4.15 In respect to the finished appearance of the building, the materials have been chosen to respond to the setting of the building as well as its function. The two car park levels will be in a different brick colour to the rest of the building to provide a 'grounding effect' to the building. This will be a brown-multi roman brick. To contrast and complement the existing Brent Court, the main building will then be constructed in two tones of brick colour – a white brick and a multi grey-buff brick. The use of high-end cast stone brick detailing will be used as feature points to enhance the elevations and add architectural interest. Windows will be simple frames and shapes and colours chosen to reflect and complement the brickwork.

7.4.16 On the eastern elevation, the top floor fronting Silam Road has been recessed to help modulate the built form of the building in order to help minimise impact on this street scene. Curtain walling will be used to mark the entrance doors with a canopy over. The northern elevation has a staggered appearance which will be enhanced with the recessed balconies to provide architectural interest as well as to help break up the overall form and mass of the

building. On the southern elevation there is a reduced level of glazing in order to minimise overlooking between the proposed building and the existing habitable areas of Brent Court. The western elevation overlooking the Town Centre Gardens will be a mixture of windows and recessed balconies, although the recessed balconies have been designed in such a way as to appear to be windows and therefore more discreet in appearance. These balconies will have aluminium railings.

- 7.4.17 In addition to the above, the use of stone coursing blocks in order to help create strong horizontal lines in the elevations in conjunction with the use of brise-soleils which are to be integrated into the windows in order to help prevent over-heating.
- 7.4.18 Within each flat, the kitchen areas are provided with a window facing into the internal corridors. This has been added as feature as it has been shown to be popular within our assisted living schemes to allow people to see movement in the corridors whilst remaining in the comfort of their own apartment. All door opening widths will be Part M(4)2 compliant as a minimum, or Part M(4)3 in some cases. (i.e., accessible and adaptable in accordance with Policy HO11 and Building Regulations)
- 7.4.19 The bathrooms are designed as wet rooms with flush floor drains in order to be fully accessible, whilst the layout means that a bath could be installed in the future if desired. All bedrooms allow for a double bedspace with wheelchair turning circles. Kitchens are designed to be fully accessible with larger base units and drawers whilst the ovens are countertop level with side opening doors. Wheelchair turning circles are allowed for in the entrance hall, kitchen, lounge and bedrooms.
- 7.4.20 Taking into consideration of the above, the submitted proposal has been designed to create a high-quality development with the use of contemporary modern architecture. This is achieved through the introduction of a strong relief to the built form with a clearly defined top, middle and bottom with distinctive window patterns running through the building. The use of balconies helps to modulate the built form which is further broken up by the use of contrasting materials and along with the usage of glazing.
- 7.4.21 With respect to the car park area, due to the topography of the site, this would not be seen from the Silam Road (eastern) side of the building, other than the roller shuttered entrance. Moving westwards through the site, as the ground levels change, the car park would rise up from ground level. As mentioned previously, this would be constructed in a different brick to the main building to provide interest and a grounding point to the building. Notwithstanding this, owing to the substantial landscaping around the site and the wider town centre gardens area, this element of the scheme would be well screened from view.
- 7.4.22 The podium garden would be accessed via the street level communal areas and would be enclosed within the centre of the site to provide seclusion and security for users. The communal lounges and snug on the ground floor would also have access to private courtyard areas.
- 7.4.23 In summary, the proposed development will comprise of a high-quality design to all elevations and would help to improve the visual amenities of the area. Nevertheless, it is recommended that if planning permission was to be granted, a condition would be imposed requiring samples of the materials to be submitted to the Council for approval. This would ensure that the development would have a high-quality finish which enhances the overall character and appearance of the area on this important gateway site.

7.5 Impact upon residential amenities

Outlook and privacy

- 7.5.1 Regarding outlook, the separation distance between the front elevation of the proposed building and the front elevations of the properties in Silam Road to the east varies between 25m and 45m. Distance between the southern side elevation of the proposed building and the northern side elevation of Brent Court is approximately 10.5m. Given these distances, and the lower height of the proposed building compared to Brent Court, it is not considered that the proposed building would appear unduly overbearing to the occupiers of the properties in Silam Road, or vice-versa.
- 7.5.2 Turning to privacy, the Council's Design Guide SPD does not have standards on separation distances for front-to-front elevations or side to side elevations. Given the separations between the proposed building and Silam Road properties, it is not considered that there would be a level of harmful overlooking or loss privacy between the proposed building and Silam Road properties.
- 7.5.3 However, there is still the potential for direct overlooking into private amenity areas of properties within Brent Court and vice versa. In order to minimise this issue, this elevation has much smaller windows than other elevations and, where they serve open plan living room/dining room areas, they are secondary windows and not the main window. There are no balconies on this elevation directly facing Brent Court.
- 7.5.4 Turning to the proposed balcony areas, these have been carefully positioned so as to be screened by the projecting brickwork on the southern elevation of the development. This ensures that persons standing out on the balconies cannot directly look on to the habitable room areas of properties in Six Hills House.
- 7.5.5 Given the above, it is considered that the outlook and privacy of the existing and proposed developments would be acceptable.

Sunlight and daylight

- 7.5.6 An independent sunlight and daylight assessment by a qualified and competent person has been undertaken in line with the guidance set out in the Building Research Establishment (BRE) (2011) "Site Layout Planning for Daylight and Sunlight, a guide to good practice and submitted with the application. The following sections of this report relate to the submitted assessment which itself was created using the BRE's 2011 guidance. However, since the submission of the application, the BRE have produced new guidance in June 2022 to cover the new BS 17037 "Daylight in Buildings". A letter from Right of Light Consulting dated 20 March 2023 has been received which states:

The principal changes to the BRE guide are the inclusion of numerical criteria for assessing sunlight availability to solar panels, and changes to the tests used to assess light levels within new developments. I can confirm that the tests we used to assess the impact on existing neighbouring windows and amenity areas, as set out in the current edition of the guide, remain the same as those in the earlier edition. Therefore, all numerical results, findings and conclusions contained within our 8th September report remain valid.

- 7.5.7 Accordingly, it is accepted that the originally submitted report remains acceptable for the purposing of assessing this applications impact on neighbouring properties in relation to sunlight and daylight.

- 7.5.8 The results confirm that the proposed development does not fully comply with the BRE numerical guidelines. However, the BRE guide makes clear that, in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide explains that the numerical guidelines should be interpreted flexibly, since natural lighting is only one of many factors in site layout design.
- 7.5.9 Dealing with daylight, the BRE guidelines operate on the principal that where the retained Vertical Sky Component (VSC) is 27% or greater, or where the VSC is below 27% but is not reduced to less than 0.8 times its former value, then the reduction in daylight would not generally be noticeable to the owner/occupiers and therefore, the level of impact is not sufficient to warrant refusal. Further, the distribution of daylight within a room can be calculated by plotting the 'no sky line'. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.
- 7.5.10 Whilst the majority of windows that have a requirement for daylight meet the VSC recommendations, isolated windows at 60 to 66 Silam Road and Brent Court fall short. However, for the windows that fall short at Silam Road, these all achieve before/after ratios of 0.71 and above, which is only marginally short of the BRE 0.8 recommendation. The remaining windows at Brent Court are situated underneath existing overhangs and have projections adjacent to the windows. The BRE guide acknowledges that in these situations, existing windows will receive less daylight as the obstructions cut out light and that even a modest obstruction opposite may result in a larger relative impact on the VSC. Furthermore, the BRE guide acknowledges that where existing buildings sit close to the common boundary (as with Brent Court) a higher degree of obstruction may be unavoidable as a result of a proposed development.
- 7.5.11 With regards to the daylight distribution (DD) test, all rooms with a requirement for daylight pass the daylight distribution test with the exception of isolated rooms at 62 Silam Road and Brent Court. As set out in the VSC section above, all of the windows to these rooms are situated underneath existing overhangs and/or have projections adjacent to the windows, which also limits the availability of daylight into the room. In addition to this, the majority of the rooms at Brent Court that fall short of the DD recommendations are bedrooms. Whilst under the BRE guide a universal test is applied to all room types, the BRE guide explains that daylight in bedrooms is less important than in other habitable rooms such as living rooms.
- 7.5.12 Turning to sunlight and overshadowing, the BRE guide states that sunlight is only relevant to neighbouring residential windows which have a view of a proposed development and face within 90 degrees of south. The BRE guide also contains an objective overshadowing test which was used as part of the submitted study. The guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21 March. If, as a result of new development, an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.
- 7.5.13 All windows that face within 90 degrees of due south have been tested for direct sunlight. All main habitable room windows pass both the total annual sunlight hours test and the winter sunlight hours test with the exception of one window at Nos.64, 68 and 74 Silam Road. However, these rooms meet the sunlight recommendations over the whole year.
- 7.5.14 All gardens and open spaces tested meet the BRE recommendations for overshadowing.

Private amenity space

- 7.5.15 The Council's Design Guide States that in flatted developments, the Council will aim to achieve a minimum useable communal area of 50sqm for schemes up to 5 units, plus an additional 10sqm per additional unit over 5. Taking this into consideration, there would be a requirement to provide as a minimum, 960sqm of communal amenity space to serve the proposed development.
- 7.5.16 The proposal would also involve the improvement of, and provision of new, areas of communal space around the existing building. Overall, the proposed development would provide a total of approximately 2,300sqm of communal gardens to serve both the proposed and existing buildings. Further, the proposed building would have communal terraces of approximately 168sqm, a podium garden of approximately 345sqm and private balconies measuring between 6sqm and 13sqm.
- 7.5.17 Given the aforementioned, it is considered that the proposed development would have an acceptable provision of private amenity space to serve the future occupiers of the development and the existing occupiers of Brent Court. Further, the site is located adjacent to the Town Centre Gardens which gives all occupiers access to an outstanding Green Flag status park.

Gross internal floor area

- 7.5.18 Policy GD1 of the Local Plan (2019) relates to High Quality Design and it sets out the minimum gross internal floor space standards for dwellings (including apartments) which is in line with the Government's nationally described space standards (NDSS). One bedroom, 2 person flats should be a minimum of 50sqm, whilst two-bedroom, 3 person flats should be a minimum of 61sqm. The submitted plans show that one-bedroom flats will be either 50sqm, 55sqm or 60sqm whilst the two bedrooms will be either 62sqm or 64sqm. Accordingly, all apartments would exceed the minimum gross internal floor space standards as set out in the NDSS adopted into the Local Plan. All flats will be wheelchair accessible and contain sufficient space for wheelchair turning circles.
- 7.5.19 Furthermore, the NDSS advises a single bedroom to be a minimum of 7.5sqm and a double should be at least 11.5sqm. All bedrooms exceed this requirement and are therefore acceptable.
- 7.5.20 Given the aforementioned, there would be acceptable living space for any future owner/occupiers of these properties.

7.6 Car Parking

- 7.6.1 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan.
- 7.6.2 The Council's Parking Provision and Sustainable Transport SPD (2020) requires the proposed development, as assisted living accommodation to provide 0.5 to 1 space per unit. In this regard, there would be a requirement for between 48 and 96 spaces. As the site is located within Zone 2 Residential Accessibility Zone in the Parking Provision SPD (2020), a reduction on the parking provision by 25-50% is allowable. After taking into account the Residential Accessibility Zone, the overall parking requirement for this development could be reduced to between 24 and 72 spaces for the proposed building.
- 7.6.3 The existing provision on site comprises 103 garages and 27 surface spaces. Of the garages on site, 52no. have been out of management since 2009 (meaning they are of a condition which is not lettable), 41no. are let out (of which only 19no. are let to Brent Court residents), 13no. are held pending development and 1no. is void.

7.6.4 Accordingly, of the total 130 spaces currently on site, only 68 are accessible and of these 68, only 46 are being used by Brent Court residents.

7.6.5 The Council's Garage Management team has identified approximately 30 vacant garages in the vicinity of Brent Court that could be offered to the current tenants. Given that 21 of the current tenants are from across the wider Borough and beyond (and not Brent Court residents), alternative provision could also be offered in more convenient locations to these tenants, outside of this initial radius.

7.6.6 Brent Court, as existing, comprises 34no. one bed and 69no. two bed flats (total 103 units). The proposed development will have 63no. one bed and 33no. two bed independent living flats (total 96 units).

7.6.7 Existing Brent Court requires 34x1 space and 69x1.5 spaces = 137.5 spaces rounded up to 138 spaces but currently only has 130 spaces. As the site is located within Zone 2 Residential Accessibility Zone in the Parking Provision SPD (2020), a reduction on the parking provision by 25-50% is allowable. This would equate to a requirement of between 69 and 103.5 spaces, rounded up to 104 spaces. Therefore, the 130 spaces as originally provided is acceptable, and even the reduced number of currently available and accessible spaces of 68 falls within the Zone 2 accessibility standard.

7.6.8 Turning to disabled parking, in line with the Council's adopted Standards, 5% of the total number of spaces should be designated for disabled persons. In this regard, there would be a requirement to provide 6.5, rounded up to 7 spaces. The proposal seeks to provide 11 disabled parking bays which is considered acceptable. These spaces are provided as 2no. in the basement parking area dedicated for existing Brent Court residents; 8no. in the basement parking area for the proposed development; and 1no. space in the surface car park to the west of Brent Court for the existing residents.

7.6.9 The total required on site parking provision for the existing and proposed units would be:

- 234 spaces at maximum requirement
- 175.5 rounded up to 176 spaces if a 25% reduction is applied; or
- 93 spaces if a 50% reduction is applied.

7.6.10 The submitted plans show that there would be 100 spaces provided within the site with a further 31 spaces available in newly provided bays along Silam Road and just inside the red-line of the application site at the southern end and 10no. visitor spaces.

7.6.11 The submitted plans show that parking provision will be provided on site for the existing Brent Court residents and the proposed development as follows:

	Spaces	Of which Disabled spaces
Lower Basement for existing Brent Court residents	44	2
Surface level spaces for existing Brent Court residents	24	1
Upper Basement for new building residents	32	8
On street public bays/visitors	31	0
TOTAL	131 spaces	10 spaces

- 7.6.12 In this regard, given the proximity of the site to the Town Centre, bus routes, bus interchange, railway station, several supermarkets and two extensive areas of public space (Town Centre Gardens and King George V Playing Fields), the site is considered to be in a highly sustainable location, and, as such, the provision of 131 spaces overall – which is a 44% reduction to the maximum provision - is considered acceptable. Whilst the concerns of local residents regarding lack of parking are noted, the application is considered to be in compliance with the Parking Provision SPD (2020) and Policy IT5 of the Local Plan (2019).
- 7.6.13 It is worth noting that as outlined above, only 68 spaces are currently accessible and available on site as existing, of which, only 46 are used by existing Brent Court residents. The remaining spaces as originally provided when built, have not been available since 2009. Therefore, as shown in the table above, existing Brent Court residents will be provided with 68 spaces so there is no loss in spaces for existing Brent Court residents.
- 7.6.14 The concerns raised by local residents regarding renting of the existing garages on site would be a matter for the Council's Garage Management Services department to deal with in conjunction with the applicant. A parking statement provided by the applicant confirms that the Council's Garage Management Services team have identified 30 vacant garages in the vicinity of the site which could be used by existing residents.
- 7.6.15 The proposal will see 44 spaces within the lower parking level of the proposed garage area dedicated solely for the use of existing Brent Court residents, which is considered a betterment to the current provision which is open to both Brent Court residents and residents of the wider Borough area. Additionally, 24 surface spaces, including 3 disabled spaces, will be provided for Brent Court residents, and 16 new surface spaces will be provided prior to commencement to ensure there is a level of parking still available on site during construction.
- 7.6.16 Herts County Council (HCC) as Highway Authority have assessed the application and raised no substantive concerns with regards to the car parking provision, although they did raise a concern that the new southern access point would not be Policy LTP4 compliant in that it would lead to a reliance on the motor vehicle and not encourage a modal shift from motor vehicles. This is covered in more detail in the Highway Safety section of this report which follows below.

Visitor Parking

- 7.6.17 The Parking Provision SPD (2020) requires visitor spaces to be provided at a standard of 0.25 spaces per dwelling. If parking is to be allocated then these spaces will be required in addition to the parking spaces; where a significant portion of parking is unallocated, additional visitor spaces would preferably not be provided. The number of visitor spaces may be reduced in line with accessibility zones.
- 7.6.18 On the basis of 96 dwellings, there would be a requirement for 24 visitor spaces. As the site is located within Zone 2 Residential Accessibility Zone in the Parking Provision SPD (2020), a reduction on the parking provision by 25-50% is allowable. Therefore, the provision of visitor spaces could be reduced to between 12 and 18 spaces. The parking spaces shown on the submitted plans are not allocated and therefore the visitor spaces can be included in the overall provision. As covered above, the site is in a highly sustainable location and as the parking is unallocated, there is no requirement to provide additional visitor spaces. The application is therefore considered to be acceptable in this regard.

Cycle Parking

- 7.6.19 The Council's Parking Standards SPD stipulates for this type of development, there is the requirement to provide 1 long-term cycle space per 1 bedroom unit, 2 spaces per 2-bedroom unit and 1 short term space per 40 units. Taking this requirement into consideration, there would be a requirement for 129 long term spaces and 3 short term spaces.
- 7.6.20 The submitted plans show that there would be a provision of 222 spaces across the site as follows:
- 65 no. at garage level 2
 - 99 no. at garage level 1 (street level)
 - 38 no. at the southern end of site in a secure storage unit
 - 8 no. open air spaces adjacent to the western elevation of the existing Brent Court building
 - 12 no. open air spaces at northern end of site near Silam road access
- 7.6.21 This would equate to an over provision of 93 spaces. However, given the Council's desire to promote a modal shift away from motor vehicles, together with the highly sustainable and central location of the site, this over provision is welcomed.
- 7.6.22 In addition, the submitted plans show that garage level 1, which is street level, would have a dedicated scooter storage area to accommodate 48 scooters. Given the nature of the proposed building to provide assisted living accommodation, this additional storage area is welcomed.

Electric Vehicle Charging

- 7.6.23 The Parking Provision SPD (2020) requires all new parking spaces for new dwellings to be designed to fulfil a Passive Electrical Vehicle Charging Point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network, but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases. This SPD also has a requirement to provide 20% of the spaces on site with an active charging point.
- 7.6.24 However, the proposed development involves covered parking and a lower basement parking area. The Health and Safety Executive (HSE) were consulted as part of the application process and they raised a substantive objection to the placement of active charging points in under cover parking bays due to fire risk. As a result, the plans were amended to remove the active charging points and the HSE were re-consulted, and they removed their objection.
- 7.6.25 It is noted that this removal of the active charging points is contrary to the SPD, and therefore contrary to Policy IT5. However, it must be noted that under Part S of Building Regulations, there is a much more stringent requirement for EV charging than the Council's SPD. In this regard, the applicant will need to comply with the more stringent Building Regulations in any event. This will be a matter for the applicant to deal with under Building Control should members be minded to grant planning permission.

Mobility Scooters

- 7.6.26 The Parking Provision SPD (2020) states that consideration must be given to the storage of mobility scooters, especially when dealing with schemes for elderly persons accommodations; the required spaces will be assessed on a site by site basis.
- 7.2.27 The submitted plans show that a dedicated mobility scooter secure storage area will be provided on the ground floor that can accommodate at least 48 scooters. Given that each flat is also designed to meet the Building Regulations Part M(4)2 as a minimum, it is

considered that there is sufficient space within the individual flats, or the dedicated storage area to be able to securely store wheelchairs and mobility scooters.

7.7 Highway Safety and Access

- 7.7.1 Brent Court currently has two vehicle access points into the site at its northern end. One of these is the main vehicle entrance adjacent to the existing building, whilst the other is a smaller access to the upper level of the garage compound. It is noted that this garage entrance is not in use and is closed off by way of a 2m high palisade gate. The access to this gate usually has cars parked in front of it.
- 7.7.2 The proposal would see this northern access point closed off entirely and replaced with a minibus drop off/pick up point and cycle storage area. A new access would be created to the south of this minibus area which would give access to 'garage level 1' which is street level. This access point would be secured with a roller shutter.
- 7.7.3 The existing main access point would remain and would provide access to the rest of the site and 'garage level 2' which is basement parking, again secured with a roller shutter. This would be by way of an internal access road sweeping around the western side of the site, culminating at the southern end with a new access point back out on to Silam Road.
- 7.7.4 The existing pedestrian link from the site to town centre gardens on the western side will be retained and improved. Two new pedestrians will be formed on the northern side of the site to join up to 'Bedwell Link', the existing footpath which leads from Silam Road through into the town centre via an underpass at Park Place.
- 7.7.5 The Council's Engineering team as local highways authority and parking and enforcement management have assessed the application and have raised no concerns.
- 7.7.6 Herts County Council (HCC) as highways authority have assessed the application and whilst they raise no overall objection to the development, they have raised a number of points they would like to see addressed. These are set out in detail below.
- 7.7.7 Firstly, HCC Highways request that the new pedestrian links on the northern side of the application site to link better with Bedwell Lane through Town Centre Gardens and for this existing footpath to be improved by way of a segregated cycle/pedestrian network to make the site LTN1/20 (cycle infrastructure design) compliant. However, it must be noted here that cycling is restricted through Town Centre Gardens and along Bedwell Lane, which is clearly denoted at the entrance points to the gardens with signage. Secondly, the Highways Authority are seeking financial contributions of £655k to improve the cycle network from Gresley Way to the Town Centre via Six Hills Way and Fairlands Way, known as Route 3 in the LCWIP (Local Cycle and Walking Infrastructure Plan) which could be reduced to £500k if the aforementioned segregated pedestrian/cycle route is provided through the Town Centre Gardens. As previously stated, this route through Town Centre Gardens cannot be provided due to cycle restrictions being in place, which at this current time the Council i.e., SBC as landowner and custodian, do not intend to remove.
- 7.7.8 Whilst the Council (SBC) supports the improvements of the cycle network and the LCWIP generally, it is considered that on the basis that the proposed development is for assisted living apartments, there is unlikely to be significant demand generated for cycling provision arising from this development along Route 3. Consequently, the Council does not consider the requested financial contribution to be commensurate with this type of development or deemed to be reasonable, and therefore, it is not considered that the financial contribution sought by HCC as Highways Authority meets the requirements of the CIL Regulations as discussed in more detail in the Affordable Housing and Planning Obligations section as detailed in this report.

- 7.7.9 Given the aforementioned, officers have requested additional evidence from HCC Highways officers to discuss this matter further, because, as it stands, the financial contribution sought does not meet Reg 122 of the CIL Regulations now the policies contained in the NPPF. At the time of writing this report, officers were undertaking further negotiations with Highways officers to look at alternative proposals in order to improve connectivity to the town centre for cyclists from Silam Road. Officers intend to provide the planning and development committee with an update with respect to whether or not an alternative proposal can be secured which accords with the CIL Regs and the NPPF. However, should negotiations be on-going, it is recommended that delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chairman to secure any financial obligations (providing they meet Reg 122 of CIL and the NPPF) which may be required in this regard, which would form part of a S106 Legal Agreement.
- 7.7.10 Turning now to site access, HCC as Highways Authority state that the site is not compliant with their Local Transport Policy LTP4, due to the presence of the new southern access point as this makes the site car dominant. Given the issue raised, this has been discussed with the applicant and through negotiations have agreed that this access point will only be utilised at least for the duration of construction works as it will provide existing residents a means to access the open-air parking spaces whilst construction works/vehicles close off the main access. Once the development works have been completed, it was agreed with the applicant that the southern access point would be closed off with the provision of removable bollards. This would still allow emergency vehicles to access this end of the site whilst preventing residents from using it. This could be secured through the imposition of a suitably worded condition. With this condition in place, and recently discussed with HCC Highways officers, it would overcome the concerns raised by HCC Highways in relation to the southern access.
- 7.7.11 Turning to the impact the proposal would have on the highway network with respect to trip generation, the submitted Transport Assessment (TA) calculates that the proposed development could generate 15 two-way trips during morning peak hours (8am to 9am) and 35 two-way trips during the evening peak hours (5pm to 6pm). It is considered that the limited increase in trips from the site in conjunction with the existing development at Brent Court is unlikely to have a significant impact on the local highway network. Given this, HCC Highways have not raised any concerns in this regard.
- 7.7.12 With respect to construction traffic, the TA states that construction traffic will utilise the A roads to minimise impacts on local roads and will access the site via the existing access on Silam Road. Measures will be put in place to prevent construction traffic vehicle movement during peak hours. This would be dealt with through the Construction Management Plan which can be secured by way of a condition and requested to be approved prior to commencement of development.
- 7.7.13 The TA assessed road safety in terms of accident data between 2017 and 2020 using data from HCC and found 2 accidents in 2017 and 1 in 2019. Crashmap data was assessed for 2021 and found no recorded accidents. HCC Highways have assessed this information and note that 3 years of HCC accident data and 2 years of Crashmap data is not an acceptable format as they require 5 years of HCC accident data. However, they go on to state that given the low numbers of accidents recorded, in this instance they raise no concerns with the development in this regard.
- 7.7.14 The TA includes a drawing appendix at the end of the document which contains a number of plans for the parking areas and access roads. These plans show that cars can access and egress the site and parking areas in forward gear. Further, there are plans to show that refuse vehicles, fire tenders and mini-busses can also access and egress the site in forward gear. Visibility splays are also demonstrated. HCC Highways have assessed these plans and raised no concerns in this regard.

7.7.15 Subject to the imposition of suitable conditions, it is considered that the highway authority's concerns could be suitably mitigated, and the proposal is therefore acceptable in highway safety terms.

7.8 Tall Buildings and Fire Safety

7.8.1 Following the Grenfell Tower fire in June 2017, the Government commissioned an Independent Review of Building Regulations and Fire Safety. Following this, the Government introduced Planning Gateway One (introduced under the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021) which has two key elements:

- The submission of a fire statement for relevant planning applications to set out fire safety considerations specific to the development; and
- To establish the Health and Safety Executive (HSE) as a statutory consultee for relevant planning applications.

7.8.2 Relevant buildings are those containing two or more dwellings or educational developments which are 18m tall or higher, or 7 storeys or more.

7.8.3 Accordingly, this application includes the required fire statement, and the Health and Safety Executive (HSE) were consulted. Initially, the HSE raised concerns over the placement of electric vehicle charging points within the underground parking areas. They raised no concerns about the design, layout and construction of the building itself.

7.8.4 As a result of these initial concerns raised by the HSE, an amended site layout plan and Design & Access Statement was provided to remove the charging points from the plans. The HSE have confirmed that the proposed development is now acceptable, and they have no objections or concerns. The detailed design of the fire safety measures and the provision of electric vehicle charging points would be dealt with at Building Regulations stage.

7.9 Development and Flood Risk

7.9.1 The application site is located within Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having less than 1 in 100 annual probability of flooding. Therefore, all developments are generally directed to Flood Zone 1. Notwithstanding this, the application which has been submitted to the Council is classified as a Major, therefore, in line with the Town and Country Planning (General Development Procedure) (England) Order 2015, the applicant has provided a Sustainable Urban Drainage Strategy.

7.9.2 The drainage strategy for this scheme proposes that the redeveloped northern part of the site would be drained into the existing surface water sewer serving the southern part of the site, but at a reduced discharge rate (compared to existing) of 1 l/s, restricted by a hydro-brake. The main building would not have a blue or green roof, nor rainwater harvesting. One of the two 'podium' communal gardens is indicated as a blue roof, with all roof water directed towards it. The Drainage Strategy report indicates that this blue roof would then drain towards an underground attenuation tank located beneath the eastern wing of the main building (apparently beneath the -1 undercroft car park). This tank would be 1.4m deep and the aforementioned hydro-brake would be located under a different part of the building which would then connect to the existing sewer which serves the site.

7.9.3 The Drainage Strategy report advises that the southern part of the site, around the existing Brent Court building, would drain as existing, supplemented by permeable paving serving new car parking spaces, and supplemented by additional attenuation.

7.9.4 Herts County as the Lead Local Flood Authority were consulted on the application but at the time of consultation were unable to comment due to the extreme pressures they were facing

at that time. Accordingly, the Council's drainage consultant reviewed the application and, whilst they have raised no substantive concerns, they have requested additional information before making final comments. They have recommended a revised strategy that provides adequate consideration of interception and treatment requirements whilst maximising biodiversity and amenity benefits, which could include such things as maximising green and blue roof coverage, maximising permeable paving, incorporating rain gardens in new areas of landscaping and incorporating SuDS tree pits where new trees are proposed. They are also seeking further details with respect to the volumetric capacity of the attenuation tank and proposed sub-catchments for each treatment train and attenuation device; greenfield rate calculations; blue roof details; existing run-off rates; and consideration of exceedance flow pathways to show there would be no unacceptable risk to the development.

7.9.5 At the time of writing this report, the applicant is working with their drainage consultants to provide an updated drainage strategy based on the advice provided by the Council's drainage consultant. Therefore, it is recommended that delegated powers are given to the Assistant Director of Planning and Regulation and the Chairman of the Planning Committee that in the event the Council's Drainage Consultant reviewing the updated strategy upon its receipt, and then providing additional comments on the strategy with a suggested list of conditions, then these conditions would be imposed accordingly before any planning permission is issued by the Council. However, if the Council's Drainage Consultant raises a substantive objection to the application and this cannot be resolved, then it is recommended that the application is referred back to the Planning and Development Committee for its decision.

7.10 Impact on the Environment

7.10.1 The application site comprises the existing garage compound area of Brent Court. Prior to the original development in the 1960's, the site was part of open fields. Therefore, there would be a very low risk of contamination. In regard to the site and its immediate surroundings, the applicants Geo-Environmental Survey identified no significant contamination risks nor any significant potential contamination sources.

7.10.2 Following consultation with the Council's Environmental Health team, they have raised no concerns from a land contamination perspective subject to the imposition of conditions. The conditions imposed would require a remediation strategy to be submitted for approval in the event that contamination is identified during the demolition, site clearance and construction phases of development.

Groundwater

7.10.3 The application site is not located within a Source Protection Zone and no concerns have been raised by Thames Water or Affinity Water with respect to potential impact from the development.

Air Quality

7.10.4 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 specifically, The Air Quality Annual Status Report (ASR) 2021 by Stevenage Borough Council identifies that the development site is not located within or in close proximity to an Air Quality Management Area (AQMA). In terms of Air Quality in the nearby area surrounding the development site, the nearest diffusion tubes and their readings in the aforementioned Report are as follows:-

- Tube 1 – Town Centre – 25.5 NO₂ µg/m³;
- Tube 36 – St George's Way – 20.4 NO₂ µg/m³;

The data above shows that the readings do not exceed the NO₂ annual mean objective of 40µg/m³. This generally shows that the Air Quality in the area is within national guidelines.

- 7.10.5 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to the Construction Management Plan which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.
- 7.10.6 With regards to the operational aspect of the development, due to its scale, the proposed development could give rise to a very small rise in NO2 emissions which in accordance with IAQM/EPUK guidance is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required. Consequently, the Council's Environmental Health team has not raised any concerns with respect to the operational impact the development would have on air quality.

Noise Pollution

- 7.10.7 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.
- 7.10.8 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures will be required in the Construction Management Plan (CMP). Through the CMP the hours in which noisy activities take place are to be controlled along with the imposition of relevant mitigation measures being put in place to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can enforce the condition accordingly. Consequently, the imposition of such a condition is supported by the Council's Environmental Health team.
- 7.10.9 Concerns from local residents relating to noise arising from construction of the development are noted, however, permission should not be refused for developments on the basis of construction noise. As mentioned above, a construction management plan will be required which can limit the hours of construction and allow enforcement action to be taken if it is considered that breaches have occurred.
- 7.10.10 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding tenants who would be housed within the development, these would be dealt with by the Borough Council's Housing Teams or Environmental Health.
- 7.10.11 Turning to noise impacts on future occupiers of the development, the application has been accompanied by an Acoustic Design Statement (ADS). This ADS confirms that the environmental noise impacts would be within acceptable limits within the proposed dwellings. In order to mitigate any potential noise impacts, the ADS recommends that the building is constructed with suitable sound insulation (wall, glazing, ventilation and roof) to meet British Standard 8233:2014.
- 7.10.12 Environmental Health has assessed the application and has raised no concerns. However, they have requested that the design of windows and ventilators to each dwelling shall achieve an acoustic performance which shall ensure that, when windows are closed and ventilators are open, noise levels do not exceed:
- 35 decibels (dB) (LAeq,16h) during the daytime (07:00 – 23:00) within bedrooms and living rooms;
 - 30dB (LAeq,16h) during the night (23:00 – 07:00) within bedrooms;
 - 45 dB (LAFmax) on more than ten occasions during any typical night (23:00 – 07:00) within bedrooms

7.10.13 Notwithstanding, it is considered appropriate to impose a condition on any decision issued should planning permission be granted that requires the development to be constructed in accordance with the ADS.

Light Pollution

7.10.14 In terms of light pollution, Policy FP7: Pollution of the adopted Local Plan (2019) requires all development proposals should minimise, where possible, light pollution. Applications for development where pollution is suspected must contain sufficient information for the application to make a full assessment on impacts. Planning permission will be granted where it can be demonstrated that the development will not have unacceptable impacts on:

- a) the natural environment, general amenity and the tranquillity of the wider area which includes light pollution;
- b) health and safety of the public; and
- c) The compliance with statutory environmental quality standards.

7.10.15 Turning to the operational side of the development, the applicant has submitted a lighting plan with details of the proposed external lighting. The plan includes details of each lighting source and their sky glow, intensity, light trespass into windows and building luminance and also shows that for each of these categories, the light sources pass the BREEAM New Construction (2018). No concerns have been raised by Environmental Health or HCC Highways in relation to external lighting.

7.10.16 It is considered acceptable to impose a condition that requires the development to be constructed in accordance with this lighting plan. In terms of lighting associated with the construction aspect of the proposed development, this would be dealt with as part of a Construction Management Plan which would also be secured by way of condition.

7.11 Trees and Landscaping

7.11.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate.

7.11.2 A detailed landscaping strategy has been provided as part of the application. The red line boundary of the application site extends around the existing Brent Court site as well an area of the Town Centre Gardens to the north of the site, extending up toward Fairlands Way, passing the southern elevation of Harrow Court. Within the red line boundary plan there are 70 trees of individual distinction, 10 groups of trees and a single hedgerow. The majority of these fall within the Brent Court boundary with the remainder falling within the town centre gardens. This all contributes to the lushness and verdancy of the Town Centre Gardens and are a significant positive contribution to the visual amenities of the area and the Green Flag status of the gardens. There are no tree preservation orders or conservation areas covering the application site.

The following plans are pertinent to this section of the report:

- 7552.PP.4.0-B – overview planting plan of the site as existing and proposed
- 7552.PP.4.1-B – closer details of overview plan
- 7552.PP.4.2-B – closer details of overview plan
- 7552.HSP.5.0-B – hard landscape plan
- Proposed Site Plan A – detailed specifics on retained, lost, and proposed trees
- Proposed Site Plan B - detailed specifics on retained, lost, and proposed trees
- Proposed Site Plan C - detailed specifics on retained, lost, and proposed trees

7.11.3 The development would see the loss of 15 individual trees, a single hedgerow, 3 groups of trees and the partial removal of a fourth group, resulting in a total loss of 35 trees. All the trees to be removed are classified as Category B (Trees of moderate quality) or Category C

(Trees of low quality) as detailed in the Arboricultural report. The plans show that whilst these trees will be replaced onsite, including a number of new trees along the Silam Road frontage, the number of new trees on the plans totals 45. The Council's tree replacement policy is a ratio of 3:1 which would require 105 trees. However, the Council's Parks and Amenities team have stated:

We note that there are proposals to increase the number of trees in the park. However, tree planting must only occur where appropriate so as not to overcrowd the park and within keeping with the park's design. As such, SDS / Parks and Amenities Team must approve all tree planting. The developer shall expect that tree planting may need to be undertaken at a more suitable location nearby

7.11.4 Accordingly, financial contribution will need to be secured to fund the planting of 60 trees elsewhere in the Town.

7.11.5 It is worth noting that the accompanying Arboricultural Survey notes that there are 3 trees within the Brent Court site which it recommends the Council remove, irrespective of this current application. These are 2no. Norway Maple which are in poor structural condition and 1no. Elm which is classified as standing deadwood.

7.11.6 It is further identified that as part of the construction of the proposed development, the area to the north of the site, which has been included in the red line plan, and which includes areas of open space and a currently disused children's play area, will be utilised for a site compound. This is likely to involve the loss of additional trees in due course in this area. At this time, the details of the site compound have not been finalised. These details, including a further Arboricultural assessment and tree protection details, will be secured via the imposition of a suitably worded condition that requires these details prior to commencement (including site clearance and demolitions). Such details will then be assessed in conjunction with the Council's Parks and Amenities team and Arboricultural Manager. Due to space constraints within the site, as identified above, it is unlikely a 3:1 replacement strategy could be accomplished on site. Therefore, a financial contribution will be secured to fund the replacement planting elsewhere.

7.11.7 The Council's Arboricultural and Conservation Manager in conjunction with the Council's Parks and Amenities department have assessed the application. They initially raised a number of concerns including: impact on the principal open space, materials to be used in hard landscaping and street furniture, potential for increased flooding in areas as a result of widening existing footpaths, widening footpaths to accommodate segregated pedestrians/cyclists when cycling is prohibited in this area, loss of trees, potential to overcrowd the park with too many new trees, management strategy for newly landscaped areas, concern over particular plant/tree species chosen, access arrangements for maintenance of the podium garden within the new building and the planting around parking bays needs to be reduced to prevent damage to planting or vehicles. As a result of these comments, amended landscaping proposals were submitted along with an amended design and access statement and drainage strategy.

7.11.8 In regards to the concerns over flooding, confirmation was received that this concern was now suitably mitigated against. Regarding specific planting details, access, maintenance, signage, street furniture, hard landscaping, working with community groups and new footpaths, Parks and Amenities and the Arboricultural Manager have subsequently agreed that these could be approved by using appropriate landscaping conditions.

7.11.9 In terms of tree protection, a condition can be imposed to require all retained trees to be protected prior to commencement of development, including site clearance as per the Arboricultural Impact Assessment plan prepared by Aspect Arboriculture Ltd. These measures, once in place, will ensure that any retained trees are not detrimentally affected by the proposed development. With respect to the overall construction of development, where works would affect the root protection areas of any retained tree, the aforementioned plans

and assessment provide details of the construction methodology in these areas. This will ensure that any works within the Root Protection Areas do not cause any damage to the retained tree.

- 7.11.10 Taking the above into consideration, through the use of appropriately worded conditions, the tree protection measures will need to be put in place prior to any construction works taking place. In addition, that the construction methodology is strictly adhered too in order to ensure no retained trees are damaged, destroyed or uprooted during the demolition, site clearance and construction phases of this scheme. Through these measures, the development would not have a detrimental impact on any tree which is to be retained.

7.12 Impact on Principal Open Space

- 7.12.1 Policy NH1/1 (Principal Open Spaces) of the adopted Local Plan (2019) lists town centre gardens as a Principal Park. This policy states:

Planning permission will be granted where proposals:

- a) Would not result in the loss of any part of a Principal Open Space;
- b) Would not have an adverse impact upon any Principal Open Space within, or adjacent to, the application site; and
- c) Reasonably provide, or reasonably contribute towards the maintenance or improvement of, Principal Open Spaces and allotments.

Planning permission will be granted for small scale leisure and recreation developments within a Principal Open Space where they support its continued use and maintenance. New or replacement facilities that meet the general definitions of Principal Open Spaces will be afforded the same protections as the sites identified in this policy.

- 7.12.2 Paragraph 14.4 supporting this policy goes on to state:

The Town Centre Gardens provide valuable space in close proximity to both the main retail area and existing and proposed high-rise residential uses. The refurbishment of the gardens was completed in 2011, though there remains an aspiration to provide better connections across the dual carriageway of St George's Way.

- 7.12.3 In terms of this application, setting aside the site compound issue which will be discussed below, the proposed development includes a very small corner of the Town Centre Gardens at the very south of the red line plan. There is some contention between the applicant and the Council's Parks and Amenities department as to whether the extent of Policy NH1 includes this area or not. For clarity figures 1 and 2 below identify the land in question.



Figure 1: Policy NH1/2 Local Plan (2019).



Figure 2: Extract of Site Plan C.

7.12.4 It is Officer's professional opinion, when comparing the images above, that the red line plan does in fact encroach into the defined policy area. However, this encroachment covers an area of open grassland which is bounded on the eastern side by low level fencing with the public footpath of Silam Road the other side. The 4no. parking spaces shown on the plan will, therefore, fall within the grass highway verge outside the Town Centre Gardens boundary. In this regard, the development within this protected policy area will only involve landscape improvements including 2 new trees and a large area of shrub planting. This is considered an acceptable form of development for this policy area and is not considered to be a policy contravention.

7.12.5 With regards the 4no. parking spaces which would be created on the edge of the Town Centre Gardens on Silam Road, these would be created within the existing highway verge and the land is covered by Policy NH6. Paragraph 119 of the NPPF states that 'planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.' The Council must consider whether the provision of one housing unit outweighs the harm of the loss of and impact on the open space.

7.12.6 Policy NH6 of the Local Plan for the general protection of open space would allow planning permission of any existing, unallocated open space (or part of any open space) where the loss is justified having regard to:-

- The quality and accessibility of the open space;
- The existence, or otherwise, of any interventions to improve quality or access;
- Whether the open space is serving its function or purpose; and
- Whether alternate space(s) would remain available for community use.

7.12.7 Furthermore, reasonable compensatory provision should be made in the form of:

- Replacement provision of a similar type, size and quality;
- The upgrade of other, existing open space; or
- Exceptionally, a commuted sum to secure open space provision elsewhere.

7.12.8 The Local Plan expands on the policy by suggesting that there is an inevitability that some spaces will come under pressure from development proposals across the life of the plan. Therefore, it is important to ensure that the most valuable open spaces continue to be protected and open spaces only succumb to development where a positive outcome can be demonstrated.

7.12.9 The land is not considered to be usable by members of the public because of its modest size and siting adjacent to the main highway of Silam Road. It lies adjacent to the Town Centre Gardens which is considered a much higher quality area of open space. Given the aforementioned factors, the use of this piece of land to create additional, much needed off-street parking on Silam Road is considered acceptable in policy terms as it would not undermine the Council's policy to protect open spaces.

Site Compound Area

7.12.10 Turning to the northern part of the application site that is set aside for the site compound, this is a significant plot size and could result in the temporary loss of the currently disused children's play area (until details are submitted, the exact location is not known). It should be noted that this would be a temporary site compound, required only for the duration of the construction of the development.

7.12.11 The site compound is required to be within close proximity of the site and be able to be secured. Owing to the size of the development, there are no other suitable, alternative sites along Silam Road which could be utilised. Further, the compound could not be located within the existing Brent Court site as this site is also not of a suitable size to accommodate a compound and the construction site itself whilst maintaining a level of on-site parking for residents.

7.12.12 An important consideration is that the compound would be temporary and any harm arising from the siting of said compound would dissipate upon its removal. Further, any landscaping that is removed to accommodate the compound would be replaced and any damage arising to other areas of landscaping would also be replaced. This would be secured through the imposition of suitably worded conditions. As set out in section 7.3 of this report above, the appointed contractor will be responsible for the replacement of the children's play area and the cost for this will be factored into the tender process.

7.12.13 The exact siting of the compound is not currently known as this will only be determined by the applicant's consultants when drawing up final plans for the Construction Management Plan. As such, it cannot be determined if the children's play area will be impacted. Notwithstanding this, the play area has been sealed off from public use for at least 1-2 years now due to awaiting repairs to the impact flooring.

7.12.14 Whilst it is accepted that the use of the principal open space for a site compound is contrary to policy, it would be temporary for the duration of construction works only and remediation works would be undertaken by the applicant to restore this area back to its original condition upon cessation of the temporary use. The public benefits arising from the delivery of this proposed development would outweigh the temporary harm from the loss of a small area of the park and the public would further benefit from new landscaping upon completion.

7.12.15 The Council's Parks and Amenities team have assessed the application and whilst they raise a concern over the use of this area for construction purposes, they welcome the opportunity to engage with the applicant at the appropriate stage to ensure a satisfactory outcome in terms of tree protection, tree replacement, improvements and re-instatements can be achieved. On balance therefore, with the use of appropriate conditions, it is considered that this temporary breach of policy could be suitably mitigated.

7.13 Biodiversity, Ecology and Protected species

7.13.1 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

7.13.2 The site is located in an urban setting and is bordered by residential properties, pedestrian and vehicle highways and the town centre gardens. The wider environment is generally urban in nature comprising a mixture of residential buildings, the town centre, along with hardstanding, trees and amenity grassland. The application is accompanied by a Biodiversity Net Gain Assessment and Ecological Appraisal 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 as well as habitat surveys on site.

7.13.3 The Ecological Appraisal identifies that there are no impacts on any designated sites expected as a result of construction or use of the development. In addition, no habitats of conservation interest were present on site. The majority of the site is not considered to have any potential for protected species in its current condition.

7.13.4 The trees around the site have potential for nesting birds, and it is therefore recommended that any tree works or scrub removal is undertaken outside of the bird breeding season (which runs from March – August inclusive). If habitat removal during the breeding season is unavoidable, any trees or scrub to be removed should be checked by an ornithologist no more than 28 hours before works commence. Any active nests found should be left undisturbed until the chicks have fledged.

7.13.5 None of the trees on site have bat roost potential although any external lighting should be directed away from retained trees to minimise any potential impacts on foraging or commuting bats.

7.13.6 Herts and Middlesex Wildlife Trust raised no concerns regarding the submission in regard to impacts on flora or fauna.

7.13.7 With regards to biodiversity net gain, the applicant has undertaken a Biodiversity Net Gain calculation utilising the Defra Metric. The calculation identified that there would be shortfall of 0.31 habitat area units which is equivalent to a 3.59% loss. Herts and Middlesex Wildlife Trust advise that in order to provide the required 10% BNG, the proposal needs to provide an offset of 1.18 habitat units which would equate to one of the following options:

1. 0.5 hectares of scrub plus 3 urban trees; or
2. A mix of scrub and neutral grassland plus 3 urban trees.

7.13.8 Option one would require a financial contribution of £21,738.00 whilst option 2 would require a financial contribution of £53,936.00. At the time of writing this report, a meeting is pending between the Council's Parks and Amenities team and Herts & Middlesex Wildlife Trust to identify which of the two options is likely to be achievable. The committee will be provided an update on this on the night of the meeting.

7.13.9 Therefore, it is recommended that delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chairman to secure any financial obligations which may be required to off-set biodiversity shortfall which would form part of a S106 Legal Agreement.

7.14 Impact on Heritage Assets

7.14.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act states that in the exercise of planning functions with respect to any buildings or other land in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.

7.14.2 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).

7.14.3 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'.

7.14.4 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'.

7.14.5 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.

7.14.6 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.

7.14.7 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.

- 7.14.8 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.
- 7.14.9 The NPPF provides a means of weighing either ‘substantial harm’ or ‘less than substantial harm’ to the significance of a designated heritage asset against the public benefits of the proposal. However, the presumption ‘to preserve’ is not irrefutable and “can be outweighed by material considerations powerful enough to do so” (Forge Field (Case Nos: CO/735/2013; CO/16932/2013) and a decision maker that has followed the process set out in the NPPF, in respect to weighing harm and benefits, can reasonably be expected to have complied with the ‘statutory duties’ of the 1990 Act (Mordue, Case No. C1/2015/1067).
- 7.14.10 In considering public benefits, the Planning Practice Guidance (PPG) (2019) (Reference ID: 18a-020-20190723) sets out that the NPPF requires any harm to designated heritage assets to be weighed against the public benefits of the proposal. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. For reference, paragraph 8 of the NPPF states that “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”
- 7.14.11 The planning practice guidance goes onto state that public benefits should flow from the development. They should be of a nature or scale to be of benefit to the public at large and not just private benefit. However, benefits do not always have to be accessible to the public in order to be genuine public benefits; for example, works to a listed building which secure its future as a designated heritage asset could be a public benefit. Consequently, while a range of benefits that help deliver sustainable communities could be relevant, the PPG provides examples of heritage based public benefits, as follows:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
 - Reducing or removing risks to a heritage asset;
 - Securing the optimum viable use of a heritage asset in support of its long-term conservation.

- 7.14.12 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.
- 7.14.13 The application site itself contains no designated heritage assets. The western boundary of the application site is approximately 270m from the Town Square Conservation Area, approximately 210m from the listed building of the Church of St Andrew and St George on St. George's Way, and approximately 120m from the underpass to town centre. This underpass contains a mural known as 'Scenes of Contemporary Life' by William Mitchell which was made a Grade II listed building in 2022. Therefore, whilst the proposal would not have direct impact on these heritage assets themselves, there is likely to be an impact on their setting and so an assessment of this impact is set out in the following section of this report.
- 7.14.14 The application site is largely screened from all these heritage assets by either other buildings or substantial landscaping within the town centre gardens. Section 8 of the Design and Access Statement advises careful consideration has been taken to ensure that the design is sensitive to this context.
- 7.14.15 The proposed building will not be seen from the Conservation Area due to the presence of tall buildings in Park Place. Views from the Church of St. Andrew and St. George will be limited and screened by trees. Even when not in leaf, views through the trees will be very limited. Views between the newly listed underpass from town centre gardens to Park Place and the proposed building will be the most visible, and then, only the uppermost 2 or 3 floors will be seen above the extensive tree landscaping, and it will be seen in context with the existing Brent Court tower block.
- 7.14.16 In terms of the Town Square Conservation Area, no impact to the significance of this heritage asset will arise as a result of the proposed development. This is because the proposed development will not be readily from key viewpoints from within the conservation area due to the presence of other taller buildings, namely, Park Place. These act as a physical screen in terms of viewpoints from the Town Square Conservation Area towards the application site.
- 7.14.17 In terms of impact on the setting of the William Mitchell relief within the underpass and St Andrew and St George Church, the proposed development would be visible from both the underpass when looking east, as well as longer views from the Church so there would be some impact to their setting. However, these views will be heavily screened by the presence of substantial tree landscaping. Further, the proposed building would be seen in the context of much taller buildings in the form of Brent Court, Harrow Court and High Plash which form the edge of the town centre gardens and are a definitive townscape feature to the immediate setting of the heritage assets. Careful consideration has been taken to ensure the design is sensitive to its context and the introduction of a high-quality architectural building, with high end materials and detailing, will enhance the general environment, providing a more welcoming public realm. As such, it is considered the proposed development would also preserve the significance of these designated heritage assets through development in their settings.
- 7.14.18 Notwithstanding the above, turning to public benefits, there is no definition of 'public benefits' on the National Planning Policy Framework or associated Planning Practice Guidance. All the guidance states is that it *"should flow from the proposed development. They should be of*

a nature or scale to be of benefit to the public at large". There is also Case Law that deals with what is a material consideration, and this pretty much whether it serves a "*proper planning purpose*" (see *latest commentary on this in Wright v Resilient Energy Severndale Ltd and Forest of Dean District Council*). Further, public benefit could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF.

- 7.14.19 Taking the above into consideration and as identified in Section 6.2 above, it can be demonstrated that the Council has a 5-year land supply and the HDT score is above 75%. However, as referenced earlier in the report, Paragraph 60 of the Framework requires Local Planning Authorities to support the Government's objective of significantly boosting the supply of homes. Further, paragraph 120 of the NPPF requires local planning authorities to give substantial weight to the value of using brownfield land for homes and other identified needs and promote/support the development of under-utilised land especially where it would help to meet identified needs for housing where land supply is constrained; and sites such as car parks could be used more effectively. In addition, there has been an under supply of housing delivery in the past, especially affordable housing. Therefore, the provision of 96 additional residential units for older persons to live independently, and for which there would be a provision of affordable housing, would have significant weight in this instance. In addition, and in meeting the Social Objective under paragraph 8 of the NPPF, the scheme would deliver a sufficient number and range of 1- and 2-bedrooms homes which can be provided to meet the needs of present and future generations.
- 7.14.20 In terms of an additional benefit, the development would generate a number of construction jobs as well as support positions in the supply chain. In terms of the construction jobs themselves, a number of these jobs will be drawn from the local market which would be secured as part of any S.106 agreement in line with the Council's Developer Contributions SPD (2021).
- 7.14.21 It is important to note that, given the development is offering assisted living for older persons, a number of these properties are likely to be owned by existing residents of the town. Given the levelled increased in population, the income and spend will increase local Gross Value Added (GVA) to the local economy. In addition, and based on analysis on the market (Arcadis Housing Design Consultancy Report – *Building Homes and Making Places – The Economic Benefit of Better Housing*, 2017), that approximately £316,000 is generated by every single new house for the national economy. This would equate to approximately £30.336 million. In addition, there would also be Council Tax rates which would also be a financial benefit to the Borough Council and County Council in terms of funding services.
- 7.14.22 The aforementioned clearly demonstrates how the development would support the economic objectives of the NPPF as set out under Paragraph 8 and are also seen as key public benefits which derive from this development.
- 7.14.23 In summary, it is acknowledged care has been taken to ensure that the design and layout are sensitive to the setting of the listed assets and would not be seen from the conservation area. The proposal will deliver a number of significant benefits which is considered to outweigh any potential harm caused. The benefits include the delivery of much needed housing, along with the creation of new jobs from construction jobs. The development would also increase Gross Value Added (GVA) to the local economy along with the generation of additional business rates and Council tax. On this basis it is considered the proposal would preserve and enhance the significance of the designated heritage assets and would be in accordance with Local Plan Policies NH10 'Conservation Areas', SP13 'The Historic Environment, the Town Square Conservation Management Plan SPD (2012) and the relevant paragraphs of the NPPF.

7.15 Other Matters

Sustainable construction and climate change

- 7.15.1 Policy FP1 of the adopted Local Plan (2019) stipulates that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. The adopted Design Guide SPD (2023) states that all developments are required to make efforts to minimise energy usage and to incorporate methods of using renewable energy. New developments will be encouraged to include measures such as:
- Ways to ensure development is resilient to likely variations in temperature;
 - Reducing water consumption to no more than 110 litres per person per day, including external water use;
 - Improving energy performance of buildings;
 - Reducing energy consumption through efficiency measures;
 - Using or producing renewable or low carbon energy from a local source; and
 - Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.
- 7.15.2 The applicant as part of the application has submitted a Design and Access Statement (DAS) which includes a sustainability section which confirms that a fabric first approach will be taken to achieve Building Regulations. Part L1A of the Building Regulations will ensure that the building is thermally efficient. Under this Legislation, new buildings are required to emit 31% less carbon dioxide compared to the previous standards in 2013. In this regard, new homes are much more energy efficient than previously.
- 7.15.3 The DAS also confirms that solar photovoltaic panels are incorporated into the flat roofs and a central plant room will deliver a centralised heating system. There will be no gas supply to the building so no gas boilers or heating. Water saving measures such as flow restrictors, aerated taps and dual flush toilets will be installed. Large areas of glazing to the communal areas, stair lobby's and corridors will reduce the need for internal lighting. High levels of thermal insulation will reduce energy consumption whilst heating appliances will have low emissions to comply with part L of the Building regulations.
- 7.15.4 Part O of the Building Regulations has been taken into consideration and in this regard, Brise Soleil's have been incorporated on windows where appropriate and the roof overhang on the eastern elevation will act as a Brise Soleil. This will reduce any overheating within the building.
- 7.15.5 Furthermore, use of recycled materials would be utilised in the construction of the development and at least 50% of constructed waste will be diverted from landfill. This would be achieved through the implementation of Site Waste Management Plan (SWMP).
- 7.15.6 Blue roofs will be incorporated as part of the sustainable construction which will also meet the requirements of the sustainable drainage strategy.
- 7.15.7 Given the above, it is considered that the development has been carefully designed to ensure that it is energy efficient, has a low level of water consumption and is constructed in a sustainable manner with a high usage of recycled materials where possible and to limit the amount of construction waste being sent to landfill. It is therefore considered that the proposed development accords with Policy FP1 of the Local plan (2019), the NPPF (2021) and NPPG.

Waste and Recycling

- 7.15.8 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. The submitted plans indicate that there is sufficient provision for general waste and recycling for this site. In addition, the bin stores are located within acceptable drag distances for future occupiers as well as refuse collectors. As

such, a condition would be imposed to ensure the stores are provided prior to first occupation of the development.

Community Infrastructure Levy

7.15.9 The Council adopted CIL on 1 April 2020 and the CIL Charging Schedule specifies a payment for new floorspace in line with the following rates (plus appropriate indexation):

Development Type	CIL Rate (£ per square meter)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m ²	£100/m ²
Sheltered housing	£100/m ²	
Extra care housing	£40/m ²	
Retail development	£60/m ²	
All other development	£0/m ²	

7.15.10 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.

7.15.11 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application.

Equality, Diversity and Human Rights

7.15.12 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. The existing building of Brent Court houses a mixture of social and private tenants. The Council does not consider that the granting of planning permission for this development would violate the human rights of any resident on the basis that they are tenants of Stevenage Borough Council. Further, the proposal does not result in the loss of any existing residential units as the existing building is retained in-situ.

7.15.13 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.

7.15.14 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.

7.15.15 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.

- 7.15.16 In terms of inclusive access, the scheme has been designed to be DDA (Disability Discrimination Act) compliant. Policy HO11 (Accessible and Adaptable Housing) requires 50% of all new dwellings on major applications to be category 2 accessible and adaptable dwellings. As the development is providing assisted living for older persons, 100% of the development will meet this standard as a minimum. Additionally, the building will have level access throughout and lifts to all floors with a secured storage area for powered mobility scooters within the parking area.
- 7.15.17 The scheme also seeks to deliver disabled parking provision. Following completion, there would be 10 disabled parking spaces provided to serve both the existing and proposed buildings which is 2 more than the Parking Provision SPD (2020) requires. This over provision is considered acceptable given the nature of the proposal to provide assisted living for older persons.
- 7.15.18 Whilst there will be some disruption to parking provision on site during construction, there are currently no designated disabled spaces on site so the development will result in a betterment to the living conditions of existing and future disabled residents. Further, the improved provision of surface car parking, which includes disabled spaces, at the southern end of the site can be secured prior to the demolition of the existing garage compounds so parking for existing residents will be provided during construction works. This will ensure that residents who reside within Brent Court and classed as persons with protected characteristics are not discriminated against as part of this development proposal.

8. CONCLUSIONS

- 8.1 It has been established that the proposed development accords with Policy HO5 as it would be located on land which meets the definition of previously developed land as stated within the NPPF (2021), which places substantial weight on reusing brownfield sites. Given this proposal is reusing a brownfield site, this weighs significantly in favour of the proposal. However, the Council is currently able to demonstrate a five year supply of deliverable housing sites (with a 20% buffer) and the Housing Delivery Test indicates that the delivery of housing was 79% of the housing requirement over the previous three years. Therefore, the policies that are most important for determining the application are considered up-to-date and Paragraph 11(d) of the Framework is not engaged.
- 8.2 The development would provide 96 dwellings, for independent (assisted) living of older persons, making a strong contribution to the aim of boosting housing supply, which in this instance, would be through redeveloping a sustainable brownfield site to deliver this much needed type of residential dwelling. Further, the proposal would deliver 24 affordable units which is in line with the requirements of Policy HO8 and attracts significant weight in favour of the development. This is due to the under-delivery of affordable housing to date over the Local Plan period. There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. Given the quantum of development, it is considered that these benefits would be significant and therefore attracts significant weight in favour of the proposal.
- 8.3 The proposal would incorporate a number of measures to be adaptable to climate change and would result in a sustainable built form. This attracts moderate weight in favour of the proposal.

- 8.4 The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the collection of waste and recycling is acceptable; these are neutral matters.
- 8.5 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The car parking, disabled parking and cycle parking meet the requirements of the adopted Parking Provision SPD and are therefore considered acceptable in this regard. The concerns of HCC Highways in terms of sustainability and encouraging the use of motor vehicles can be suitably mitigated against through the imposition of conditions and financial contributions to improve the cycle network. This carries moderate weight in favour of the proposal.
- 8.6 The development has been assessed to be acceptable in terms of private amenity space in accordance with the adopted Design Guide (2023) and Policy GD1 of the Local Plan (2019). This carries moderate weight in favour of the development.
- 8.7 With regards to the environmental impact of the development in terms of ecology, biodiversity and landscaping, it has been established that there are some policy conflicts and there will be some impact to the Town Centre Gardens. However, these have been determined to be within acceptable limits, and, where harm may arise from loss of landscaping, this will be appropriately mitigated through improved landscaping and financial contributions to off-set biodiversity in the vicinity of the site and contribute to the planting of additional trees in the area. Accordingly, whilst the development is not fully policy compliant in this regard, on balance, the public benefits arising from the delivery of the development together with the financial contributions to mitigate landscaping and biodiversity losses, the development is considered acceptable.
- 8.8 The provision of affordable housing and other developer contributions can be satisfactorily addressed through the use of a S106 Legal Agreement.
- 8.9 In conclusion, whilst the proposal has been assessed to contravene policies NH5, NH6 and NH1 of the Local Plan (2019) through impacts to the Principal Open Space of Town Centre Gardens, loss of open space on Silam Road for parking provision and the loss of trees in and around the site, it is considered that through the imposition of conditions and financial contributions secured through a Section 106 Legal Agreement that these policy contraventions can be suitably mitigated against. Therefore, taking all the aforementioned into account, the development would accord with the majority of the policies in the adopted Local Plan (2019) and the public benefits identified through the delivery of much needed independent living apartments and affordable housing, on previously developed brownfield land, outweigh the harms previously identified. Therefore, despite the conflicts with the aforementioned Local Plan Policies, there are sufficient material considerations to indicate that planning permission should be granted in this instance.

9. RECOMMENDATIONS

- 9.1. That planning permission be GRANTED subject to the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:-
- Securing the provision of affordable housing;
 - Apprenticeships and construction jobs;
 - Securing the provision of a 10% net gain in Biodiversity off-site within Stevenage;
 - Securing the replanting of the appropriate number of trees on a 3:1 ratio;
 - East of England Ambulance Service contribution;
 - Parking and Enforcement Monitoring;
 - Monitoring of Travel Plans;
 - HCC contributions to improving cycling provision;

- SBC Section 106 monitoring fee – 2.5% of total financial obligations (capped at £25,000); and
- HCC Monitoring Fee of £340 per trigger relating to HCC obligations;

9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, along with delegated powers to the Assistant Director in liaison with the Council's appointed solicitor to enforce the obligations set out in the S106 Legal Agreement on behalf of Stevenage Borough Council and / or appoint another Planning Authority to enforce planning obligations on behalf of Stevenage Borough Council as and where legally required to do so. In addition, the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:-

General

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
18069su1.01; 18069SU1.02; 18069SU1.03; 18069SU1.04; 18069SU1.05; 18069WD2.029; 18069WD2.030; 18069WD2.031; 18069WD2.032; 18069WD2.033; 18069WD2.034; 18069WD2.040; 18069WD2.041; 18069WD2.063; 18069WD2.064; 18069WD2.065; 18069WD2.066; 18069WD2.067; 18069WD2.068; 18069WD2.069; 18069WD2.070; 18069WD2.081; 18069WD2.082; 46697B; 18069WD2.020-A; 18069WD2.023-A; 18069WD2.024-A; 18069WD2.025-A; 18069WD2.061-A; 18069WD2.062-A; 7552.PP.4.0-B; 7552.PP.4.1-B; 7552.PP.4.2-B; 7552.HSP.5.0-B;
REASON:- For the avoidance of doubt and in the interests of proper planning
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
REASON:- To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses.
- 4 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.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
- 5 No external lighting shall be installed on the site other than in accordance with the Kingfisher Lighting Plan D46697/RD/B unless otherwise agreed in writing by the local planning authority.

REASON:- In order to protect the amenities and operations of neighbouring properties, to ensure any external lighting does not prejudice highway safety and in the interests of minimising light pollution.

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

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

- 7 The development hereby approved shall be constructed in accordance with the measures to address adaptation to climate change as laid out in the Design and Access Statement. These measures shall then be implemented and permanently maintained in accordance with the approved details.

REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.

Prior to Commencement

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

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to 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.

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

- 9 No development shall take place (including demolition and site clearance) until a Site Compound layout plan and associated landscaping strategy has been submitted to and approved in writing by the Local Planning Authority. This must include details of the trees which will be removed to facilitate the compound and a replacement planting and landscaping remediation strategy. Thereafter, the site compound will only be constructed in accordance with the approved plan with the land reinstated within 3 months from the date in which the compound has been removed following completion of the development.
REASON: To ensure the development has an acceptable impact on the Town Centre Gardens.
- 10 No development shall take place (including site clearance) until a final detailed design for the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented in full prior to the beneficial occupation of the development to which this permission relates and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To adhere to the hierarchy of drainage options, as set out in paragraph 080 (Reference ID: 7-080-20150323) of the Planning Practice Guidance; to maximise the use of SuDS in the interests of mitigating the risk of flooding to the site itself and downstream; and to maximise the sustainability of the development.
- 11 No development shall take place (including site clearance) until the access, internal road and surface car parking spaces shown on approved plan 18069wd2.025-A to serve the existing residents of Brent Court have been provided, marked out and hard surfaced ready for use and shall be retained in that form and kept available for those purposes thereafter. The hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.
REASON:- To ensure that adequate access, parking and servicing facilities are available within the site during construction and that there is no detriment to the safety of adjoining highways and to ensure the development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.
- 12 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.
- 13 No development shall take place (including site clearance) until the tree protection measures as detailed in the Arboricultural Impact Assessment by Aspect Arboriculture dated October 2022, reference 10231_AIA.001 Rev B, have been implemented accordingly. The tree protection measures shall remain in place until the development has been completed. Within the tree protection areas to be fenced off in accordance with the AIA there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery. Any trees identified as part of Condition 9 shall not be covered by this condition.
REASON:- To ensure the protection of those trees which should be retained in the interests of visual amenity.

Prior to Work Above Slab Level

- 14 No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces development hereby permitted have been submitted

to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.

- 15 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.

REASON:- To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties

- 16 No development shall take place above slab level before a scheme of landscaping which shall include details of both hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner. In regards to hard surfacing, this shall be carried out in accordance with any approved details within three months of the first occupation of the building or the completion of the development, whichever is the sooner.

REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.

Prior to Occupation/Completion

- 17 The parking, turning and servicing areas shown on drawing numbers 18069wd2.020-A; 18069wd2.061-A; and 18069wd2.062-A shall be provided, marked out and hard surfaced ready for use prior to the first occupation of the building and shall be retained in that form and kept available for those purposes thereafter. The hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.

REASON:- To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining highways and to ensure the development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.

- 18 Prior to the first occupation of the dwellings hereby permitted the approved secure cycle parking areas shall be constructed in accordance with the details identified on drawing 18069wd2.081; 18069wd2.061-A; and 18069wd2.062-A and shall be permanently retained in that form.

REASON:- To ensure that there is sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.

- 19 Prior to the first occupation of the dwellings hereby permitted the general waste and recycle stores and plant areas associated with the development hereby permitted have been implemented in accordance with the details shown on approved plan 18069wd2.082; 18069wd2.061-A; and 18069wd2.062-A and retained and maintained accordingly for the lifetime of the development.

REASON:- To ensure the storage areas have an acceptable appearance and are of sufficient size to accommodate the number of bins which are required for this development.

- 20 Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The approved boundary treatments shall be completed before the development is first occupied.

REASON:- To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.

Post Occupation/Completion

- 21 The noise mitigation measures as detailed in the Acoustic Design Statement by AIRO Ltd dated 6 August 2021, reference DJB/7368, shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To ensure there is an acceptable living environment for future occupiers and neighbouring residential properties.

- 22 On completion, the design of windows and ventilators to each dwelling shall achieve an acoustic performance which shall ensure that, when windows are closed and ventilators are open, noise levels do not exceed:

- 35 decibels (dB) (LAeq,16h) during the daytime (07:00 – 23:00) within bedrooms and living rooms;
- 30dB (LAeq,16h) during the night (23:00 – 07:00) within bedrooms;
- 45 dB (LAFmax) on more than ten occasions during any typical night (23:00 – 07:00) within bedrooms

Where mechanical purge ventilation is required to achieve the above standards with windows closed, this shall be designed so as to ensure that the ventilation system itself does not produce unacceptable levels of noise within each dwelling. All schemes for ventilation shall comply with the current edition of Approved Document F to the Building Regulations.

REASON:- To protect the amenity of future occupiers of the development

- 23 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner.

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

- 24 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

- 25 No tree shown retained on the approved plans, or subsequently approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.

REASON:- To ensure the protection of those trees which should be retained in the interests of visual amenity.

- 26 Infiltration testing should be in accordance with BRE Digest 365 which should be carried out at the location of any infiltration measure(s). Where infiltration is not possible, evidence that approval has been sought from the relevant water authority should be provided for any connection into a public surface water sewer.

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

- 27 Prior to the first occupation of the development hereby permitted, the southern access point shall be closed to prevent general access by members of the public or residents and shall be accessible only to emergency service vehicles.

REASON:- In the interests of highway safety

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

- 1 Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVE

1 Community Infrastructure Levy

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

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

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

2 Building Regulations

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

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

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

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

3 Party Wall etc. Act 1996

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at

<https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

4 Hertfordshire County Council as Highways Authority

Extent of highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

5 Hertfordshire County Council as Highways Authority

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047

6 Hertfordshire County Council as Highways Authority

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways> or by telephoning 0300 1234047.

7 Hertfordshire County Council as Highways Authority

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

8 Hertfordshire County Council as Highways Authority

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.

9 Police Crime Prevention Design Service

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

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023, The Impact of Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance.