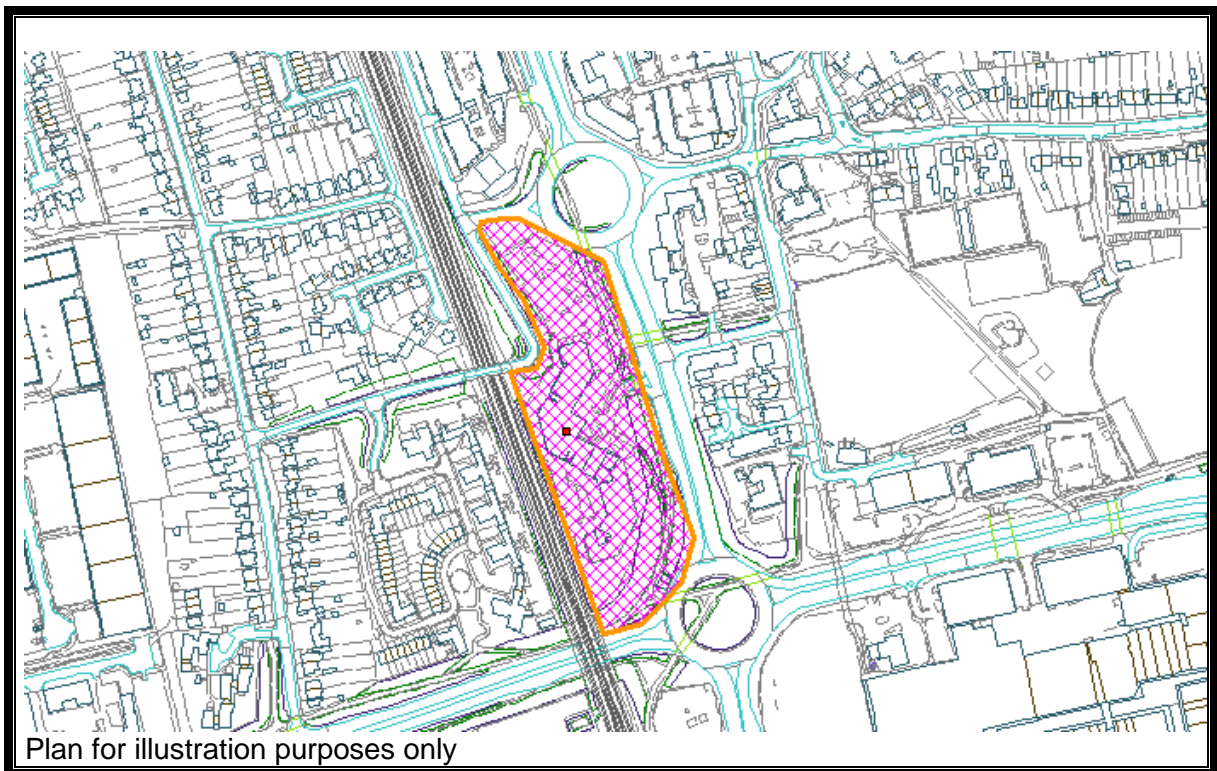


<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>8 February 2024</b>	
<b>Author:</b>	<b>Ailsa Davis</b>	07702 874529
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 245257
<b>Contact Officer:</b>	<b>Ailsa Davis</b>	07702 874529

Application No :	23/00920/FPM 24/00009/S106
Location :	Land West of Lytton Way, Stevenage
Proposal :	<p><u>23/00920/FPM</u> Variation of Condition 1 (Approved Plans) to planning permission reference number 23/00655/FPM to remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Alterations to centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking spaces, amendment to affordable housing mix in block 7.</p> <p><u>24/00009/S106</u> Variation of section 106 agreement to increase the number of affordable homes and Primary Education contribution approved under planning permission reference 19/00474/FPM</p>

Drawing Nos.:	<p>16-019 D – 050 C01; ICON-2-PS-200 rev C – Site Plan; 502686-IWD-XX-XX-DR-A-2320_P1 A3 - Proposed Site Elevations; ICON-2-PS-1-100 - Proposed GA Plan-Level 00 – Rev C1; ICON-PS-1-101 - Proposed GA Plan - Level 01, 03,05 – Rev B; ICON-PS-1-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-1-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-1-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-1-105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-1-106 - Proposed GA Plan - Level 12,14 – Rev B; ICON-PS-1-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 1 (North and South) Rev C1; ICON-2-PS-1-111 - Proposed Elevations Block 1 (East and West) Rev C1; ICON-PS-2-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-2-101 - Proposed GA Plan - Level 01,03,05,07 – Rev B; ICON-PS-2-102 - Proposed GA Plan - Level 02,04,06 – Rev B; ICON-2-PS-2-103 - Proposed Elevations; ICON-2-PS-2-103 - Proposed Elevations Block 2 Rev P1; ICON-PS-3-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-3-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-3-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-3-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-3-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-3-107 - Proposed Elevations Block 3 (East and West); ICON-2-PS-3-108 - Proposed Elevations Block 3 (North and South); ICON-PS-4-100 - Proposed GA Plan - Level 00 – Rev C2; ICON-PS-4-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-4-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-4-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-4-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-4-105 - Proposed Elevations Block 4 (North and South); ICON-2-PS-3-106 - Proposed Elevations Block 4 (East and West); ICON-2-PS-5-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-2-PS-5-101 - Proposed GA Plan - Level 01,03,05,07; ICON-2-PS-5-102 - Proposed GA Plan - Level 02,04,06,08; ICON-2-PS-5-103 - Proposed Elevations; ICON-PS-6-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-6-101 - Proposed GA Plan - Level 01,03,05 – Rev B; ICON-PS-6-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-6-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-6-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-6-105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-6-106 - Proposed GA Plan - Level 12,14 – Rev B; ICON-PS-6-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 6 (East and West); ICON-2-PS-1-111 - Proposed Elevations Block 6 (North and South); ICON-2-PS-7-100 - Proposed GA Plan - Level 00 – Rev C2; ICON-2-PS-7-101 - Proposed GA Plan - Level 01,03,05 – Rev C2; ICON-2-PS-7-102 - Proposed GA Plan - Level 02, 04 – Rev C2; ICON-2-PS-7-103 - Proposed GA Plan - Level 06 Rev C1; ICON-2-PS-7-104 - Proposed GA Plan - Level 07 Rev C1; ICON-2-PS-7-105 - Proposed GA Plans - Level 08 Rev C1; ICON-2-PS-7-107 - Proposed GA Plan - Roof Level - Rev C1; ICON-2-PS-7-106 rev C1 - Proposed Elevations – Rev C1.</p>
Applicant :	Hill Residential Ltd
Date Valid:	7 December 2023
Recommendation :	GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The application site which measures 2.75 hectares in area is located close to the roundabout junction of Lytton Way and Fairlands Way. The site comprised the former office building known as the Icon, which was a 1980's 7 to 8 storey building with large, glazed elevations. Prior to its demolition, it was a prominent and recognisable feature in Stevenage due to its clear visibility from many parts of the town as well as its unique design characteristics. The office building was served with undercroft parking as well as additional surface parking areas and small green spaces.
- 1.2 The site is bordered to the west by the East Coast Main Line railway beyond which are residential properties in Kilby Road/Watson Road and to the east the site adjoins Lytton Way where the vehicular access to the site is taken from. The northern boundary of the site adjoins Trinity Road which forms the roundabout linking it with Lytton Way.
- 1.3 The site is relatively flat, although an embankment slopes down toward Lytton Way on the eastern side boundary of the site. This leads to a cycleway and footpath which runs north south along the eastern boundary of the site continuing in either direction.

## 2. RELEVANT PLANNING HISTORY

- 2.1 Permission granted under planning reference 2/0095/85 in May 1985 for office development in two phases with ancillary car parking, landscaping and access bridge onto Lytton Way.
- 2.2 Permission granted under reference 99/00225/FP in July 1999 for new entrance lobby, new canopy and associated landscaping works adjacent to new entrance.
- 2.3 Permission granted under reference 99/00493/FP in 2000 for a fire escape and elevational changes to rear of the building.
- 2.4 Permission granted under reference 00/00286/FP in July 2000 for alteration to car to provide additional 37 spaces.

- 2.5 Outline planning permission granted under reference 02/00562/OP in March 2003 for a four storey building on existing car park, comprising 2,790 square metres gross floorspace, for use within Class B1 (business use).
- 2.6 Permission granted under reference 14/00417/AD in September 2014 for installation of 1 no. internally illuminated box sign.
- 2.7 Screening Opinion 16/00780/SCR sought an EIA Screening Opinion for the proposed redevelopment of the site for residential. The Screening Opinion was issued in December 2016.
- 2.8 Permission refused under reference 19/00474/FPM in March 2020 for demolition of existing office building (Use Class B1) and structures, and construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works. The application was refused by the Council on the following grounds:
- 1) The proposed development by virtue of its height, design and appearance would result in an incongruous form of development which would be harmful to the visual amenities of the area. The proposal would, therefore, be contrary to policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design.
  - 2) The proposal comprising 576 dwellings in 7 flatted blocks on this constrained site would result in an overdevelopment of the site which would be harmful to the character and appearance of the area. The proposal would, therefore, be contrary to policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design.
  - 3) The proposal would fail to provide the necessary mitigation required to deal with the impact that the proposed development would have on the demand on the infrastructure required to support the proposed development. The proposal would, therefore, be contrary to policy SP5 of the Stevenage Borough Local Plan 2011 – 2031.
- 2.9 The Council's decision to refuse planning permission was appealed to the Planning Inspectorate under appeal reference: APP/K1935/W/20/3255/692. It was determined by the Planning Inspectorate on 15<sup>th</sup> July 2022 that the appeal was allowed, and planning permission was granted subject to conditions.
- 2.10 Application 22/00866/PADEMO sought prior approval for the demolition of existing Office building with associated parking and surrounding landscaping. This application was approved in October 2022.
- 2.11 Discharge of condition application 23/00054/COND sought to discharge of condition 3 (Construction Method Statement) attached to planning permission reference number 19/00474/FPM (As approved at appeal under reference: APP/K1935/W/20/3255692). This application was approved in February 2023.
- 2.12 Discharge of condition application 23/00129/COND seeks the discharge of condition 5 (Surface Water Drainage) attached to planning permission reference number 19/00474/FPM (As approved at appeal under reference: APP/K1935/W/20/3255692). This application was approved in June 2023.
- 2.12 Planning application 23/00239/FPM sought to vary condition number 2 (approved plans) attached to planning permission reference number 19/00474/FPM to provide additional lifts,

stair cores and amend balconies to provide metal balustrading. This application was approved in May 2023.

- 2.13 Non-material amendment application 23/00491/NMA sought a non-material amendment to planning permission reference number 23/00239/FPM to amend the position of stair and lift cores. This application was approved in July 2023.
- 2.14 Non-material application 23/00544/NMA sought a non-material amendment to planning permission reference number 23/00239/FPM to amend Condition 5 (Surface Water Drainage). This application was approved in July 2023.
- 2.15 Discharge of condition application 23/00591/COND seeks to discharge condition 6 (Noise Mitigation) attached to planning permission reference number 23/00239/FPM. This application is pending consideration.
- 2.16 Non-material amendment application 23/00614/NMA sought to amend condition 2 (approved plans) attached to planning permission 23/00239/FPM to alter the approved position of residential Block 1. This application was approved in August 2023.
- 2.17 Planning application 23/00655/FPM sought to vary condition number 2 (approved plans) attached to planning permission reference number 23/00239/FPM to alter the position of the stair and lifts cores to ensure maximum travel distance for means of escape are improved. This application was approved in October 2023.

### **3. THE CURRENT APPLICATION**

3.1 This application which is currently before the Council seeks permission to vary condition 1 (Approved Plans) to planning permission reference number 23/00655/FPM to enable a redesign at ground floor level to:

- remove 46 enclosed parking spaces within Blocks 1,2,3,5,6 and 7;
- provide an additional 16 apartments within Blocks 1,2,3,5,6 and 7;
- alter the layouts of ancillary facilities (bike and bin stores; communal entrances/exits; water tanks; plant and storage areas);
- alter the layout of communal and ancillary facilities within Block 4;
- an additional 13 external car parking spaces;
- amendments to the affordable housing mix in Block 7.

3.2 As a consequence of the changes, condition 12 on application 23/00655/FPM also needs to be amended to refer to the provision of 974 cycle parking spaces.

3.3 For reference, condition 1 states the following:

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

16-019 - D 050 C01; ICON-2-PS-2-100-Rev B; ICON-2-PS-2-101-Rev B; ICON-2-PS-2-102-Rev B; ICON-2-PS-2-103; ICON-2-PS-5-100; ICON-2-PS-5-101; ICON-2-PS-5-102; ICON-2-PS-5-103; ICON-2-PS-7-100; ICON-2-PS-7-101; ICON-2-PS-7-102; ICON-2-PS-7-103; ICON-2-PS-7-104; ICON-2-PS-7-105; ICON-2-PS-7-106; ICON-2-PS-200; 502686-IWD-XX-XX-DR-A-2320\_P1; ICON-PS-1-100-Rev B; ICON-PS-1-101-Rev B; ICON-PS-1-102-Rev B; ICON-PS-1-103-Rev B; ICON-PS-1-104-Rev B; ICON-PS-1-105-Rev B; ICON-PS-1-106-Rev B; ICON-PS-1-107-Rev B; 502686-IWD-B1-XX-DR-A-2310\_P2; 502686-IWD-B1-XX-DR-A-2311\_P2; 502686-IWD-B1-XX-DR-A-2312\_P2; ICON-PS-3-100-Rev B; ICON-PS-3-101-Rev B; ICON-PS-3-102-Rev B; ICON-PS-3-103-Rev B; ICON-PS-3-104-Rev B; 502686-IWD-B3-XX-DR-A-2310\_P2; 502686-IWD-B3-XX-DR-A-2311\_P2; 502686-IWD-B3-XX-DR-A-2312\_P2; ICON-PS-4-100-Rev B; ICON-PS-4-101-Rev B; ICON-PS-4-102-Rev B; ICON-PS-4-103-Rev B; ICON-PS-4-104-Rev B; 502686-IWD-B4-XX-DR-A-2310\_P3; 502686-IWD-B4-XX-DR-A-2311\_P3; 502686-IWD-B4-XX-DR-A-2312\_P3; ICON-PS-6-100-Rev B; ICON-PS-6-101-Rev B; ICON-PS-6-102-Rev B; ICON-PS-6-103-Rev B; ICON-PS-6-104-Rev B; ICON-PS-6-105-Rev B; ICON-PS-6-106-Rev B; ICON-PS-6-107-Rev B; 502686-IWD-B6-XX-DR-A-2310\_P3; 502686-IWD-B6-XX-DR-A-2311\_P3; 502686-IWD-B6-XX-DR-A-2312\_P3;

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

- 3.4 The Planning Statement accompanying this application advises the applicant is keen to ensure that the development meets or exceeds the most up to date, stringent fire safety requirements. The Grenfell Tragedy occurred during the design stage of the original scheme (application ref.19/00474/FPM). As a response, the applicant amended the proposed design, removing the then proposed external wall cladding and replacing that with brick, and incorporating fire sprinklers throughout the blocks.
- 3.5 During the determination process of application 19/00474/FPM the design of the lift/stair cores were further amended to accord with what had been expected to be future changes in the fire safety regulations. Further applications for amendments were approved for fire safety improvements and the applicant wishes to continue to ensure that its buildings comply with the most up to date fire safety standards, are future proofed and that purchasers/occupiers can have the comfort that buildings are of the highest safety standards.
- 3.6 The prime driver behind this application is to remove the 46 enclosed/undercroft car parking spaces from Blocks 1,2,3,5,6 and 7 for fire safety reasons. Following recent car park fires, such as at Luton Airport and the Liverpool Echo Arena, concern has continued to grow around the fire risk from enclosed car parking. RSA Insurance, for example, have highlighted that as well as the increased fire risk from electric vehicles and charging equipment, modern vehicles also present a greater fire risk owing to the changes in materials used and the electronic equipment they now contain.
- 3.7 In terms of the enclosed parking, the Planning Statement advises there is a significant cost associated with the installation of fire suppression systems. Accordingly, expensive fire suppression systems are required where car parking is enclosed. Given the viability challenges within central Stevenage, the applicant is advising the costs of developing the site are already significant. This application is seeking the removal of the 46 enclosed parking spaces within Blocks 1,2,3,5,6 and 7 for viability and fire safety reasons.
- 3.8 The removal of the enclosed car parking would leave some extensive voids at ground floor level. In the interest of making efficient use of space/land and delivering a high-quality environment, this application proposes to re-organise the ground floor layouts of Blocks 1,2,3,5,6 and 7 to introduce 16 additional apartments, 4 of which would be affordable within Block 7 (equating to 25% of the additional apartments).

- 3.9 The removal of the undercroft car parking spaces has also resulted in a review of the ground floors and additional amendments are proposed to the ancillary areas used for communal entrances/exits, bikes, bins, storage, water tanks, plant and equipment to ensure that the blocks would work efficiently and effectively. The stair and lift cores for Blocks 1 and 6 are subject to minor amendments. All other lift/stair cores would remain unchanged and meet fire safety requirements. The communal/management facilities and ancillary facilities within the ground floor of Block 4 are also proposed to be reconfigured.
- 3.10 As part of the review of the ground floors, additional space has been dedicated to cycle parking within the blocks. The redesign of communal facilities and common areas in Block 4 has allowed more cycle spaces to be incorporated within Block 4 and removes the need for the external cycle store outside Block 4. Condition 12 requires further details of cycle parking to be submitted to discharge the condition. The location of external short stay cycle parking would be submitted for discharge under that condition.
- 3.11 Removing car parking from under the buildings also removes the need for vehicle access routes into Blocks 2,3,5,6 and 7. Those areas are proposed to accommodate additional, external surface level parking. The former vehicle access to Block 1 is retained as that would continue to function as a turning head for waste collection vehicles.
- 3.12 The proposed removal of the cycle store adjacent to Block 4 would also enable additional external car parking spaces to be provided. The parking area to the west of Block 7 was previously accessed under Block 7. Adding apartments at ground floor level closes off that route. Instead, that parking area would be accessed north of Block 7, resulting in the removal of 1 external car parking space. Overall, a net increase of 13 external car parking spaces is proposed.
- 3.13 Engagement with affordable providers has identified that the approved mix contains too many 1-bed affordable apartments for current requirements. The scheme was designed in 2018 when the demand for 1-bed affordable accommodation was higher than now. Consequently, to meet the current needs of affordable providers a change to the affordable mix within Block 7 is proposed to deliver more 2-bed apartments. Amended floor plans have been submitted for the affordable mix.
- 3.14 The changes by Block, are summarised below:
- 3.15 Block 1: Removal of 6 car parking spaces; addition of 2 apartments (1x1bed and 1x2bed) at ground floor level; reconfigured cycle store.
- 3.16 Block 2: Removal of 8 car parking spaces; addition of 3 apartments at ground floor level (1x1bed and 2x2bed); removal of vehicle accessway and opening; 2 additional external car parking spaces; reconfigured cycle store.
- 3.17 Block 3: Removal of 6 car parking spaces; reconfiguration of 2 ground floor apartments; addition of 2 apartments at ground floor level (2x1bed apartments); removal of vehicle accessway and opening; 2 additional external car parking spaces; reconfigured cycle store.
- 3.18 Block 4: Reconfigured gym and cycle store at ground floor; removal of external cycle store and addition of 4 external surface level car parking spaces.
- 3.19 Block 5: Removal of 8 car parking spaces; addition of 3 apartments at ground floor level (1x1bed and 2x2bed); removal of vehicle accessway and opening; 2 additional external car parking

spaces; reconfigured cycle store; ground floor garden terrace on eastern elevation relocated to southern elevation so no longer sits on highway land.

- 3.20 Block 6: Removal of 6 car parking spaces; addition of 2 apartments at ground floor level (1x1bed and 1x2bed); removal of vehicle accessway and opening; 2 additional external car parking spaces; reconfigured cycle store.
- 3.21 Block 7: Removal of 12 car parking spaces; addition of 4 affordable apartments at ground floor level (4x2bed); removal of vehicle accessway and opening; 2 additional external car parking spaces on east side of building; removal of one car parking space to west of building; reconfigured cycle store; amended mix to provide, overall, affordable provision of 16x1-bed apartments (previously 26) and 40x2-bed apartments (previously 16).
- 3.22 The applicant has advised that following discussion with Registered Providers (RPs) it has become apparent that the scheme as approved contains a higher proportion of 1-bed affordable homes than RPs are seeking to meet current needs. Accordingly, it is proposed to amend the affordable mix. To ensure the amount of affordable housing remains the same as approved and that the internal space standards can be still met, it is proposed to amend the affordable mix to 16x1-bed apartments and 40x2-bed apartments (this includes the additional 4x2 bed apartments at ground floor).
- 3.23 This application comes before the Planning and Development Committee for its decision as it is a Major.

#### **4. PUBLIC REPRESENTATIONS**

- 4.1 As a major planning application, the proposal has been publicised by way of site notices and a press notice. In addition, neighbouring properties have been consulted by way of letter. At the time of drafting this report one general comment has been received and 8 objections raising the following concerns:
- The ratio of parking spaces available for residents, their visitors, and delivery drivers to the overall number of dwellings will be diminished if this application were to be allowed.
  - Replacing an undercroft with dwellings in a similar style to those already approved would not result in harm to the already approved visual impact.
  - Scepticism over fire safety reasons for removing undercroft parking. Application just a ploy to get a greater number of flats and increase developer profit.
  - The fire safety issue should be addressed by improving fire safety of the undercroft parking facilities, not by building additional flats.
  - Reduced parking provision will put more pressure on surrounding streets.
  - Overdevelopment of the site.
- 4.2 Please note that a verbatim copy of all comments and representations received are available to view on the Council's website.



## 5. CONSULTATIONS

5.1 The following section contains summaries of consultation responses. Full copies of the responses are available on the Council's website.

### 5.2 HCC Highway Authority

#### Comments dated 22 December 2023

- 5.2.1 The Highway Authority note the application which seeks the reconfiguration of some of the blocks and the increase in the number of units on site. The Highway Authority note the changes to the layout as detailed in the development description and accompanying plans. The Highway Authority note the submission of drawing number CON-2-PS-200 Rev C, Site Plan and Planning Statement.
- 5.2.2 The Highway Authority's principal concern is that on some of the block's outer perimeter areas there is some encroachment into the highway boundary. The plans should illustrate the highway boundary and where these outer areas may encroach onto the public highway. It is also noted that some of the balconies oversail the public highway, although it is understood that this may be dealt with by application for an appropriate license from Hertfordshire County Council (however, this application should make this clear).
- 5.2.3 With respect to the areas which encroach directly onto the public highway, it is noted that Hertfordshire County Council's Network Management team have issued an objection to plans submitted to the Highway Authority.
- 5.2.4 With respect to the provision for cyclists within the site and connecting onto the public shared footway/cycleway which runs around the site's eastern perimeter, the Highway Authority has made comments previously (to the applicant), with respect to the need to show more detail of this route within the site itself. This should include detail of the cycle ramp which is consistent with the provisions of LTN 1/20, including the illustration of long sections of the cycle ramp, the connection with the Stevenage network and specification of width.
- 5.2.5 The Highway Authority wish to note the new Hertfordshire County Council Guide to Developer Infrastructure Contributions, adopted in July 2021. This document replaces the HCC Hertfordshire County Council Planning Obligations Guidance – toolkit for Hertfordshire, published in January 2008. It is noted that this new document was not in place at the time of the previous planning application or Appeal. However, given that this is now an adopted document, the Highway Authority will seek to apply its provisions to all new planning applications.
- 5.2.6 The guidance notes that based on current evidence, the analysis concludes that each non-car driver trip should contribute £2,133 to S106 strand 2 contributions, which translates to £6,826 per each average residential dwelling and £422 per job.
- 16 x £6,826 = £109,216
- 5.2.7 The Highway Authority will issue potential schemes that such a contribution may be used towards should the outstanding matters discussed within this response be rectified. In summary, the Highway Authority notes concerns with respect to the position of the blocks on the site and encroachment onto the public highway. Insufficient detail is shown with respect to the provision of cycle infrastructure on site which will be needed to safely access the cycle parking areas on site. Given the above concerns relating to layout, the Highway Authority does not recommend the grant of planning permission.
- 5.2.8 Following receipt of the comments, discussions were had with the applicant who confirmed the below, which was forwarded to the Highway Authority.

### *Encroachment into the highway boundary*

- 5.2.9 There is one ground floor terrace of Block 1 which is partially located on land within the adopted highway. The area of terrace within the adopted highway is 3m<sup>2</sup>. It sits on an area which is currently a grassed verge. That terrace has always been located on that grassed area of adopted highway land. That can be seen on the originally approved site layout plan 16-019 D051 under application 19/00474/FPM that was approved at appeal. Slightly less of that terrace is now located on the highway than the original approval owing to non-material amendment 23/00614/NMA which approved a re-oriented Block 1.
- 5.2.10 Where an application is made under S73 the only matters for consideration are the amendments proposed by that S73 application. This S73 application does not propose any amendments to the location of Block 1 or that terrace and therefore the location of that terrace is not a matter that can be considered under this application. The current siting of the blocks has received planning permission and it is a matter for the developer and highway authority to deal with any encroachment onto public highway land under separate legislation, which is not a planning consideration.
- 5.2.11 Should the developer wish to move the blocks away from the boundary with the public highway, this could be secured via a s73 application. However, this latest S73 application does not seek to do this.

### *Provision for Cyclists*

- 5.2.12 With regards the cycle/pedestrian links, this application proposes no changes from that already approved and therefore as above, this is not a matter that can be considered under this S73 application. Schedule 10 of the executed S106 agreement requires that details of the cycle ramp and the footway connection to Trinity Way be dealt with through an agreement under S278 of the Highways Ways Act 1980 and that the S278 agreement be entered into prior to any occupations.

### *S106 Strand 2 Contribution*

- 5.2.13 Stevenage Borough Council is a CIL Authority and has been since January 2020. As such, and according to HCC's developer Obligations Toolkit, contributions that HCC would normally have sought through Strand 2 will come under the approved CIL charging schedule. Paragraph 1.6 of the HCC Guide to Developer Infrastructure Contributions (2021) states the second strand contribution generally does not apply in Dacorum, Hertsmere, Stevenage, Three Rivers and Watford as they have fully adopted CIL regimes in place. As such, HCC Highway Authority was respectfully requested to withdraw the request for a strand 2 contribution on this development as contributions can be requested through CIL, for which this development is liable.

### Comments dated 16 January 2024

- 5.2.14 The Highway Authority is content that the additional units will not have a material impact on the adjoining local highway network. The Highway Authority wishes to note previous comments which relate to the encroachment in small areas of some of the blocks onto the public highway which extends to within the site curtilage at certain points. However, it is noted that this matter is separate to the s73 application in hand, although the applicant should seek to progress the stopping up application.
- 5.2.15 With respect to cycle parking, it is noted that all such provision should be in accordance with the Stevenage Cycle Strategy. In summary, the Highway Authority is content that the application will not have a material impact on the adjoining local highway network and that there are no attendant highways or transportation impacts arising from the proposals. As such, the Highway Authority does not wish to restrict the grant of planning permission.

### 5.3 Health and Safety Executive

- 5.4.1 Whilst the Health and Safety Executive have not formally provided comments on this application, they did provide comments on planning application 23/00239/FPM. For reference, this was an application to amend planning permission 19/00474/FPM which sought permission to provide additional lifts, stair cores to Blocks 1, 3, 4 and 6 and remove the glazed balustrades across all blocks. For reference, the Health and Safety Executive advised the following:
- 5.4.2 For Section 73 applications it's at the discretion of the Council whether or not to consult HSE. The HSE generally advise that if the change is to the approved plans then we should be consulted.
- 5.4.3 However, in this case the original application was made before HSE became a statutory consultee on fire safety matters and so we wouldn't have commented on the original application – which can put us in a position where we would ask for more information to be able to understand the fire safety characteristics of the development, beyond the remit of the proposed change.
- 5.4.4 Therefore, unless the Council considers the Section 73 application raises particularly pertinent fire safety issues, HSE recommend not to consult them on this application. For example, if there are any changes to the layout of the scheme that would result in constrained access to any of the blocks for a fire appliance (needs to get to within 18m of the fire service access into the building), then that would be a good reason to consult us.

### 5.5 HCC Growth and Infrastructure Unit

- 5.5.1 I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 16 additional dwellings we would seek financial contributions towards the following projects:

**Primary Education** towards the delivery of a new primary school in the town centre area and/or provision serving the development (£84,669 (which includes land costs of £532) index linked to BCIS 1Q2022)

**Monitoring Fees** – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

### 5.6 SBC Environmental Health

- 5.6.1 I refer to the above planning application in respect of contaminated land and nuisance. I have no comment to add further to the conditions below already imposed relating to noise mitigation and construction management plan.

## 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 December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
- change to policies on Biodiversity.

6.2.2 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.

6.2.3 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 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. 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 79 of the NPPF. This will be in addition to the preparation of an Action Plan. 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 under paragraph 11d) of the NPPF. The latest HDT results published by the Department for Levelling Up, Housing and Communities (DLUHC) in December 2023 identifies that Stevenage delivered 57% of its housing requirement.

6.2.4 Turning to 5-year housing land supply, the Council 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 confirmed the Council at the time of the decision could demonstrate a housing supply of 6.68 years (including 20% buffer).

6.2.5 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, as this policy is now engaged, it means Local Plan policies would be classed as out-of-date. Consequently, Stevenage Borough

Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing. The Council must also apply a 20% buffer in its 5-year housing supply calculations and it also has to produce an Action Plan in order to boost housing delivery.

- 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. In addition, it will now prepare an updated Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years. Moreover, the Council is also preparing updated statements with respect to 5 year housing land supply given the last monitoring report was published in 2022.

### **6.3 Planning Practice Guidance**

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

### **6.4 National Design Guide**

- 6.4.1 The National Design Guide (2021) is Government guidance on the characteristics of well-designed places and demonstrates what good design means in practice. It has the same status as the PPG and should similarly be taken into account when determining planning applications.

### **6.5 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

- 6.5.1 The policies set out below are most relevant in the determination of this application:

Policy SP1: Presumption in favour of sustainable development

Policy SP2: Sustainable development in Stevenage

Policy SP7: High quality homes

Policy SP8: Good design

Policy SP11: Climate change, flooding and pollution

Policy SP13: The historic environment

Policy GD1: High quality design

Policy IT5: Parking and access

Policy FP5: Contaminated land

Policy FP7: Pollution

Policy FP8: Pollution sensitive uses

Policy NH5: Trees and woodland

Policy NH10: Conservation areas

### **6.6 Supplementary Planning Documents**

- 6.6.1 The following supplementary planning documents are relevant to determining the application:

Stevenage Design Guide SPD (2023)

Council's Parking Standards SPD (2020)

Developer Contributions SPD (2021)

### **6.7 Community Infrastructure Levy Charging Schedule**

- 6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development. The proposed residential development would be liable for CIL.

## **7. APPRAISAL**

- 7.1.1 The main issues for consideration in the determination of this application are the principle of additional housing, design, layout and appearance, impact on the Old Town Conservation Area, impact on residential amenity, parking, highway implications, impact on trees and impact on the environment.
- 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 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 60 of the NPPF (2023) requires that the planning system should deliver as much of an area's identified housing need as possible, including an appropriate mix of housing types for the local community. Paragraph 69 of the NPPF (2023) 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.
- 7.2.3 Turning to the adopted Local Plan (2019), notwithstanding the fact planning permission has already been granted for 576 dwellings, the site is not designated for residential development. Therefore, the introduction of 16 additional flats would be classed as a windfall development. Taking this into consideration, Policy SP7 (High quality homes) states that the Council needs to be provide 7600 new homes over the local plan period of which 1,950 homes would be provided through windfall sites. Turning to the specific policy on windfall development sites, (Policy HO5 of the Local Plan), this outlines a set of criteria that must be met for a development to be considered acceptable. These criteria state 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.
- 7.2.4 The proposal consists of the creation of 16 additional dwellings bringing the total to 592 dwellings on this site comprising a mixture of studio, 1, 2 and 3 bedroom units. The proposed layout covers the bulk of the site area, including over the footprint of the former office building and its associated curtilage. The land is, therefore, considered to be previously developed for the purposes of policy HO5. Furthermore, the proposal does not see the loss of public amenity space, and is close to the local bus, rail and cycle network. As such, the proposal is considered to be in a sustainable location.
- 7.2.5 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 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to

increase delivery in future years. 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 79 of the NPPF. This will be in addition to the preparation of an Action Plan. 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 under paragraph 11d) of the NPPF. The latest HDT results published by the Department for Levelling Up, Housing and Communities (DLUHC) in December 2023 identifies that Stevenage delivered 57% of its housing requirement.

- 7.2.6 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, as this policy is now engaged, it means Local Plan policies would be classed as out-of-date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing. The Council must also apply a 20% buffer in its 5-year housing supply calculations and it also has to produce an Action Plan in order to boost housing delivery.
- 7.2.7 Turning to 5-year housing land supply, the Council 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 confirmed the Council at the time of the decision could demonstrate a housing supply of 6.68 years (including 20% buffer).
- 7.2.8 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. In addition, it will now prepare an updated Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years. Moreover, the Council is also preparing updated statements with respect to 5 year housing land supply given the last monitoring report was published in 2022.
- 7.2.9 In respect to Policy HO9 (House types and sizes) of the Local Plan (2019), as the proposed development seeks to deliver a mixture of 1, 2 and 3 bedroom dwellings, it would be in accordance with this policy as it would add to the overall mix of housing which is required to meet the objectively assessed need over the local period. The proposed mix of the 16 additional dwellings would be 6 x 1 bed flats and 10 x 2 bed flats, which is considered acceptable.
- 7.2.10 The impact of the proposal on the local environment and surrounding properties will be addressed later in this report, however, based on the above it is concluded that the proposal is acceptable in land use policy terms.

### **7.3 Affordable Housing Provision and S106 Contributions**

- 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 4 affordable units out of the additional 16 under consideration here. The application is proposing an additional 4 x 2 bed affordable flats within block 7 at ground floor which equates to 25% of the total, thereby complying with this policy.
- 7.3.2 Following discussion with Registered Providers (RPs), the applicant has advised it has become apparent that the scheme as approved contains a higher proportion of 1-bed affordable homes than RPs are seeking to meet current needs. Accordingly, it is proposed to amend the

affordable mix. To ensure the amount of affordable housing remains the same and that the internal space standards can be still met, it is proposed to amend the affordable mix to 16 x 1 bed apartments (previously 26) and 40 x 2 bed apartments (previously 16 and includes the additional 4x2 bed apartments in Block 7). The changes reduce the amount of 1 bed accommodation in favour of larger flats and takes the total of affordable units from 52 to 56.

- 7.3.3 A Deed of Variation application (ref. 24/00009/S106) to vary the s106 agreement attached to the original planning permission has been submitted to amend the affordable housing number and mix.

#### *Town Centre Primary School Contribution*

- 7.3.4 The proposal for an additional 16 flats has also triggered the requirement for a contribution towards the new town centre primary school as part of the SG1 planning application. A contribution was agreed for the original planning application as part of the appeal process and an increase in the number of units requires the impact of these on primary education within the town centre to also be mitigated. HCC Growth and Infrastructure have asked for £84,669 and the applicant is currently seeking further justification from HCC as to how this has been calculated via the Planning Authority to ensure consistency between the original scheme and the additional flats under consideration here. The Deed of Variation application would also cover this contribution once agreed.

## **7.4 Design, Layout and Appearance**

- 7.4.1 Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”. It goes on to state that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 7.4.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:
- will function well and add to the overall quality of an area;
  - is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
  - is sympathetic to local character and history;
  - establishes or maintains a strong sense of place;
  - optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
  - creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.4.3 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change”.
- 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 town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.5 The Council’s Design Guide SPD (2023) generally reflects the above policies requiring 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. The National Design Guide (2019) is also a material consideration in the determination of the development proposal. The scheme has been assessed against the key policy criteria on good design, as well as how it meets the four key objectives in the National Design Guide on what is considered to be a well-designed place.

- 7.4.6 The application site represents an “island” which adjoins the East Coast rail line to the west, Fairlands Way to the south, Lytton Way to the east and Trinity Road / Chequers Bridge Road to the north. In terms of the characteristics of the area, to the west beyond the railway line are residential properties in Kilby Road/Watson Road, which comprise a mix of flats and houses. These comprise primarily 1 and 2 bedroom flats in buildings ranging 4, 6 and 10 storeys in height, the tallest element being where the development adjoins Fairlands Way. Also, as part of this development are a number of 2 storey 3 and 4 bedroom dwellings. To the west of this are residential properties in Fairview Road comprising mainly two storey detached and semi-detached dwellings. Further properties are located in Brick Kiln Road to the north-west of the site.
- 7.4.7 To the east are properties in Ditchmore Lane, comprising a mixture of 4 storey offices (Saffron Ground), the Haven, a 3 storey development, The Gate Hotel and residential properties. To the north-west of the Gate Hotel is Platform which is a converted office to residential building of 3 to 4 storeys in height. To the north of the site beyond Trinity Road is a petrol filling station beyond which is the residential development of Monument Court which is a flatted development which is 5/6 stories in height with undercroft car parking. To the northeast of the site adjacent to the eastern arm of Trinity Road is the Townsend Mews development which is a 4 to 6 storey flatted development.
- 7.4.8 Turning to the Town Centre which is located to the south / southwest of the site there is the recently completed Multi-Storey Car Park which is 6 stories in height. The development which is taking place at the former Matalan site by Guinness Trust (Planning reference: 20/00643/RMM) comprises a building which will be 20 storeys in height. In terms of SG1, which was granted planning permission on 30 May 2023 (Planning Reference: 19/00743/FPM) has buildings which are up to 19 stories in height. In regard to 11 The Forum (Former Staples Unit), this has planning permission (Planning Reference: 21/01002/FPM) to deliver a part 9 storey, part 13 storey building. There is also the former BHS store permission (Planning reference: 19/00647/FPM) for an 11-storey building and more recently, the Council granted permission for the redevelopment of The Forum Centre (Planning Reference: 22/00923/FPM) for the delivery of a new life science campus which would comprise buildings up to 6 double height stories (in order to allow sufficient headspace for plant to be installed on each floor).
- 7.4.9 In regard to the development as approved by the Planning Inspectorate, the development involved the demolition of the existing 7/8 storey offices to be replaced with 7 flat blocks ranging across the site between 8 and 16 stories. The submitted plans indicated that the tallest buildings would be blocks 1 and 6 which would be located at the southern (block 1) and northern (block 6) boundaries of the site. These buildings are between 11 and 16 storeys in height and would be set at an angle, with block 1 facing north-east across Trinity Road / Lytton Way roundabout and block 6 toward Fairlands Way / Lytton Way. These buildings would have a height of between 35m and 50m and would comprise undercroft car parking and cycle parking at the ground floor with residential units above.
- 7.4.10 Block 2 would be sited to the south of Block 1 and comprise an 8-storey block which faces east/west with the front elevation facing toward Lytton Way. This has a height of 26m and would also comprise undercroft parking and cycle parking at the ground floor with residential units above. Flat blocks 3 and 4 would be sited either side of the proposed access to the site and are intended to frame the entrance to the development. These are similar in appearance and comprise a 13-storey element adjacent to the access road reducing to an 11 storey element. These would face east/west and have a height of between 33m and 40m. At ground

floor level block 4 would contain a gym, communal lounge area and a management lobby with residential accommodation on the floors above.

- 7.4.11 Block 5 would be positioned toward the southern part of the site located between blocks 4 and 6 and comprises an 8-storey block and would be similar in appearance to block 2. This faces east/west with the front elevation facing toward Lytton Way and has a height of 26m. This would comprise of undercroft car parking and cycle parking at the ground floor with residential units above.
- 7.4.12 The final element of the scheme is block 7 which would be located towards the western part of the site and set back behind the other 6 blocks which face onto Lytton Way. This is a part 6 storey, part 9 storey building having a height ranging between 20m and 30m. The block would also incorporate undercroft parking and cycle facilities at the ground floor with the residential accommodation above.
- 7.4.13 In terms of finished appearance, the buildings would be completed in facing brickwork. The taller elements will be light grey brick with the lower section consisting of the darker tones. Balconies and windows would provide accented colour throughout the development. The two grey tones of brickwork are intended to form a striped banding at ground floor to connect all buildings across the development and add architectural variety at pedestrian level. All of the residential properties would have balconies which from a design perspective help to break up the facades and add interest to the appearance of the buildings.
- 7.4.14 Taking into consideration the above, the Council had originally raised concerns with respect to the number of taller buildings which was proposed and formed part of the reasons for refusing the scheme. However, the inspector in her appeal decision letter noted the Council's aim to regenerate the new town, the recent permissions for the MSCP (multi-storey car park) and Matalan, and planning applications (which have resolution to grant) with taller buildings (See para 7.2.8 for reference). As such, the town was going to see the provision of number of tall buildings. The inspector, therefore, considers the provision of tall buildings on the site as not harmful *per se*. This is because of the development's proximity is not only located close to tall buildings within and outside of the town centre, but also as an island surrounded by roads, parkways and the railway and is therefore separated from other smaller buildings. In the absence of a policy to prevent the grouping of tall buildings, the inspector considers that of greater concern is of whether the development is of sufficient design quality and appropriate effect on the character and appearance of the area to be consistent with local and national policies.
- 7.4.15 In the Inspector's analysis of the proposal, she considered that taken together, the building form and layout, height, proportions, active frontages, materials and architectural detail of the proposed development would be successful in the site. The inspector goes onto consider that whilst the scheme does not have the flair that is attributed to the existing building, she emphasised the importance of high-quality materials to be secured by way of condition. With the condition in place, the inspector considered that the proposed development would be high quality.
- 7.4.16 Notwithstanding the above, the Inspector in her analysis considered that the development would have a moderate adverse effect on townscape and views. This is due to how the groupings of the buildings would appear from certain viewpoints. However, she did not consider the proposed development would have an adverse impact on the legibility of the town centre. Moreover, she also considered that the landscaping and car parking areas would not have an adverse effect on the proposed development.
- 7.4.17 In summary, the Inspector considered the development would have a moderate harmful effect on the character and appearance of the area, stemming only from the loss of the existing building and the development's appearance in long views. As such, she considered there was a conflict with Local plan policies on design. But and as referenced in paragraph 7.3.24 of this

report, the inspector identified that there would be a number of benefits this development would deliver. As such, she felt that these overall benefits would outweigh the policy conflict identified and, in this regard, granting planning permission accordingly.

- 7.4.18 Turning now to the proposed development, which is currently before the Council, the scheme is looking to remove the undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments for fire safety and viability reasons. The proposed amendments would result in no change to the height or massing of the buildings. There would be some minor adjustments to window locations and balconies, but these would have no material visual impact. The amendments would ensure that windows and balconies are aligned and coherent with the overall design.
- 7.4.19 The removal of the external cycle store from adjacent to Block 4 and its replacement with 4 car parking spaces would have no impact on views from outside the site. Internally it would result in the loss of built form from within the landscaped areas and is therefore considered to have some very minor visual benefit.
- 7.4.20 The overall changes are deemed to be minor and would not affect the coherence or the integrity of the blocks design over and above the approved development. With regards to finished appearance, the materials in the development would not change from that which was approved at appeal. It is considered that the proposed amendments to the previously approved scheme would represent a limited direct change to the townscape character area in which the site is located. The proposed revisions to this scheme, however, would result in no discernible change to the previously identified impacts on the character of the street scene due to the proposed mix of uses, activation of frontages and general layout of private and public realm through the site remaining unchanged.
- 7.4.21 Given the aforementioned, it is considered that the proposed design changes to the approved scheme are minor and would reflect the overall design principles of that which has been established by the appeal decision. The proposal also seeks to retain the overall layout, form, scale and architectural character of the development as viewed from the wider public realm. Therefore, and as established by the appeal decision, the scheme would continue to represent an appropriate land use for this site. Moreover, whilst it could be argued that the amended scheme does cause moderate harm in terms of its effect on the character and appearance of the area, specifically through the loss of the existing building and from the appearance of the development from longer views, it is still considered that in terms overall planning balance, the overall benefits of this development would outweigh the overall moderate harm caused by the scheme proposed in its amended form.

## **7.5 Impact on the Old Town Conservation Area**

7.5.1 The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes several 'statutory duties' for decision-makers, all of which are applicable to the proposed development:

- "Section 16(2): In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall 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 66(1): In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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: In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

- 7.5.2 Case law (South Lakeland, 1992) has determined that 'preserve' means 'to do no harm'. However, if harm is identified, 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. In doing so, case law has emphasised the need to give "considerable importance and weight" to preserving listed buildings or the character and appearance of conservation areas (Barnwell Manor, Case No: C1/2013/0843). However, the presumption 'to preserve' is not irrebuttable 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).
- 7.5.3 Paragraph 203 of the NPPF (December 2023) states that 'in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.'
- 7.5.4 Furthermore, paragraphs 205 to 208 of the NPPF (December 2023) 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 must be given to it. Dealing with Paragraph 205, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, such as the Old Town Conservation Area, 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.
- 7.5.5 Paragraph 207 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.
- 7.5.6 Paragraph 208 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. In undertaking this balance, considerable importance and weight must be attached to the less than substantial harm.
- 7.5.7 Paragraph 210 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 205, 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.
- 7.5.8 In considering public benefits, the Planning Practice Guidance (PPG) (2019) (Reference ID: 18a-020-20190723) sets out that the National Planning Policy Framework 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”.

7.5.9 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.

7.5.10 Turning to the adopted Local Plan, Policy SP13 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.

7.5.11 Policy NH10 of the Local plan relating to Conservation Areas states that development proposals within or affecting a conservation area should have regard to the guidance provided by the relevant Conservation Area Management Plan Supplementary Planning Document.

- 7.5.12 Turning to the Guidance on Tall Buildings by Historic England (Advice Note 4) (March 2022). The guidance focuses on, as specified by Historic England, “*plan-making and the importance of a plan-led approach to tall building development; the information needed to support plan-making, and to assess and determine individual developments at application stage; and how to identify appropriate locations for tall buildings and define design parameters in relation to the historic environment*”.
- 7.5.13 The guidance goes on to state that “*in the right place well-designed tall buildings can make a positive contribution*” and that “*if a tall building is not in the right place, by virtue of its size and widespread visibility, it can seriously harm the qualities that people value about a place*”. (para 3.2. p6).

#### The approved scheme

- 7.5.14 The principle and design approach of the development has been established by virtue of the planning permission being issued by the Planning Inspectorate. The application which is currently before the Council is seeking minor material amendment approval to remove the 46 enclosed/undercroft car parking spaces from Blocks 1,2,3,5,6 and 7 and their replacement with 16 additional flats due to fire safety and viability reasons. As such, it is merely the design changes referred to in paragraphs 3.15 to 3.21 above which have been considered in terms of the development’s impact on the setting of a number of heritage assets.

#### Impact Assessment

- 7.5.15 The amendments under this application would result in no changes to the height or massing of the buildings. There would be some minor adjustments to window locations and balconies, but these would have no material visual impact. The amendments would ensure that windows and balconies are aligned and coherent with the overall design. The removal of the external cycle store adjacent to Block 4 and its replacement with 4 car parking spaces would have no impact on views from outside the site. Internally it would result in the loss of built form from within the landscaped areas and is considered to have some very minor visual benefit. The proposed design changes to this development would therefore have no material impact in terms of visual change to the overall character and appearance of the townscape setting of the Old Town Conservation Area which is located to the east of the site.
- 7.5.16 It was established at the appeal that the majority of views of the scheme from within the High Street and historic core of the conservation area would be obscured by the established built pattern of development combined with the containment by the overall built form as viewed from within the historic core. However, it was identified that there would be some glimpsed views of the development in part over the rooflines. The amended scheme retains the overall originally approved layout of built form and spaces and there would be no increase in height or massing. Therefore, it has been established that there would be no greater visual impact within the views from the High Street as a result of the proposed design changes.
- 7.5.17 The development was identified as being more readily visible from the public open space of the Millennium Gardens / Cricket Ground which fall within the conservation area. The proposed development was identified as being a new feature within the local townscape views and also rising above the treeline and in the context of more modern buildings that form part of the character area i.e. the southern part of the Old Town Conservation Area. The development would also be visible from some longer views through or within the wider urban context of the conservation area.
- 7.5.18 The proposed design amendments would not be observable from local and more distanced views of the development from the conservation area. In addition, as emphasised above, the height and massing of the blocks would not be increased. Further to this, the overall spacing between the blocks would also remain as approved. Moreover, the overall architectural approach to the design and materiality of the blocks would not change.

7.5.19 Taking the aforementioned into consideration, it is identified that the proposal would result in no significant change to the previously identified impacts on the appreciation and understanding of the heritage assets in terms of their significance and in the context of the existing townscape. It can be concluded that the proposed amendments to the approved scheme would not result in harm and would sustain the significance of the heritage assets. Further to this, by the Planning Inspectorate granting planning permission for the originally proposed scheme, they also did not identify any adverse built heritage impacts as a result of the development.

#### Assessment of Heritage Balance and Public Benefit

7.5.20 Paragraph 206 of the NPPF (2023) sets out that any harm to a designated heritage asset should require clear and convincing justification. In addition, where proposals that may cause less than substantial harm to the significance of a designated heritage asset, should be weighed up against the public benefits of the proposal, including where appropriate, securing the optimum viable use. In undertaking that weighting exercise 'considerable importance and weight' must be given to the preservation of the significance of the listed building, including its setting. In determining the application, it must be noted that 'less than substantial harm' is not a 'less than substantial planning consideration'.

7.5.21 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 (as set out in paragraph 10.5.7) 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 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. The test therefore is whether the benefits clearly and convincingly outweigh the considerable importance and weight given to the heritage harm.

7.5.22 As identified by the Planning Inspectorate in the granting of planning permission, they considered there were a number of public benefits identified. The inspector identified that the scheme would deliver 575 residential units which in doing so would support the Government's aim expressed in paragraph 60 of the NPPF which is to significantly boost the supply of housing. The proposed development would also deliver affordable housing and they considered that due to historic under-delivery, was afforded significant weight. The site is also in a sustainable location, would redevelop a brownfield site which as set out in the NPPF, is afforded substantial weight. There is also the economic impacts of the development in terms of construction jobs as well as future expenditure into the local economy by future owner / occupiers of the development. Therefore, and as set out under paragraph 90 of the Inspectors decision, she states and quote "*I find that the benefits together have substantial weight*".

7.5.23 Taking the above into consideration, the inspector in paragraph 96 of their decision set out and quote "*In conclusion, the negative effects of the proposed development in terms of character and appearance and conflict with the development plan as a whole are outweighed by other considerations.*"

#### Summary

7.5.24 In summary, it can be concluded that the proposed amendments to the development would not be observable from viewpoints within the conservation area, would not result in any adverse impact upon the setting of the Old Town Conservation Area or any statutory listed buildings. The significance of the surrounding built heritage would be preserved in accordance with national and local plan policy. Moreover, the overall benefits this development would

deliver as identified above would outweigh any potential harm the development would cause on the heritage assets.

## 7.6 Impact on residential amenity

### Impact upon neighbouring amenity

- 7.6.1 The application site is considered to be an “island” site which adjoins the East Coast rail line to the west, Fairlands Way to the south, Lytton Way to the east and Trinity Road / Chequers Bridge Road to the north. In view of this, the application sites does not physically adjoin any residential developments. In assessing the impact on neighbouring amenity, the Council’s Design Guide sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new developments. These are as follows:

No of Storeys	Type of Separation	Min. distance (metres)
Between existing and new 2 storey or a mix of 1 and 2 storey dwellings	Back to Back	25m
	Back to Side	15m
Between new 2 storeys or a mix of 1 and 2 storey	Back to Back	20m
	Back to side	12m
Over 2 storeys between existing and new dwellings	Back to Back	35m
	Back to Side	25m
Between new dwellings over 2 storeys in height	Back to Back	30m
	Back to Side	20m

- 7.6.2 The nearest residential properties to the west of the site are in Kilby Road/Watson Road and to the northern part of the site properties in Brick Kiln Road, both of which are separated by the railway line. These developments are located between 50-60m away from the proposed development, including Block 7 which is the closest block to Kilby Road. Given the level of separation, which accords with the current standards set out in the Design Guide, the proposed amendments sought under this application could not cause any additional harm over and above what was agreed to be acceptable when the application was originally determined by the Council and at appeal.
- 7.6.3 Turning now to Monument Court, this lies to the north of the site and is over 50m away and again accords with the Council’s guidelines. Additionally, as the layout of the development has not changed, Block 6 would still be angled such that it faces on a south-west / north-east axis direction towards Lytton Way and Fairlands Way. This means the principal elevation overlooks the roundabout of Lytton Way and Fairlands Way and towards the East Coast Main Railway Line. In assessing the impact on properties within Townsend Mews along with the properties backing onto Lytton Way facing Ditchmore Lane, these would also be over 50m away from the proposed development. As such, the proposed design changes would cause no additional harm to the amenities of these properties over and above what has been established as being acceptable under the 2019 permission.
- 7.6.4 Having regard to the aforementioned relationships and separation, it is considered that there would be no sustainable objection to the revised scheme with regard to the impact on the amenities of nearby residential properties.

### Future Residential Amenity

- 7.6.5 In assessing the future residential amenity which would be provided by the proposed development, all of the dwellings as set out in this application including the additional 16 flats accord with the space requirements set out in the adopted Local Plan. In terms of the relationship between the blocks, as the layout of the development has not changed since it



was approved at appeal, there would still be adequate separation distances to ensure the majority of the development has suitable privacy levels for future occupiers.

- 7.6.6 In terms of layout, blocks 2, 5 and 7 would consist of 1, 2 and 3 bedroom apartments. Over 50% of apartments in these blocks are dual aspect. The one-bedroom flats are generally single aspect with private amenity space, open plan kitchen/living/diners and have direct access to private balconies. The two-bedroom units are generally dual aspect with kitchen / living / diners achieving views across two directions. The main bedrooms offer an en-suite. The 3-bedroom units are dual aspect and offer a main bedroom with en-suite and bathroom. These have open plan kitchen/living/diners and have direct access to private balconies. Additional to this, 50% of the units in the development would comply and exceed the accessible and adaptable dwelling requirements set out in the Local Plan.
- 7.6.7 With regards to communal amenity space, the Council's Design Guide recommends that 50m<sup>2</sup> of amenity space plus an additional 10m<sup>2</sup> per unit over 5 is required. This also states that where there is no communal space, effort should be made to provide balconies or roof gardens. The original approved scheme provided approximately 900m<sup>2</sup> of amenity space within the development which includes an equipped play area in the amenity space along with sculptural play within the courtyard spaces between the buildings and in the equipped amenity space. Added to this, all of the buildings are provided with balconies, the approximate size of which is 5m<sup>2</sup> which will provide an area of outdoor space for the occupiers.
- 7.6.8 The amended proposal under consideration here would provide the same level of community amenity space as the original application. The approved provision was below the standards recommended in the Design Guide providing approximately 65% of the requirement. The reason for the limited amount of amenity space is caused by the constrained shape and banked frontage of the site. However, it was determined that the site was within 5-minute walking distance from Millennium Gardens and King George V playing fields which offer a range of open space and play equipment and facilities. Additionally, there are the Medway Playing Field and the play area at Cutty's Lane within a 10 minutes walking distance. Having regard to the available public open space nearby, it was considered that the combination of this on-site and off-site open space provision would be appropriate for this development. The same conclusion is reached for the amended proposal.
- 7.6.9 With regards to the Nationally Described Space Standards (NDSS) for residential development as defined by Central Government policy, and, is a requirement of Policy GD1 of the Local Plan (2019), all of the residential properties within this development, including the bedrooms, would accord with these standards.
- 7.6.10 Having regard to the above assessment, it is considered that the dwellings which form part of this development will all have an acceptable living environment.

## **7.7 Parking**

- 7.7.1 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. Whilst the 2019 original 2019 planning application was refused by the Council (and subsequently won on appeal), it did not refuse the application on parking grounds. During the appeal process the Council adopted the Parking Provision and Sustainable Transport SPD (2020). This sets out new car parking requirements, specifically new requirements for flats. These are set out as follows:
- Studios and 1 bedroom flats – 1 space per flat
  - bedroom flats – 1.5 spaces per flat
  - bedroom flats – 1.5 spaces per flat.

- 7.7.2 The site lies adjacent to the defined Town Centre, but within accessibility Zone 1 as defined in the SPD. Within Zone 1 car parking is recommended to be within 25% and 50% of the standard. Paragraph 2.19 of the SPD sets out that the higher figure is a maximum and that level of provision would be “expected to fall within the range” taking into account individual site considerations. In relation to the application site, the site lies adjacent the town centre, on the footpath and cycle network, within 10 minutes’ walk of the bus and rail stations. The whole of Stevenage is within a 25 minute cycle ride, and the rail station less than a 5 minute cycle ride. As recognised in the appeal decision the site is in a highly accessible and sustainable location, in easy walking and cycling distance of public transport and a range of services.
- 7.7.3 The approved application provides for 237 car parking spaces, 2 of which are allocated as car club spaces. The remaining spaces were unallocated. Based on the housing mix and standards in the SPD, provision equated to 32% of the standard which was toward the lower end of the range. As part of the appeal, parking levels were considered “adequate given the location and scope for use of sustainable modes” (paragraph 62, Decision Letter 15th July 2022).
- 7.7.4 This application proposes to remove the 46 enclosed/undercroft parking spaces and one external surface space. It introduces a further 13 exterior surface level spaces. Overall, the development would provide for 198 car parking spaces, 2 of which would continue to be allocated as car club spaces. Based on the housing mix and standards in the SPD, provision would equate to 27% of the standard, at the lower end of the range but still within that range (see table below extracted from the Planning Statement).

**Table 2: car parking provision vs standards**

Beds	Standard	Homes	100%	Max (50%)	Min (25%)	Provision
1	1	265	265	133	66	
2	1.5	287	431	215	108	
3	1.5	40	60	30	15	
		592	756	378	189	198 (26%)

- 7.7.5 The applicant advises Collaborative Mobility UK (CoMoUK) is the national organisation for shared transport. Its research shows that on average each car club vehicle in the UK replaces 22 private cars. The applicant suggests the 2 car club spaces within the development, therefore, are the equivalent of 44 more car parking spaces on site. Given the location of the site immediately adjoining the town centre and the sustainable transport options available, the car parking provision is considered adequate and accords with policy and the SPD. The reduction in car parking would reduce car traffic generated below that of the approved scheme.
- 7.7.6 Turning to visitor parking, as the applicant confirmed the parking was not to be allocated, it was determined at the time of the original application that there was no requirement to provide parking for visitors. This remains unchanged. In relation to disabled parking, the Parking Provision SPD (2020) sets out a requirement of 5%. In this regard, 15 disabled bays were to be provided as part of the original proposal which accorded with the 5% requirement of 237 spaces. It is understood no changes are proposed to the proposed number of disabled spaces, giving a new total provision of 7% taking into account the reduction in total parking provision.

*Cycle Parking*

- 7.7.7 The Parking Provision and Sustainable Transport SPD (2020) sets out cycle parking standards. The approved scheme provides for 948 spaces in line with those standards with cycle stores within the Blocks and in a cycle store located adjacent Block 4. This application

seeks to increase the cycle parking provision to meet that required by the change in affordable mix and the additional flats. It also amends the location of spaces. The changes mean that 974 cycle spaces are required. The ground floor redesign enables more spaces to be incorporated within cycle stores within the blocks and for the cycle store adjacent Block 4 to be omitted. The amended proposals accord with cycle parking requirements. As a consequence of the changes, condition 12 on application 23/00655/FPM also needs to be amended to refer to the provision of 974 cycle parking spaces.

### *EV Charging Points*

- 7.7.8 Looking at Electric Vehicle Charging Points (EVCP), the Parking Standards introduced new requirements for EV charging. The standards require all new parking spaces be designed to fulfil Passive EVCP standards with the relevant underlying infrastructure being provided. In addition, a minimum of 20% of new parking on site should have access to an active EV charging point.
- 7.7.9 Notwithstanding the above, Part S of the Building Regulations (Infrastructure for the charging of electric vehicles) which took effect on the 15<sup>th</sup> June 2022 sets out a much more stringent requirement for EVCP compared to that of the Council's own standards. As such, it was determined at the appeal for the 2019 application that EVCP requirements would be dealt with a Building Regulations approval stage of the development project. As such, the scheme would comprise sufficient EVCP to encourage a shift to less polluting forms of transport.

## **7.8 Highway implications**

- 7.8.1 This application which is currently before the Council does not seek to extend or alter the approved access and egress arrangements for pedestrians, cyclists and motor-vehicles. Hertfordshire County Council as Highways Authority have raised no concerns with the amended scheme in terms of the impact on the local highway network of 16 additional flats. As such, the proposed amended scheme would not cause any undue harm to the safety and operation of the highway network.

## **7.9 Impact on trees**

- 7.9.1 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. The approved footprints of the relevant blocks do not extend into the root protection areas of any trees which are to be retained. The proposed 16 additional flats would all be within the ground floor envelope of the existing buildings. The proposed 13 external car parking spaces would not be sited within the root protection areas of any trees which are to be retained.
- 7.9.2 Taking into consideration the above, the proposed amended scheme is unlikely to cause any additional harm to trees over and above what was established to be acceptable by the original planning permission. However, and as per the appeal decision, a condition would be imposed requiring the requisite tree protection measures be put in place as specified in the Impact Assessment to ensure the retained trees would not be detrimentally affected by the development during its construction phase.

## **7.10 Flood Risk and Drainage**

- 7.10.1 The proposed removal of the undercroft parking and the re-configuration of the ground floor of the apartment blocks to provide 16 additional flats, together with the introduction of 13 external parking spaces would not have any implications for the approved surface water drainage strategy or flood risk assessment for the site as the proposed layout, height and massing of the buildings would remain as approved. As such, the proposed amendments are considered acceptable in this regard.

## **7.11 Impact on the environment**

7.11.1 The application site is defined as a previously developed site. The former office building has been demolished and preparation is ongoing to start construction. As such, there is the potential risk of contaminants being identified on-site which could potentially pose a risk to the environment and human health. Taking this into consideration, the 2019 application was supported by a Contamination Report which identified there were risk of contaminants on site. As such, the Planning Inspectorate imposed a condition to the planning permission. This condition requires a remediation strategy to be prepared and implemented if any contaminants were identified. In this regard, it is recommended that this condition be replicated on the Section 73 decision should the Council be minded to grant planning permission.

### Groundwater

7.11.2 The application site is not located within a Source Protection Zone and no concerns had been raised by Thames Water or Affinity Water with respect to potential impact from the development under the 2019 application.

### Air Quality

7.11.3 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) 2019 by Stevenage Borough Council identifies that the development site is not located within, or near, an Air Quality Management Area (AQMA).

7.11.4 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 approved Construction Management Plan which details measures on controlling levels of dust and air pollutants which are generated during the construction phase of development.

7.11.5 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small increase in NO<sub>2</sub> 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.

### Noise Pollution

7.11.6 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.

7.11.7 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures are set out in the approved Construction Management Plan (CMP). Through the CMP, the hours in which noisy activities take place are controlled along with the imposition of relevant mitigation measures to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can enforce the condition accordingly.

7.11.8 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding future occupiers, these would be dealt with by the Council's Environmental Health department. In terms of noise impact from the East Coast Mainline Railway along with noise associated with aircraft and vehicular traffic, as per the appeal decision, a condition would be imposed to any decision issued by the Council.

## Light Pollution

7.11.9 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.

7.11.10 Turning to the operational side of the development, as no details have been provided as to the design, location and intensity of illumination of any external lighting, as per the appeal decision, a condition would be imposed accordingly to any permission issued. This is to ensure that any external lighting system would not prejudice the safety and operation of the East Coast Mainline Railway. In addition, it would also ensure the amenities of future occupiers of the development would not be detrimentally affected by external levels of illumination from external lighting systems.

7.11.11 In terms of lighting associated with the construction aspect of the proposed development, this was dealt with as part of the approved Construction Management Plan (CMP). A condition would be imposed to any permission issued requiring the CMP to be adhered to until the completion of all construction works. This will ensure the safety of the adjacent railway line is maintained and that the amenities of future occupiers of each respective phase / block are completed and made available for occupation.

## **7.12 Other Matters**

### Community Infrastructure Levy

7.12.1 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 <sup>2</sup>	£100/m <sup>2</sup>
Sheltered housing	£100/m <sup>2</sup>	
Extra care housing	£40/m <sup>2</sup>	
Retail development	£60/m <sup>2</sup>	
All other development	£0/m <sup>2</sup>	

7.12.2 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.

7.12.3 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.

Section 106

7.12.4 As discussed above, the overall housing mix and affordable housing mix would be altered by this application, along with an additional requirement for a further contribution towards primary education. This requires a deed of variation to the original S106 agreement. The approved scheme included a Section 73 clause and therefore, any scheme approved under Section 73 remains bound to the original S106 Agreement along with the proposed deed of variation. The S106 agreement also includes the relevant viability review mechanisms and as a consequence, the development will be subject to viability reviews as it progresses. This mechanism will capture any uplift in value which would go towards affordable housing.

Fire Safety

7.12.5 The central core areas for Blocks 1 and 6 are subject to minor changes, although still meet fire safety requirements. The cores and escape distance for all other Blocks remain as already approved under previous S73/S96A applications. The removal of the enclosed car parking would improve fire safety by removing a potential source of fire risk. The reconfiguration of internal ancillary areas complies with fire regulations by ensuring appropriate separation and those areas, such as bike stores, do not exceed 100m<sup>2</sup>.

7.12.6 Whilst the Council has not received comments from the Health and Safety Executive (HSE), they did provide comments to planning application 23/00239/FPM. These are still pertinent to this application as it is similar in nature to the previously approved. As HSE advised at the time, given the application was submitted and approved before the Gateway One was introduced, there is no statutory requirement to formally consult HSE on Section 73 applications. Furthermore, given there are no changes to the overall layout to the development and firefighting equipment can reach all respective parts of the development site combined with the fire safety measures being put in place, it would be unreasonable to formally require the HSE to be consulted on this application.

7.12.7 Notwithstanding, the development would still have to go through the relevant Building Regulations approval which has stringent requirements now in place with respect to fire safety and tall buildings. Therefore, it will be at this stage which is the most appropriate way in dealing with the proposed fire safety measures which are to be put in place.

General Waste and Recycle Facilities

7.12.8 The Council’s Design Guide SPD (2023) sets out the following requirements for general waste and recycle storage facilities for residential and commercial developments:

Bin Type	Use	Domestic / Trade	External Dimensions mm H x L x D (H + open lid)
180ltr Wheelie Bin (Black)	General Waste	Domestic	1070 x 580 x 730
240ltr Wheelie Bin (Brown)	Green & Food Waste	Domestic	1100 x600 x800

60ltr Bag (Black)	Recyclables - Plastic & Cans	Domestic	490 x 350 x 350
60ltr Bag (Blue)	Recyclables - Paper & Card	Domestic	490 x 350 x 350
23ltr Caddy (Red)	Glass	Domestic	405 x 320 x 400
23ltr Caddy	Food Waste	Domestic	405 x 320 x 400
240ltr Wheelie Bin (Black)	General Waste	Domestic	1100 x 600 x 800
360ltr Wheelie Bin	General Waste / Recyclables	Domestic / Trade	1120 x 630 x 890
660ltr Eurobin	Recyclables	Trade	1400 x 1300 x 720
1100ltr Eurobin	General Waste / Recyclables	Trade	1400 x 1300 x 1000

7.12.10 The Design Guide also sets out the following requirements in terms of the overall design and location of general waste and recycle facilities:

External storage area features:	Housing developments	Flatted developments
Should be located within 10 metres of an external access but not near ground storey windows.	✓	✓
Storage and collection points must be as close as possible to, and preferably within 10 metres of, a place suitable for a collection vehicle to stop.	✓	✓
Must be at or near street level, and should be accessible via appropriately sized and graded ramps to allow bins to be wheeled to and from the collection point easily.	✓	✓
Must be safe for users by being well lit and visible from public vantage points and nearby dwellings / tenancies.	✓	✓
Should be unroofed, unless they are fully enclosed and secured (ideally inaccessible to animals).	✓	✓

External storage area features:	Housing developments	Flatted developments
Should be accessible for collection purposes and not impede pedestrian or vehicular access on public thoroughfares or to and from buildings.	✓	✓
Should be located as close to the front property boundary as possible, preferably behind the front boundary wall, without detracting from the street scene.		✓
Consideration should be given to the <ul style="list-style-type: none"> <li>• allocation of additional external storage space in the future, e.g. additional bins,</li> <li>• composting facilities - in residential development with a garden or landscaping,</li> <li>• provision of onsite storage for bulky waste (i.e. furniture) items and potential opportunities for re- use of these items.</li> </ul>		✓

- 7.12.11 Taking into consideration of the above, each of the residential blocks have been designed with a secure general waste and recycle storage facility at ground floor level. All of the stores are easily accessible and positioned in close proximity to external access points. They have also been positioned so they can be easily accessed from the internal road by refuse collection operators. In addition, each of the stores would have a level access with the pavement to ensure bins so there are no encumbrances to waste operators when collecting and putting back refuse / recycle bins.
- 7.12.12 In addition to the above, due to the overall size of these stores, they can sufficiently accommodate any future refuse and recycle requirements which may be required from time to time. Moreover, they could potentially hold for a short period of time, larger bulky items. Further to this, they have been sited so as to not impact on the amenity of residential properties which are also positioned at ground floor level of each of the residential blocks.
- 7.12.13 Given the above, the refuse and storage facilities have been designed to meet the criterion set out in the Council's Design Guide SPD (2023).

#### Adaptation to climate change

- 7.12.14 Policy FP1 of the Local Plan (2019) states 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, including:-
- reducing energy demand;
  - using passive environmental systems, e.g. natural ventilation;
  - daylighting and passive solar gains;
  - using high levels of insulation and air tightness in the fabric of the building;
  - specifying energy efficient services, controls and appliances;
  - implementing water recycling and the provision of water butts;
  - using renewable energy;
  - using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
  - using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.
- 7.12.15 As part of the 2019 application submission, it was accompanied by an Energy Strategy (Whitecode Design Associated Energy Strategy 10293-S-ENER-0001 Revision 5 dated 30 July 2019). This strategy identified that the development would seek to achieve a 65% carbon reduction against Part L of the Building Regulations 2013. This was one of the key benefits identified by the Planning Inspector in their decision letter. As such, a condition was imposed to the permission requiring the applicant to submit a more detailed strategy to ensure the development would meet the 65% carbon reduction against Part L of the Building Regulations 2013. It is recommended this condition be imposed to this Section 73 application if the Council was minded granting planning permission. This would ensure the development adopts suitable methods which minimises energy usage and that it would be adaptable to climate change.

#### Equality, Diversity and Human Rights

- 7.12.16 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.12.17 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation



of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

- 7.12.18 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.
- 7.12.19 In terms of inclusive access, the proposed buildings have been designed to be fully accessible and inclusive. All spaces in the new buildings would be accessible; the floors and thresholds would be level and lifts would serve all floors. The routes into the building would be clear and signed and demarcated appropriately using landscape treatments. There would be no abrupt changes in levels on the approach to the proposed buildings. Disabled parking spaces would be provided across the site at ground floor level. The design proposals have been developed with reference to Approved Document Part M (AD-M) and BS8300:2018 'Design of an Accessible and Inclusive Built Environment.'
- 7.12.20 Level access would continue to be provided to the development at all pedestrian access points. The design of the scheme would provide a safe, secure and attractive environment. The immediate connectivity of a development site includes factors that relate to pedestrian and cycle access as well as access by wheelchair users. In terms of pedestrian facilities in the area, footways are generally of a high standard, are level / trip free and well lit. In addition, the scheme comprises additional lift access across blocks 2, 5 and 7 to all floors of these buildings.
- 7.12.21 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

## **8 CONCLUSIONS**

- 8.1 In conclusion, the negative effects of the proposed development in terms of character and appearance and the conflict of the proposal with the development plan are outweighed by the overall benefits it would deliver as identified in the Planning Inspectorate decision. The proposed design changes to the development would not have a significant impact on the setting of the Old Town Conservation Area of other heritage assets. In addition, the scheme would not have a detrimental impact on the amenity of existing residential properties and there would still be acceptable living standards for future occupiers of the development.
- 8.2 The development would still comprise sufficient off-street parking (including cycle parking) and the amended scheme would not prejudice highway safety. In addition, the amended scheme would cause no additional harm to trees which are to be retained as part of this development and through appropriate conditions, would not cause any significant environmental issues. The revised scheme would still be subject to CIL and would be bound by the obligations which were secured through a Section 106 agreement attached to the 2019 permission, in addition to the proposed deed of variation. The revised scheme through appropriately worded conditions would comprise sufficient general waste and recycle storage facilities and ensure the delivery of Secured by Design measures to help design out crime.
- 8.3 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, as this policy is now engaged, it means Local Plan policies would be classed as out-of-date. Consequently, Stevenage Borough

Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing.

- 8.4 For the reasons set out above, it is recommended that planning permission be granted.

## 9 RECOMMENDATIONS

- 9.1 That the Committee agree the modification of Section 106 Agreement dated 6 July 2022 in relation to the affordable housing number and mix, primary school contribution and to delegate authority to the Assistant Director of Planning and Regulation in conjunction with an appointed Solicitor on behalf of the Council to agree the precise wording of the variation to the original S106 agreement.

- 9.2 That planning permission be GRANTED and authority to be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision 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:

1. The development hereby permitted shall begin not later than 3 years from the date of the appeal decision APP/K1935/W/20/3255692 whereby planning permission was granted on 15<sup>th</sup> July 2022.

**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).

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

16-019 D – 050 C01; ICON-2-PS-200 rev C – Site Plan; 502686-IWD-XX-XX-DR-A-2320\_P1 A3 - Proposed Site Elevations; ICON-2-PS-1-100 - Proposed GA Plan-Level 00 – Rev C1; ICON-PS-1-101 - Proposed GA Plan - Level 01, 03,05 – Rev B; ICON-PS-1-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-1-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-1-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-1-105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-1-106 - Proposed GA Plan - Level 12,14 – Rev B; ICON-PS-1-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 1 (North and South) Rev C1; ICON-2-PS-1-111 - Proposed Elevations Block 1 (East and West) Rev C1; ICON-PS-2-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-2-101 - Proposed GA Plan - Level 01,03,05,07 – Rev B; ICON-PS-2-102 - Proposed GA Plan - Level 02,04,06 – Rev B; ICON-2-PS-2-103 - Proposed Elevations; ICON-2-PS-2-103 - Proposed Elevations Block 2 Rev P1; ICON-PS-3-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-3-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-3-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-3-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-3-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-3-107 - Proposed Elevations Block 3 (East and West); ICON-2-PS-3-108 - Proposed Elevations Block 3 (North and South); ICON-PS-4-100 - Proposed GA Plan - Level 00 – Rev C2; ICON-PS-4-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-4-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-4-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-4-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-4-105 - Proposed Elevations Block 4 (North and South); ICON-2-PS-3-106 - Proposed Elevations Block 4 (East and West); ICON-2-PS-5-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-2-PS-5-101 - Proposed GA Plan - Level 01,03,05,07; ICON-2-PS-5-102 - Proposed GA Plan - Level 02,04,06,08; ICON-2-PS-5-103 - Proposed Elevations; ICON-PS-6-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-6-101 - Proposed GA Plan - Level 01,03,05 – Rev B; ICON-PS-

6-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-6-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-6-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-6-105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-6-106 - Proposed GA Plan - Level 12,14 – Rev B; ICON-PS-6-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 6 (East and West); ICON-2-PS-1-111 - Proposed Elevations Block 6 (North and South); ICON-2-PS-7-100 - Proposed GA Plan - Level 00 – Rev C2; ICON-2-PS-7-101 - Proposed GA Plan - Level 01,03,05 – Rev C2; ICON-2-PS-7-102 - Proposed GA Plan - Level 02, 04 – Rev C2; ICON-2-PS-7-103 - Proposed GA Plan - Level 06 Rev C1; ICON-2-PS-7-104 - Proposed GA Plan - Level 07 Rev C1; ICON-2-PS-7-105 - Proposed GA Plans - Level 08 Rev C1; ICON-2-PS-7-107 - Proposed GA Plan - Roof Level - Rev C1; ICON-2-PS-7-106 rev C1 - Proposed Elevations – Rev C1.

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

3. Upon commencement of construction works the methods of construction and all associated mitigation measures as detailed in the approved Construction Method Statement (CMS) as submitted and approved under planning reference 23/00054/COND shall be strictly adhered to until conclusion of all site and building operations unless otherwise agreed in writing by the Local Planning Authority.

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

4. No development, excluding demolition and site clearance, shall commence until all trees within the development which are to be retained as identified in the Tree Protection Plan (Plan 67135-02, Appendix 4 of the Arboricultural Impact Assessment (AIA) dated 31/10/2018 reference 67135 (V2)) have been protected by fencing or other means of enclosure in accordance with Appendix 4 and 8 of the AIA. Tree protection measures shall be retained until conclusion of all site and building operations. Within the tree protection areas, there shall be no alterations to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery

**REASON:-** To safeguard the trees which are to be retained and to protect the visual amenities of the area.

5. The surface water drainage strategy shall be carried out in accordance with drawing numbers 10336\_1602C2 and 10336\_1601C2 which shall be retained thereafter with the drainage strategy maintained in accordance with Appendix F of the Drainage Statement prepared by GTA civil and transport (document reference: 10336 dated 8 February 2023).

**REASON:-** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

6. Prior to commencement of works above slab level, a scheme for protecting the proposed dwellings from noise from road, rail and air transport sources shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained thereafter.

**REASON:-** To protect the amenity of future occupiers of the development hereby approved.

7. Prior to commencement of works above slab level, samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be 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.

8. Prior to commencement of work above slab level, details of any external lighting, including the intensity of illumination and predicted light contours, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the approved details and be retained thereafter.

**REASON:-** To ensure external lighting systems do not impact upon the safety and operation of the highway network and East Coast Main Railway Line nor have an unacceptable impact on the amenities of nearby residential properties and future occupiers of the development.

9. Prior to commencement of works above slab level, an energy strategy to achieve 65% carbon reduction against Part L of the Building Regulations 2013 when assessed using SAP10 emission factors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained thereafter in accordance with the approved details of the energy strategy and in accordance with the water consumption targets contained within the Whitecode Design Associated Energy Strategy 10293-S-ENER-0001 Revision 5 dated 30 July 2019.

**REASON:-** To ensure the development is adaptable to climate.

10. Prior to the commencement of works above slab level, details of the ramped access into the amenity garden to the south of block 7 shall be submitted to and approved in writing by the Local Planning Authority. The ramped access shall be carried out in accordance with the approved details prior to the first use of the amenity garden and be retained thereafter.

**REASON:-** To ensure there is step free access to the amenity garden area which will be utilised by the future occupiers of the development.

11. Prior to commencement of works above slab level, a detailed scheme of Secured by Design Section 2: Physical Security of the Home measure for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme prior to occupation of each block and be retained thereafter.

**REASON:-** In order to design out crime and to ensure the development has a safe and attractive environment.

12. Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, no works shall take place until revised plans, including the details of any external cycle stores, showing the provision of 974 cycle parking spaces together with the details of their type and design have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or place and in accordance with the approved details before first occupation of that particular block or phase of the development and be retained thereafter.

**REASON:-** To ensure the provision of cycle parking spaces in line with the Council's adopted Parking Standards SPD.

13. Notwithstanding condition 2, details of the treatment of all boundaries, including details of any walls, fences, gates or other means of enclosure and timing of their delivery shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works take place. The approved boundary treatments shall be completed in accordance with the approved details and be retained thereafter. No part of the development shall be occupied until an Armco or similar barrier has been installed in positions where vehicles may be in a position to drive or roll onto the railway.

**REASON:-** To ensure the development has an acceptable appearance and to protect infrastructure associated with the railway line managed by Network Rail.

14. Prior to the first occupation of any dwelling within the development, written confirmation shall be provided to the Local Planning Authority that either:-

- (i) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
- (ii) A housing and infrastructure phased plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a hosing and infrastructure phasing plan is agreed, no occupation shall take place than in accordance with the agreed housing and infrastructure phasing plan.

**REASON:-** Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

15. Prior to first occupation of any dwelling within the development, details of a scheme to provide at least 20 bird and 30 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of provision. The development shall be carried out in accordance with the approved scheme and be retained thereafter.

**REASON:-** Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary to avoid sewage flooding and/or potentially pollution incidents.

16. Prior to first occupation of any dwelling within a block, the refuse and recycling stores for that block as shown on the approved plans shall be carried out in accordance with the approved details and be retained thereafter.

**REASON:-** To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity.

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme, including a programme for implementation, must be submitted to the Local Planning Authority and approved in writing. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to the Local Planning Authority for approval.

**REASON:-** To prevent harm to human health and pollution of the water environment.

## **INFORMATIVES**

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

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

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

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

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

or by telephoning 0300 1234047.

2. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.
3. Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)
4. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
7. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
8. 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>

9. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.
10. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk).
11. The applicant is advised to contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design to ensure that the development is compliant with both National and Local Planning Policies. In addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations".
12. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

### **PRO-ACTIVE STATEMENT**

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

## **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 and Sustainable Transport SPD 2020; Design Guide SPD 2023.
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 December 2023 and Planning Policy Guidance.