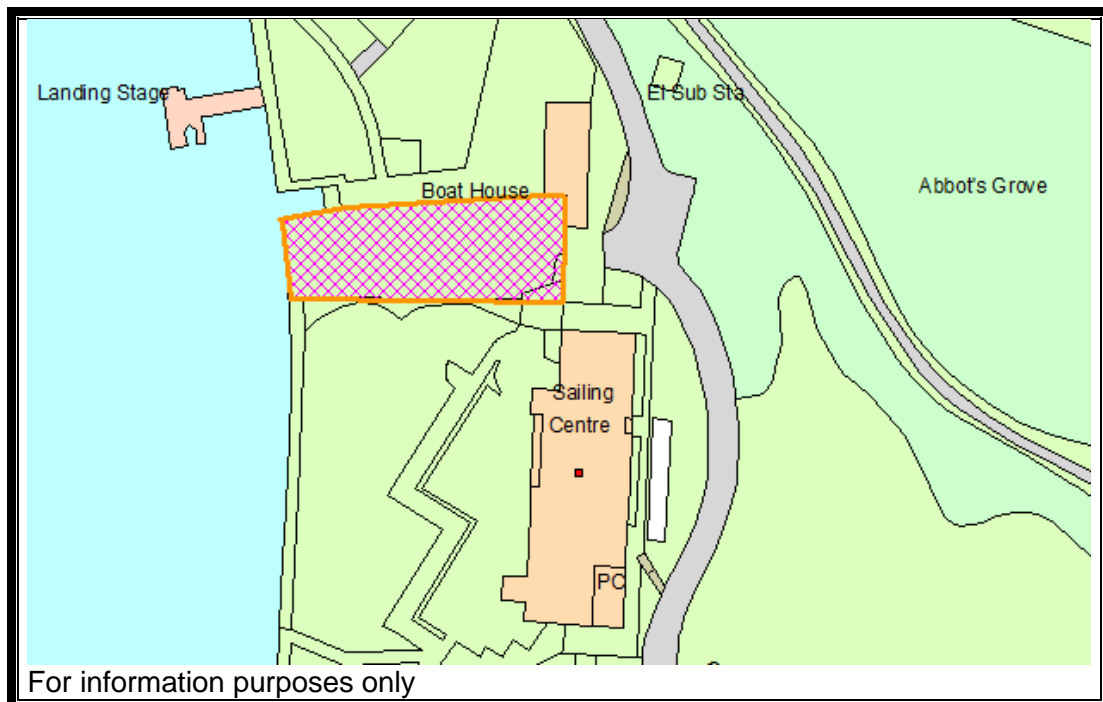


Meeting:	Planning and Development Committee	Agenda Item:
Date:	2 April 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	24/00137/FP
Location :	Fairlands Valley Sailing Centre, Six Hills Way, Stevenage, Herts
Proposal :	Placement of 7no. 20ft shipping containers and 1no. 40ft shipping container
Drawing Nos.:	Site Layout; Site Location Plan; Elevations; Side Elevations;
Applicant :	Aqua Parcs
Date Valid:	23 February 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site is a parcel of land located within the existing sailing centre compound in Fairlands Valley Park. The area is laid to concrete and currently used for the storage of boats owned by a variety of organisations and people, including Stevenage Borough Council. To the south of the site is the Fairlands Valley Lakes café and outdoor seating area; to the west is the large sailing and fishing lake; to the north is the wooden high ropes recreational facility; to the east is access roads, car parking and footpaths.

2. RELEVANT PLANNING HISORY

- 2.1 11/00007/FP. Construction of a wooden high ropes recreational facility. Permitted 09.02.2011.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the erection of 8no. containers which will serve as storage and changing facilities for Aqua Parcs to facilitate their inflatable aqua park on the sailing/fishing lake. It should be noted that this application does not include the inflatable aqua park on the lake itself as this element does not require planning permission as it is not a permanent structure. The report which follows therefore only considers the impacts and acceptability of the containers themselves and not the use to which they will be associated with.
- 3.2 Seven of the containers would measure 2.4m wide, 6m deep, and 2.4m high with flat roofs and would be used for storage, first aid, staff room, wet suit storage, reception and a wooden decked area.
- 3.3 One of the containers would measure 12m wide, 8.4m deep, 2.7m high to the eaves and 4m high to the ridge with a dual pitched roof and would be used as changing facilities.
- 3.4 The containers would be prefabricated metal shipping containers with glazed windows. The northern elevation of two containers at the eastern end and the eastern elevation of the main changing area container would contain external metal lockers. The elevations would contain foliage to soften the appearance.
- 3.5 The hours of operation of the facility would be 10am to 6pm Mondays to Fridays and 9am to 8pm weekends and Public/Bank Holidays.
- 3.6 This application is being referred to the Planning and Development Committee for its decision as the Council is the landowner and there have been more than 5 objections.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of a site notice, public representations have been received from the following properties:
- 395, 677 Lonsdale Road
 - Fairview Road, unknown house number
 - 56 Foxfield
 - 62 Bude Crescent.
 - 44 Furlong Way
- 4.2 A summary of the comments received are set out below:
- Impact on wildlife and biodiversity in and around the site/lake;
 - Fairlands is one of the jewels of the Town and should be protected from large scale commercial developments;
 - Site is an area of outstanding beauty and geological conservation area;
 - Will upset the peace and tranquillity of the Park;
 - Containers will be a blot on the landscape;
- 4.3 The aforementioned is not a verbatim copy of the objections which have been raised. Full copies of the representations received can be viewed on the Council's website.

5. CONSULTATIONS

5.1. SBC Parks and Amenities

- 5.1.1 No major concerns regarding the containers being sited on the existing hardstand in the sailing centre compound. However, a few things to consider are the use of artificial grass should be avoided due to the risk of micro-plastics entering the lake; maintenance access to the hedgerow and trees to the rear of the building; what materials are proposed for the screening/foilage on the building? Is any additional lighting proposed?

5.2 SBC Street Scene Manager

- 5.2.1 A minimum distance of 2m is required for maintenance of the hedgerow.

5.3 Herts County Council as Highways Authority

- 5.3.1 No comments received at the time of writing this report. Any comments received will be shared at the Committee Meeting.

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 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For Stevenage, the statutory development plan comprises the following documents:

- The Stevenage Borough Council Local Plan 2011-2031 (adopted 2019)
- The Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026 (adopted 2012)
- The Hertfordshire Waste Site Allocations Development Plan Document 2011-2026 (adopted 2014)
- The Hertfordshire Minerals Local Plan Review 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 The Council is now commencing preliminary work into a review of its Local Plan, last adopted in May 2019. This is to ensure the polices within the Local Plan are up to date in accordance with the NPPF as well as ensuing the Council is delivering a sufficient supply of housing and employment.

6.3 Planning Practice Guidance

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

6.4 Adopted Local Plan (2019)

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

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP8: Good design;
Policy SP12: Green infrastructure and the natural environment;
Policy IT5: Parking and access;
Policy GD1: High quality design;
Policy FP1: Climate change;
FP4/7 Flood Storage Reservoir;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH1: Principal Open Spaces;
Policy NH2: Wildlife Sites;
Policy NH4: Green Links;
Policy NH5: Trees and woodland;
Policy NH6: General Protection for Open Space;

6.5 Supplementary Planning Documents

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

6.6 Community Infrastructure Levy

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

7. APPRAISAL

7.1 The main issues for consideration are the acceptability of the proposal in land use policy terms, design and impact on the character and visual amenity of the Principal Open Space, amenity of neighbouring properties, highways, access and parking provision.

7.2 Land Use Policy Considerations

7.2.1 The site is located within Fairlands Valley Park which is of town-wide significance and has a special character due to being located within a valley with largely open space and woodland boundaries. Fairlands Valley Park is the largest area of open space in Stevenage. Retaining this area as undeveloped land was part of the original masterplan for the New Town. It provides a facility used by residents from all across the Borough (and beyond). It performs a regional role in providing recreational pursuits but is just as likely to have people using it from neighbouring streets to meet every day needs. Applications for development which have an adverse impact upon the Town's Principal Open Spaces will be refused and developments will be expected to make reasonable contributions towards the maintenance of Principal Open Spaces. Policy NH1 (Principal Open Spaces) states:

Planning permission will be granted where proposals:

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

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

7.2.2 Whilst Fairlands Valley has been predominantly left in its natural form there have been a number of developments to provide recreational facilities throughout the Park. These include the sailing centre, a children's aqua park, and the high ropes recreational facility. There are also a number of manmade lakes including one that is used for sailing and other water activities.

7.2.3 The application under consideration proposes the construction of 8no. containers to facilitate the use of a small area of the sailing lake as a temporary inflatable aqua park and it is considered that this is an acceptable form of development within the Fairlands Valley Park taking into consideration the other recreational facilities that are provided. The containers will be a similar, or smaller, height than surrounding buildings and structures, and will be located adjacent to an existing developed area within an already enclosed area and would therefore be generally self-contained and not encroach on any open aspect of the Park. Furthermore, there are trees located to the east of the site which rise up a slope away from the site and therefore the development will be viewed with these trees as a backdrop. As such, it is considered that the proposed development will not have a detrimental impact upon the visual amenities of Fairlands Valley Park in accordance with Policy NH1 of the adopted Local Plan and is therefore an acceptable use within this Principal Open Space.

7.2.4 The aqua park will be a charged for activity. Additionally, it is likely that users of the activity will go on to use other facilities, such as the café adjacent to the site and therefore a secondary income will be generated. As such, the income generated for the Council will enable the long-term management and upkeep of Fairlands Valley Lakes and Park and associated woodlands, in accordance with Policy NH1.

7.2.5 The main sailing/fishing lake is already a focus for sports and recreation activities, whilst the smaller lakes to the north are reserved for wildlife. The proposed development would improve public access to the water for recreational purposes. It would also present an opportunity to enhance the area through increasing available facilities for the public to augment the leisure uses already available. Policy NH1 states that planning permission will be granted for small scale leisure and recreation developments within a Principal Open Space where they support its continued use and maintenance and it is considered that the proposed development would meet this criteria. The proposal will contribute to the overall active, vibrant and attractive principal open space which will fulfil the needs of residents and visitors of the Town by providing an additional activity with high quality facilities which would accord with the requirements of the NPPF (2023) to provide healthy communities.

7.3 Design and Visual Impact

7.3.1 In terms of design, paragraph 131 of the NPPF (2023) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 135 of the NPPF (2023) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting.

7.3.2 Paragraph 139 of the NPPF (2023) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.

7.3.3 Paragraph 136 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”.

7.3.4 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.3.5 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the towns’ built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment, and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.3.6 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places.

These include:

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

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

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

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

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

7.3.9 Paragraph 40 of the National Design Guide states that well-designed places are:

- Based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- Integrated into their surroundings so they relate well to them;
- Influenced by and influence their context positively; and
- Responsive to local history, culture and heritage.

7.3.10 The Council recently adopted an updated Design Guide SPD (Jan 2023) and Section B (Built Form) is particularly pertinent to the design of new buildings. An understanding and analysis of the original New Town design concepts led to some key issues becoming apparent. These have been used as key themes, which run throughout the entirety of this guidance. Considering these concepts at all stages of the development process will provide a good basis for the creation of a successful place; based on the recognised principles of urban design, but also building on the existing fabric of the town without taking away from Stevenage's history as Britain's first Mark One New Town. The themes have been identified as follows:

- Sustainability – incorporate principles of sustainable development from a town-wide perspective to measures incorporated into an individual property;
- Increasing densities – encourage high densities in accessible locations;

- Respecting existing characteristics – respect local characteristics and preserve and enhance existing features, where appropriate;
- Legibility – provide landmark developments at nodal points;
- Design innovation – showcase Stevenage as an example of high-quality design, creating safer places through urban design techniques.

7.3.11 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”

7.3.12 There is no definition of ‘public benefits’ in the NPPF or associated Planning Practice Guidance. The guidance states that they “*should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large*”. There is also Case Law that deals with what is a material consideration, and this pretty much whether it serves a “*proper planning purpose*” (see *latest commentary on this in Wright v Resilient Energy Severndale Ltd and Forest of Dean District Council*). Further, public benefit could be anything that delivers economic, social, or environmental objectives as described in paragraph 8 of the NPPF.

7.3.13 The proposed containers would be joined together to make a large structure on the southern boundary of the site. the containers would be prefabricated metal with some external foliage to soften their appearance. They would be smaller in height than most of the surrounding buildings and would not be entirely out of keeping in its surroundings of storage buildings serving the water uses of the sailing/fishing lake. When viewed from the western side of the lake, they would be seen against the backdrop of the Abbots Grove woodland to the east of the site and when viewed from the north and south, would be seen against the backdrop of the high ropes recreational facility and sailing centre and café buildings. Consequently, it is not considered the proposed development would cause harm to the visual amenities of the site itself or the wider visual landscape of the Park.

7.4 Impact on Residential Amenities

7.4.1 There are no residential dwellings within the vicinity of the site that would be impacted by the proposed development. However, there are residential dwellings to the east and south-east in Aylward Drive, although these are at least 110m away and separated from the site by woodland. As such, it is not considered that the amenities of these residential dwellings would be harmed as a result of the proposed development.

7.4.2 In terms of neighbouring buildings, these are all commercial in nature and related to the use of Fairlands Valley Park's sailing centre and café. It is not considered that the proposed development would impact on the amenities of employees or customers.

7.5 Impact on the Environment

7.5.1 The application site is an area of hardstand adjacent to the manmade sailing lake that has previously been in use as an open storage area for boats. Prior to the original development in the 1970's, the site was part of open fields. Therefore, there would be very low risk of contamination.

Groundwater

7.5.2 The application site is not located within a Source Protection Zone and the proposed development would not require the digging out of substantial foundations as the containers are designed to be secured on to the existing hardstand.

Air Quality

7.5.3 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).

7.5.4 Given the containers are prefabricated and delivered to site to be connected together, it is not considered that there would be harmful impacts arising from their construction/placement.

7.5.5 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 NO₂ emissions which, in accordance with IAQM/EPUK guidance, is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required.

Noise Pollution

7.5.6 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.

7.5.7 With regards to noise which could arise during the operational phase of development, if any complaints arose, these would be dealt with by the Borough Council's Environmental Health department. However, it is not considered that the use of the site would give rise to noise over and above that which already arises from other uses within the park.

7.5.8 Should planning permission be granted then a condition can be imposed on the decision notice to restrict the operating hours to daytimes and early evenings in order to protect the amenities of neighbouring properties and the park's wildlife.

Light Pollution

7.5.9 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.

7.5.10 The containers would not have need for external lighting as they are only proposed to be in operation during daytime and early evening hours in summertime when natural daylight and sunlight are at their height.

7.6 Trees, Landscaping and Wildlife

7.6.1 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. Section 15 of the NPPF (2023) requires developments to preserve and enhance the natural environment. 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 site is not in a Conservation Area and no trees are protected by Tree Preservation Orders (TPOs).

7.6.2 There are 3no. Silver Birch trees and a hedgerow on a small, grassed area to the south of the site, along the boundary with the café's outdoor seating area. The application makes no plans to remove these trees or hedgerow and will only be sited on the existing concrete hardstand area and not the boundary grass areas.

7.6.3 A number of comments have been received from local residents concerned that the use of the lake as an aqua park will have a detrimental impact on the wildlife. The containers which form the basis of this application will be erected on existing hardstanding within an existing boat yard. Accordingly, there will be no loss of wildlife as a result of the erection of the containers. Further, as discussed in section 7.2 above, the aqua park is considered to be an acceptable use within Fairlands Valley Park and with limited hours for a short period of the year only, it is therefore not considered that there would be detrimental harm to the local wildlife.

7.6.4 The Council's Green Spaces Development Officer has assessed the application and whilst they have no objection to the development, they have raised some concerns over the use of artificial grass and foliage and maintenance access to the hedgerow and trees to the rear of the building. With regards to the use of artificial grass, as this would be highly trafficked, there is potential risk for it to degrade and as a result a risk could arise of micro-plastics entering the lake to the detriment of wildlife. The building foliage is less of a risk but should it come loose from the building, it could end up in the water and degrade causing the same risk for micro-plastics. As such, it is considered reasonable to impose a condition that prevents the use of any artificial/plastic floor and building coverings in order to protect the water environment.

7.6.5 With regard to the hedgerow, the Council's Street Scene Manager has confirmed that they require at least 2m around the hedgerow for maintenance. Accordingly, it is considered reasonable to impose a condition that requires the buildings placement ensures a minimum clear distance of 2m from the hedgerow and that this area must be kept clear of obstructions at all times.

Wildlife Sites

7.6.6 Policy NH2 (Wildlife Sites) covers two areas of woodland near to the application site. Abbotts Grove (NH2/1) is approximately 25m to the east, whilst Wiltshire's Spring (NH2/37) is approximately 370m to the south. This policy states that permission will only be granted where proposals would not result in a substantive loss or deterioration of the wildlife site and where proposals reasonably contribute towards the maintenance or enhancement of wildlife sites in the vicinity of the application site.

7.6.7 The proposal is for shipping containers to be erected on existing hardstand within the existing boat yard area of the sailing/fishing lake. The containers are sufficiently separated from the wildlife sites that their construction will not lead to a loss of, or deterioration of said sites. Additionally, the containers will enable the company Aqua Parcs to operate an inflatable aqua park on the main lake. It must be noted that the inflatable park itself does not require planning

permission as it is not classed as development under Section 55 of the Town and Country Planning Act 1990 (as amended) and this application relates solely to the erection of the containers on the existing hardstand. The use of the lake for public activities will generate an income stream for the Council that will enable the long-term management and upkeep of Fairlands Valley Lakes and Park and associated woodlands. The proposal is therefore considered policy compliant in this regard.

Green Links

- 7.6.8 Policy NH4 (Green Links) covers Fairlands Valley Park (NH4/3) and states that permission will be granted where proposals would not create a substantive physical or visual break in a Green Link; would not otherwise have a material adverse effect on the recreational, structural, amenity or wildlife value of the Green Link; will reasonably provide extensions of, or connections to, Green Links; and will contribute to the maintenance, improvement or extensions of Green Links.
- 7.6.9 This green link runs from the Roebuck northwards through Fairlands Valley to Hampson Park then southwards to the site of the former Pin Green School. From Fairlands there is an extension that runs southeast through Peartree Park to Shephall Park. This is the largest green link in the town and incorporates the whole of Fairlands Valley Park.
- 7.6.10 The proposed development will have a similar height to the neighbouring café building and would be smaller in height than the wooden high ropes recreational facility. The majority of the proposed development would be around 2.4m in height which is similar to the boundary security fencing in the area. Being in the existing boat yard area, the proposed development would be contained within an existing area of development and will not introduce new buildings into an open, undeveloped area of the Green Link.
- 7.6.11 The application site is considered to be small in terms of size when compared with the Green Link as a whole and is separated from it by the existing high level security fencing around the sailing centre compound. Furthermore, it is already used for the storage of boats and the high ropes recreational facility. Given its size and separation, it is considered that the application site plays little or no part in the role of this Green Link. Therefore, it is considered that the development will not have any more of an effect on the form and function of the Green Link than the existing sailing centre compound and high ropes recreational facility. The use of the lake for public activities will generate an income stream for the Council that will enable the long-term management and upkeep of Fairlands Valley Lakes and Park and associated woodlands. The proposal is therefore considered policy compliant in this regard.

7.7 Biodiversity Net Gain

- 7.7.1 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and across the Borough. To achieve a Biodiversity Net Gain (BNG), a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by The Government to demonstrate a net gain in biodiversity:
- i. Permitted development;
 - ii. Householder development, including extensions;
 - iii. Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
 - iv. Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
 - v. Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building.

- 7.7.2 In this regard, the site is considered to be exempt from providing a 10% net gain under (iv) a brownfield site with marginal viability and on-site constraints. The site contains very little landscaping, consisting of mostly boundary hedgerow and 3no. trees on the southern boundary.
- 7.7.3 The site provides access to the sailing/fishing lake by boat and access to the high rope recreational facility. There is no scope to increase the soft landscaping as it would interfere with the safe operation of the boat access. However, Fairlands Valley Lakes contains substantial amounts of natural landscaping and a number of woodland sites around its perimeter which offer outstanding wildlife and biodiversity opportunities.
- 7.7.4 Notwithstanding this, the new mandatory BNG requirements for small sites will come in to force from April 2024 and it is expected that sites like the application site would likely be exempt as a 'small site' in any case.

7.8 Car Parking Provision

- 7.8.1 The application site is served by an existing vehicular access road which runs from Six Hills Way, through Fairlands Valley Park on the eastern side, terminating at a small car park area to the east of the application site. The small car park area to the east contains 7 spaces, including 1 disabled space. There is a further small area of car parking to the south of the café which contains around 20 spaces and the main car park just off Six Hills Way further south. Additionally, there are two other main car parks, one off Shephall View to the west of the main lake, and one off Fairlands Way to the north of the Park adjacent to the former Digswell Art Studio.
- 7.8.2 There is likely to be more than sufficient capacity within the car parks serving Fairlands Valley Park to meet the parking needs that the proposal is likely to generate. There is also sufficient space for coaches and minibuses to use the main car park off Six Hills Way. Given the aqua park, and therefore the containers, are temporary summertime use, and not year-round use, it is considered that the development will not have a detrimental impact upon car parking.
- 7.8.3 Fairlands Valley Park is easily accessible on foot or by bicycle utilising the Town's cycle network which runs along Fairlands Way and Six Hills Way and the many public footpaths around, and throughout the Park. The application site is therefore highly accessible by both foot and bicycle with level access throughout the Park and the application site. The changing facilities and locker storage will ensure users can easily change their clothes so that they are not leaving the site in wet clothing.

7.9 Other Matters

Waste and Recycling

- 7.9.1 The Design Guide (2023) states that provision should be made within new developments for the storage and collection of waste from a site. Whilst no details have been provided on the submitted plans, the use of the containers would be within an existing commercial area of Fairlands Valley Park which is owned and maintained by the Council. Waste and Recycling would be via existing arrangements for the sailing centre and high ropes recreational facility.

Climate Change

- 7.9.2 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.

7.9.3 No details have been submitted so it is considered appropriate to impose a condition to request the details prior to work progressing beyond slab level.

Community Infrastructure Levy

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

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

7.9.5 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.

7.9.6 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.

7.9.7 With regards to how the CIL monies are spent, the ultimate decision lies with Stevenage Borough Council and the allocation of funding amount of £75,000 or over will rest with the Planning and Development Committee. Service providers who would not receive contributions through the Section 106 agreement for this development, including but not limited to those at Hertfordshire County Council and Stevenage Borough Council, will be able to bid for funding in due course.

Equality, Diversity and Human Rights

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

- 7.9.9 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.9.10 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.9.11 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.9.12 The application site, and Fairlands Valley Park as a whole, has been designed to be level access throughout for disabled users and other forms of wheeled articles such as pushchairs and bicycles.
- 7.9.13 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.

7.10 Other Matters Raised in Representations

- 7.10.1 The site is not designated as an Area of Outstanding Natural Beauty (AONB) and nor is it located within a Geological Conservation Area or any other national designation and as such, an assessment against local and national policies in this regard are not required. The application has been assessed against the relevant local plan policies which apply to Fairlands Valley Lakes as an Area of Principal Open Space and a Green Link.
- 7.10.2 All of the objections received make reference to the impact on wildlife and biodiversity within Fairlands Valley Park as a result of the inflatable aqua park on the main sailing lake. It must be noted that this application relates only to the erection of the prefabricated containers on the existing hardstand inside the boundary of the sailing centre. The inflatable aqua park on the lake is a temporary structure and therefore does not need planning permission. As such, no assessment of the impact of this aspect can be made under this planning application.

8. CONCLUSIONS

- 8.1. In conclusion, it is considered that the proposed development will not have a detrimental impact upon the visual amenity of the Fairlands Valley Park and provides an additional recreational facility. It does not affect the form and function of the Principal Open Space and Green Link and there is sufficient parking and access to serve the proposed development.

9. RECOMMENDATIONS

9.1 That planning permission be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Layout; Site Location Plan; Elevations; Side Elevations;
REASON:- For the avoidance of doubt and in the interests of proper planning
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as per the approved plans and associated documents to the satisfaction of the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance.
- 4 Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 10:00am and 18:00pm Mondays to Fridays and 09:00am to 20:00pm on Saturdays, Sundays, and Public or Bank Holidays.
REASON:- To protect the amenity of Fairlands Valley Park and neighbouring properties.
- 5 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 6 The containers hereby approved shall be sited a minimum of 2m from the hedgerow and trees to the rear and this area shall be kept clear at all times to facilitate maintenance access to the hedgerow and trees.
REASON:- To allow for maintenance of the hedgerow and trees.
- 7 There shall be no artificial grass, or other similar artificial/plastic surface laid on the ground around the building and no artificial foliage screening placed on or around the containers hereby approved.
REASON:- To protect the surrounding water environment from micro-plastics.

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

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVE

- 1 **Public Information on Planning Applications**
Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you.

The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

2 **Community Infrastructure Levy**

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

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

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

3 **Building Regulations**

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

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

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

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

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

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

4 **Party Wall etc. Act 1996**

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

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

10. BACKGROUND DOCUMENTS

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