

Meeting: Planning and Development Committee **Agenda Item:**

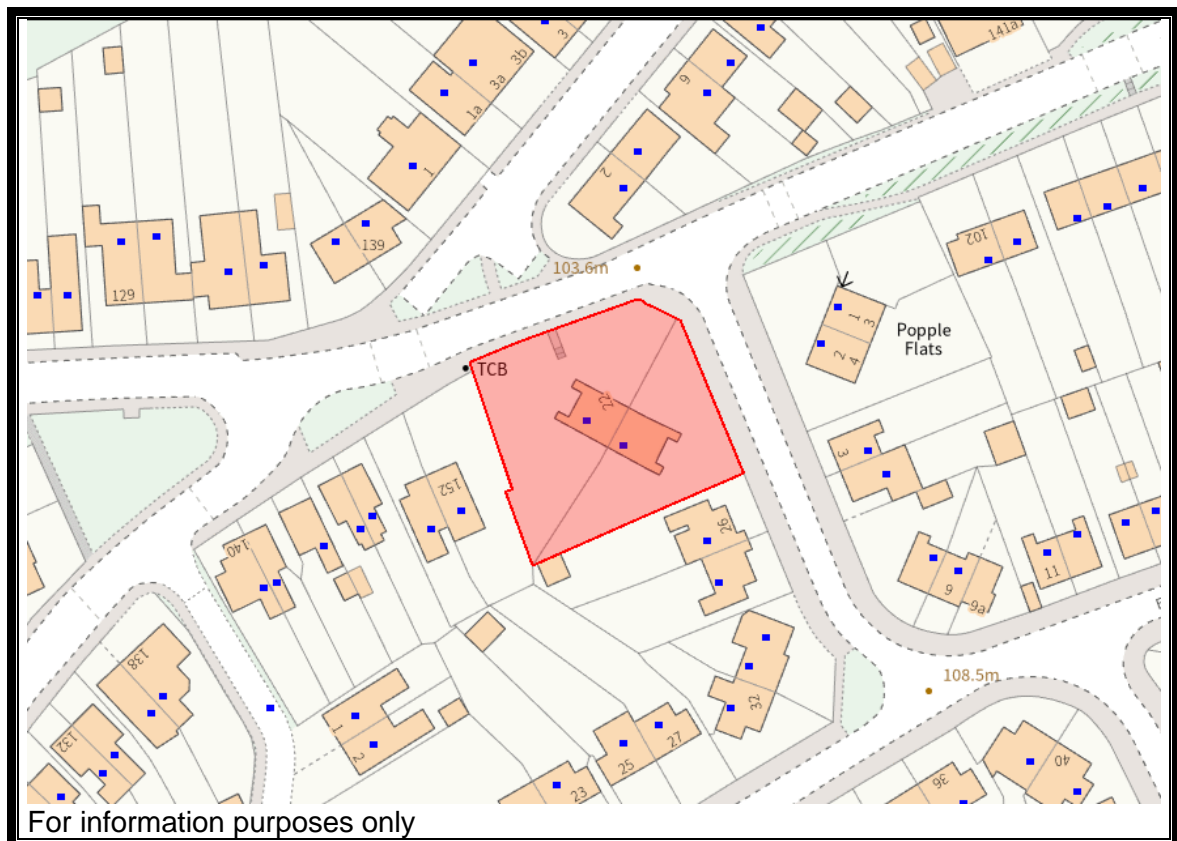
Date: 12 August 2024

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Application No :	24/00064/FPM
Location :	18 – 24 Ellis Avenue, Stevenage
Proposal :	Demolition of existing 2no. dwellings and erection of two storey building comprising 11no. dwellings, vehicle access, communal gardens, parking area, bin store, cycle store and ancillary works.
Drawing Nos.:	2023/P0221-LP-B; 2023/P0221-010-A; 2023/P0221-CP-B; 2023/P0221-012-D; 2023/P0221-013-A; Arboricultural Impact Assessment Plan; Tree Constraints Plan; 2023/P0221-011-D; 2023/P0221-001-G; 2023/P0221-C001-D;
Applicant :	Stevenage Borough Council
Date Valid:	1 February 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site comprises a pair of semi-detached dwellings on a large corner plot at the junction of Ellis Avenue and Walkern Road. Just to the west of the site is the vehicular junction of Walkern Road and Letchmore Road. Opposite the site to the north is the southern end of Weston Road which terminates as a no-through road. To the east of the site on the other corner plot of Ellis Avenue and Walkern Road is a two-storey building comprising 4no. flats.
- 1.2 The area is generally characterised by single family dwellings formed within terraced and semi-detached dwellings. There are also a limited number of detached dwellings which form part of the overall grain of development in the area. In terms of design and materials, there is no uniformity to this area, with examples of red brick, buff brick, painted render, dual pitched roofs, hipped roofs, front dormer windows and gablet features and mock-Tudor detailing.

2. RELEVANT PLANNING HISTORY

- 2.1 None

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the demolition of the existing semi-detached dwellings and their replacement with a two-storey building comprising 11no. flats with associated vehicle access, communal gardens, parking area, bin store, cycle store and landscaping.
- 3.2 The application comes before the committee as it is a major residential development, and the Council are also the applicant. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of site notices and a press notice, public representations have been received from the following properties:

- 12 Gilders, Sawbridgeworth;
- 26 Ellis Avenue; and
- 28 Ellis Avenue.

- 4.2 A summary of the comments received are set out below:

- Up to 6 swift bricks should be secured via condition;
- Very concerned about excavation works close to shared boundaries with other houses;
- Will be obtrusive to light and privacy;
- Car parking is an issue in this area and will be exacerbated;
- Location of bin store will cause issues with smells and pests to neighbouring properties;
- Water pressure is low here, more dwellings will make this worse;
- Not in keeping with the area as not family houses;
- Noise and dust from construction;
- Damage to neighbouring properties from construction.

- 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 Affinity Water

5.1.1 No comments to make about this application.

5.2 Thames Water

5.2.1 With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

5.3 Herts County Council as Lead Local Flood Authority (LLFA)

13th February 2024:

5.3.1 We are supportive of the proposals in principle however recommend that further information is provided before approving the application. At present, site-specific infiltration tests have not been conducted and the viability of infiltration is not confirmed. We would accept if the applicant provided a backup "Plan B" design (with supporting calculations) to discharge to the existing Thames Water surface sewer greenfield runoff rates, as suggested by the Drainage Strategy in section 4.2.6. This should be supported by evidence of a pre-development enquiry from Thames Water confirming they would accept discharge to their local network. Ground conditions including groundwater levels should still be determined. If this could be provided, we would recommend infiltration testing is conditioned on the basis there is a viable backup in case the test results are not conducive to the design.

5.3.2 We welcome the drainage calculations submitted in support of the design however recommend updated calculations are provided with amended parameters. We note that FFLs are set at 104.7mAOD. We recommend that FFLs are set at least 300mm above all sources of flood risk or 150mm above finished ground levels, whichever is more precautionary. Thresholds should be raised and slope away from the building. We recommend that further consideration is given to the choice of SuDS on site. We do not object to the use of underground cellular attenuation in this instance however suggest that further above-ground SuDS could be included.

3rd May 2024:

5.3.3 Evidence of a pre-development enquiry as per from Thames Water has not yet been submitted. We recommend that further consideration is given to the choice of SuDS on site. We do not object to the use of underground cellular attenuation in this instance however suggest that further above-ground SuDS could be included.

24th June 2024:

5.3.4 The applicant has now provided evidence of a Thames Water pre-planning enquiry, confirming they would accept the proposed rate. It is noted that Thames Water have expressed a preference of a rate restricted to 1.0 l/s instead of the proposed 2.3 l/s. No further information required. We thank the applicant for providing updated drainage calculations in accordance with our previous comments.

5.3.5 The applicant has updated the design and provided calculations to demonstrate the system can account for a 1 in 100 year + 40% climate change storm followed by a 1 in 30-year event.

No further information required. The application has discussed the use of further SuDS and suggests this could be investigated as part of detailed design. We are happy with this approach and no further information is required. Accordingly, we recommend the application is approved subject to conditions.

5.4 Herts County Council Minerals and Waste Policy Team

- 5.4.1 No objection. Will require a site waste management plan, to be secured via a condition if permission is granted.

5.5 Herts Police Crime Prevention Design Service

15th February 2024:

- 5.5.1 I checked the crime figures for a zone about 100m round from the site over the period January 2022 to December 2023. During this period there were eighty-two crimes recorded. Of these, thirteen involved anti-social behaviour (ASB), there were thirty-nine assaults, six vehicle related crimes, six criminal damages, two burglaries, and one theft of bicycle.

- 5.5.2 I have substantive concerns regarding the parking provision for this development. The applicant has chosen to situate all the parking in a rear parking court, accessed by an undercroft entrance. Whilst this can reduce the number of vehicles that park on the street it also comes with other problems. The parking area has poor natural surveillance opportunities as there are only five active rooms overlooking the car park. In addition, the rear parking court could become a crime generator either due to vehicle crime or becoming a site for ASB. To reduce this, I would recommend that an electronic gate, that is suitably accredited to the Gate Safe scheme, and fitted with a suitable access control system is fitted at the front of the undercroft and has a suitable entrance from the highway.

- 5.5.3 I also have concerns regarding unauthorised access to the building and would therefore recommend that it be fitted with an audio/visual access control system that is third party certified. Secured by Design (SBD) is a proven method of crime prevention that reduces the opportunities to commit crime. Burglaries can be reduced by over seventy percent, whilst ASB and vehicle crimes can be reduced by over twenty-five percent. In addition to the reductions in crime SBD also fulfils the requirement of Approved Document Q of Building Regulations and is proven to assist in the reduction of the carbon footprint of the site over its lifetime, thereby making the development more sustainable.

5th June 2024:

- 5.5.4 Thank you for notifying me of the revised consultation for this application. I have studied the amended plans and the comments from the applicant. I can now state that the Police CPDS will support this application. I also look forward to working with the applicants to ensure that this application achieves accreditation to the Police preferred minimum security standard that is Secured by Design.

5.6 Herts County Council as Highways Authority (HA)

22nd February 2024:

- 5.6.1 Refusal: the application has failed to demonstrate a satisfactory policy and design-led approach to the vehicle access and parking as well as accessibility for all pedestrians of the proposed development contrary to Hertfordshire's Local Transport Plan (LTP4) and also contrary to the principles of sustainable development contained in the NPPF. Whilst the applicant is proposing a sliding gate at the proposed vehicle access, it should be set back by at least 5.5m from the back of the footway, this would ensure vehicles waiting for permission to access/gates to open do not obstruct pedestrian and vehicle traffic along Ellis Ave. No details of electric vehicle charging provisions has been provided.

5.6.2 A new stepped access off Walkern Road is shown, pedestrian route to the development access must also consider the needs of those with small children, pushchairs, and those with reduced mobility, including visually impaired people and people using wheelchairs or mobility scooters (Equalities Act). The gradient of the access road should be level with the public highway, alternatively it has been recommended to be a minimum 1:20 (5%) for the first 12 metres. This gradient is to avoid grounding of vehicles using the access to the new development from Ellis Avenue.

16th April 2024:

5.6.3 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions relating to detailed technical plans, vehicular access arrangements, construction management plan, cycle storage, EV charging. We also request s.106 contributions in line with our June 2021 toolkit for sustainable transport which equates to £6,826 per dwelling resulting in a contribution of £75,086.00.

5.7 SBC Arboricultural and Conservation Manager

5.7.1 I have no concerns or objections from an Arboriculture viewpoint.

5.8 UK Power Networks

5.8.1 While we have no objections, please can the below points be noted: We may have Electrical equipment within the boundaries including underground cables. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

5.9 SBC Environmental Health

5.9.1 No objections subject to conditions relating to noise and ventilation.

5.10 East of England Ambulance

5.10.1 No comments received.

5.11 Herts Fire and Rescue

5.11.1 No comments received.

5.12 SBC Parks and Amenities

5.12.1 No comments received.

5.13 Herts and Middlesex Wildlife Trust

5.13.1 No comments received.

5.14 HCC Growth and Infrastructure Unit

5.14.1 No comments received.

5.15 SBC Waste Storage

5.15.1 No comments received.

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 National Planning Policy Framework

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 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 In order for a Local Plan to be effective, they need to be kept up-up-date. The NPPF states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years. This is reflected under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which sets out local planning authorities must review local plans every 5 years from their adoption to ensure that policies remain relevant and effectively address the needs of the local community.

- 6.2.4 The Stevenage Borough Local Plan (2011 – 2031) was formally adopted by the Council on the 22nd May 2019. As of the 22nd May 2024, the adopted Local Plan is 5 years old and as such, is deemed to be out-of-date. This means that the policies contained in the local plan are deemed to have limited weight with greater weight applied to the framework of policies in the NPPF.
- 6.2.5 The Council is undertaking a review of the Local Plan and is undertaking a Regulation 18 consultation. Following this consultation period, the Council will seek to amend the Local Plan and then undertake a Regulation 19 consultation in the Winter of 2024. This will be where a further opportunity for representations can be made on the amendments to the Local Plan before it is submitted for examination to a planning inspector. The Council intends to submit the Local Plan for Examination in Public (EiP) in early 2025 with the aim to adopt an updated Local Plan by June 2025. As the updated Local Plan progresses through the relevant stages outlined above, more weight can be applied to the respective policies until its formal adoption by the Council.
- 6.2.6 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.
- 6.2.7 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.
- 6.2.8 On the 21st May 2024, the Council published its 5 Year Land Supply Update May 2024. This identifies that the Council can demonstrate a Housing Supply of **5.59 years** for the period 01 April 2024 to 31 March 2029, using the *Liverpool* methodology (spreads the delivery of historic undersupply of housing equally across the remainder of the Local Plan period) and guidance from the NPPF and Planning Practice Guidance. The 5-year land supply includes a 20% buffer.
- 6.2.9 The Council has also issued a Housing Delivery Action Plan May 2024. This provides an overview of housing delivery, analysis of barriers to delivery and actions necessary to increase the delivery of housing in the future. The action points specified in the Plan will be monitored on an annual basis to ensure delivery can be increased in order to meet the Council's target of 7,600 new homes over the Local Plan period.

6.3 Planning Practice Guidance

- 6.3.1 The Planning Practice Guidance ("PPG"), with which Members are fully familiar, is an online resource containing guidance supplementing the NPPF. The PPG is a material consideration which should be taken into account in determining planning applications.

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 Adopted Local Plan (2019)

- 6.5.1 The Local Plan policies most relevant to determining the application are as follows:

Policy SP1: Climate Change
Policy SP2: Sustainable development in Stevenage;
Policy SP5: Infrastructure;
Policy SP6: Sustainable transport;
Policy SP7: High quality homes;
Policy SP8: Good design;
Policy SP11: Flooding, and pollution;
Policy SP12: Green infrastructure and the natural environment;
Policy IT4: Transport assessments and travel plans;
Policy IT5: Parking and access;
Policy HO1: Housing allocations;
Policy HO5: Windfall sites;
Policy HO6: Redevelopment of Existing Homes
Policy HO7: Affordable housing targets;
Policy HO8: Affordable housing tenure, mix and design;
Policy HO9: House types and sizes;
Policy HO11: Accessible and adaptable housing;
Policy GD1: High quality design;
Policy FP1: Sustainable drainage;
Policy FP2: Flood risk management;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH5: Trees and woodland;
Policy GD2: Design Certification;
Policy CC1: Energy efficiency;
Policy CC2: Heating and cooling;
Policy CC3: Water efficiency;
Policy CC4: Energy Infrastructure;
Policy CC5: Carbon sinks;
Policy CC6: Green roofs and walls;
Policy CC7: Digital connectivity;
Policy CC8: The green economy;

6.6 Local Plan Partial Review (2024)

- 6.6.1 The council is currently carrying out a partial review and update of the local plan. On 5 July 2024, a schedule of proposed changes was published for the first stage of public consultation under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Paragraph 48 of the NPPF 2023 states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Where there are emerging policies which are relevant to the application, these will be highlighted in the main body of this report.

6.7 Supplementary Planning Documents

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

Parking Provision Supplementary Planning Document October 2020
Stevenage Design Guide Supplementary Planning Document January 2023.
Developer Contributions Supplementary Planning Document (March 2021)
Impact of Biodiversity on Developments Supplementary Planning Document (March 2021)

6.8 Community Infrastructure Levy

- 6.8.1 Stevenage Borough Council adopted a Community Infrastructure Levy (“CIL”) Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location, and floor space of a development.

7 APPRAISAL

- 7.1.1 The main issues for consideration in the determination of the application are its acceptability in land use policy terms, Impact on visual amenity, Impact on residential amenities, parking provision, means of access and highway safety, impact on the environment, development and flood risk, and ecology, biodiversity, and protected species.
- 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 Principle of Development

Provision of Housing

- 7.2.1 The National Planning Policy Framework (NPPF, 2023) states that significant weight should be placed on both the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 7.2.2 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019) and is not allocated for residential development within the Local Plan. As such, the site is therefore regarded as a ‘windfall site’.
- 7.2.3 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council’s aim of delivering a number of homes which fall outside the designated sites.
- 7.2.4 Policy HO5 of the Local Plan (2019) (windfall sites) stipulates that proposals should not prejudice the Council’s ability to deliver residential development on allocated sites, and it does not overburden existing infrastructure. For the purpose of clarity, the definition of previously developed land, as stated within the National Planning Policy Framework (NPPF) (2023) is “land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure”. The definition of previously

developed land excludes private residential gardens and public open space. Policy HO5 is being reviewed as part of the Local Plan review that is currently out to public consultation. However, the existing policy as set out in the adopted Local Plan (2019) carries greater weight at this time, and as such the application will be assessed against the existing Policy HO5 rather than the emerging Policy HO5.

- 7.2.5 The application site currently comprises a pair of semi-detached dwellings and their associated private residential gardens. The proposal will result in a larger footprint of building and could only be considered as a partial redevelopment of previously developed land and therefore only partially complies with criterion (a) of Policy HO5.
- 7.2.6 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is located close to an established bus route, with a bus stop on Ellis Avenue. A number of primary and secondary schools and large areas of public open space are within a 10–15-minute walk of the site. The historic Old Town High Street is a 10–15-minute walk and the town centre is an approximate 20-minute walk. As such, the application site is considered to have an excellent level of access to local facilities and alternative forms of travel to the private car and therefore deemed to be within a very sustainable location.
- 7.2.7 The proposal would not prejudice the delivery of residential development on allocated sites, given the scale of the proposal and the fact that there are no allocated housing sites in the immediate vicinity. It would also not overburden existing infrastructure, given that it would be CIL liable, and the purpose of the CIL payment is to mitigate infrastructure impacts. In these respects, the proposal accords with criteria (b), (d) and (e) of Policy HO5.
- 7.2.8 It is possible that the development could have a detrimental impact on neighbouring properties but if this were the case, these impacts would arise from the detailed design of the development rather than being an inevitable consequence of the use of the land for residential purposes. Surrounding land is in residential use and the proposed development would be consistent with this. Therefore, strictly from a land use perspective, it is considered that developing the site for housing would not have a detrimental impact on the environment or surrounding properties. The potential impacts arising from the detailed design of the development are considered later in this report.
- 7.2.9 Paragraph 60 of the NPPF (2023) states that to support the Government's objective of significantly boosting housing supply, it is important that a sufficient amount, and variety, of land comes forward where it is needed, that the needs of groups with specific housing requirements are met, and that land with permission is developed without unnecessary delay. In addition, para 60. of the NPPF states that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. As such, the proposed development would contribute to the aim of boosting housing supply without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. Further, the proposal would provide 11 dwellings (a net gain of 9 dwellings), of which 3 would be affordable housing, and there would be some economic benefit during the construction phase, and future occupiers would contribute to local services and facilities. Given the quantum of development, and the provision of affordable housing, it is considered that these benefits would be fairly reasonable and therefore attracts great weight in favour of the proposal.
- 7.2.10 Policy HO9 (House types and sizes) of the Local Plan (2019) states that there is a structural imbalance in the existing housing stock (albeit in a limited manner) whereby there is a lack of smaller properties and larger aspirational homes in the Borough. The Design Guide SPD (2023) outlines that housing is an area of weakness across the town. One of the main issues is the lack of an appropriate mix of housing sizes, types, and tenures with a high proportion of three-bedroom terraced properties, and a lack of one- and two-bedroom properties.

7.2.11 The lack of housing mix is exacerbated by changes in demographics leading to an increase in the number of single person households and couples needing homes. Due to growth requirements for the town, there is a need to provide a substantial number of additional homes in Stevenage. Higher density development is set out as a key requirement of National guidance, and, where appropriate, densities will need to be raised in order to meet these targets for new homes.

7.2.12 The provision of 11no. one- and two-bedroom flats therefore accords with Policy HO9.

7.2.13 Policy SP2 (Sustainable Developments) states permission will only be granted where proposals can meet a number of criteria. Included in these criteria are the following:

- (g) promote journeys by bus, train, bike and foot and reduce the need to travel;
- (j) Support facilities and services that encourage people to live, work and spend leisure time in Stevenage;
- (k) Produce places and spaces that enable people to live a healthy lifestyle;

The proposal meets these criteria as mentioned previously in this response.

7.3 Affordable Housing and Planning Obligations

7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission would be granted for residential development which would maximise affordable housing provision. Taking this into consideration, there is a requirement to provide 25% of new homes to be affordable on previously developed sites. In this regard, there would be a requirement to provide 3 affordable units.

7.3.2 Turning to affordable housing tenure, mix and design, Policy HO8 states that planning permission will be granted where those dwellings:

- a) Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
- b) Meets the requirements of Policy HO9 (House types and sizes);
- c) Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
- d) Will remain at an affordable price for future eligible households.

7.3.3 In addition to the above, paragraph 65 of the NPPF stipulates that for major developments involving the provision for housing, planning decisions should expect at least 10% of the total number of homes to be made available for affordable home ownership (this includes affordable housing for rent, starter homes, discounted market sales housing and other routes including shared ownership, equity loans and other low cost homes (at a cost to at least 20% below market value)). However, the 10% requirement is part of the overall affordable housing contribution for the site.

7.3.4 On the 24 May 2021, the Government announced its First Home policy through a Written Ministerial Statement (WMS) and accompanying changes to the Planning Practice Guidance (PPG). As a result, these changes came into effect on the 28 June 2021. First Homes are designed to support local first-time buyers onto the property ladder, by offering homes at a discount to the market price. The discount will apply to the homes- in perpetuity, meaning that generations of new buyers and the local community will continue to benefit every time the property is sold.

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

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);

- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

7.3.6 First Homes are the government’s preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The eligibility criteria for a First Home in Stevenage (in accordance with Schedule 6ZA of the Finance Act 2003) as set out in the Council’s First Homes Policy Position Statement May 2024 is as follows:

- (a) be a first time buyer;
- (b) have a combined income not exceeding £80,000 in the tax year immediately preceding the year of purchase;
- (c) have a mortgage or home purchase plan to fund a minimum of 50% of the discounted purchase price.

7.3.7 Further to the above, in recognition of the unique nature of their circumstances, members of the Armed forces, the divorced or separate spouse or civil partner of a member of the Armed Forces, the spouse of civil partner of a deceased member of the Armed Forces (if their death was caused wholly or partly by their service) or veterans within five years of leaving the armed forces would be exempt from any local connection testing restrictions.

7.3.8 In regard to affordable housing delivery, the Council’s five-year land supply includes the provision of a number of affordable housing units. Table 1 below illustrates the forecast for affordable housing delivery 2011-2031. At present, the Council can demonstrate a delivery of 1,205 affordable units between 2011 and March 2031:

Deliverable Housing	No. of Homes	Comments
Total Number of Affordable Units Dwellings for Sites with Detailed Planning Permission	659	NPPF Part A
Total Number of Dwellings for Sites with Outline Permission	546	NPPF Part B
Total Identified Supply 2011- 2031	1,205	
Total Delivered 2011 – April 2024	449	Smartherts
Total Required 2011 – 2031 based on (SP7) 30% new homes elsewhere	2,280	(114 Annual Requirement x 20yr Plan Period)
Total Shortfall	626	

7.3.9 This means we will need to provide 626 units over the remaining plan period to meet local need. However, in May 2022 the HDT Action Plan showed a shortfall requirement of 900 units. The most recent data demonstrate a reduction in this shortfall between May 2022 to May 2024 of 274 affordable housing units. This is partly due to the delivery of 154 units between the same period and an additional 120 units secured by way of new planning applications which meet the NPPF definition of affordable units. The Council is confident that new schemes coming forward over the remaining plan period (2024 – 2031) will continue to support a delivery target of 2,280 required during the 2011 – 2031 period based on a higher policy requirement of 30%. The above figures are based on a policy requirement of 30% of new homes elsewhere. Should new schemes provide affordable units on previously developed sites the total requirement of 2,280 would be reduced to 25% as appropriate.

7.3.10 This is also reflected in the appeal decision letter for Land West of Lytton Way appeal with respect to the under delivery of affordable homes whereby the inspector states (para. 87) and quote

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

7.3.11 The proposed development is seeking to deliver 11no. dwellings, which, taking into account the existing pair of semi's, is a net gain of 9 dwellings. Accordingly, the overall provision of affordable housing is 2.25 units. The applicant is proposing 3 units. These are to be broken down as follows:

- 70% affordable rent – 2 units
- 25% First Homes – 1 unit
- 5% to be determined by the Council's Housing Development Team – zero units.

7.3.12 The affordable housing provision will be secured via a Section 106 agreement. The triggers with how the affordable housing would be delivered would also be dealt with as part of the Section 106 agreement as well. As a consequence, if planning permission were to be granted for this development, the level of affordable housing the development would provide is deemed to be a significant benefit. Moreover, there is currently an identified shortfall of 626 affordable homes (providing the sites with permission come forward for delivery) which still have to be delivered up to end of the Local Plan period.

7.3.13 Financial contributions are also required in line with the Developer Contributions Supplementary Planning Documents (2021). In this regard, only a contribution to be made towards the Local Training Fund if target employment of Stevenage residents is not met as follows:

- £4,000 per number of targeted jobs not filled by Stevenage residents;
- £2,000 per number of targeted apprenticeships not filled by Stevenage residents or students; and
- £250 per apprenticeship position as an administrative fee towards the brokerage system to fill apprenticeship positions;
- If a major development could not provide suitable apprenticeship opportunities due to the quick construction of the development project, and the resultant lack of suitable opportunity to provide apprenticeships, they should pay a lesser fee of £1,000 per number of targeted apprenticeships not created rather than the £2,000 fee.

7.3.14 These targets do not add a requirement for additional jobs that would add a financial burden to the developer or contractor. The targets merely add a requirement that a portion of the jobs will be targeted to local residents. The in-lieu payments do not add a significant financial burden to the developer or contractor and will only be required if the developer or contractor does not meet the employment targets.

7.3.15 The Developer Contributions SPD (2021) also has a requirement for fees to be paid to cover the monitoring of legal agreements. This cover requesting payments, ensuring transfer and/or expenditure of money and keeping/publishing records of contributions in line with regulations. The Council will seek 2.5% of the value of contributions being monitored with a minimum fee of £750.00 and a cap of £25,000.00. This is considered a fair cost that will reflect the value of the legal agreement and will not affect the viability of a scheme being delivered.

7.3.16 In terms of Biodiversity Net Gain, where a development cannot provide a 10% net gain on site, a financial contribution would be required. This is discussed in more detail later in this report, but for the purposes of developer contributions it should be noted that the development is providing 109.61% net gain on site and as such no financial contributions are required in this regard.

7.3.17 Herts County Council (HCC) as highways authority have requested strand 2 contributions of £75,086.00. It is expected that they will also require their standard £6,000.00 towards Travel Plan monitoring, which is usually sought on all schemes of this nature, although this was not included in their initial consultation response. Council officers will seek clarification on this prior to the formulation of the s.106 legal agreement.

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

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

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

7.3.19 The financial contribution needs to be necessary such as funding a key piece of infrastructure or developing services to support the development. HCC's request simply states, "improving sustainable transport facilities and services for passenger transport users". As such, they have failed to provide evidence of how the contribution is necessary to making the development acceptable.

7.3.20 Further, most of the highway network in this area of the Town is highly restricted in terms of space due to the presence of residential dwellings immediately adjacent the highway on both sides. As such, the Council fails to see how the highway network could be improved for sustainable travel uses (such as cycling) in this area.

7.3.21 The Council continues to support the aspirations of the LCWIP, however, the contribution sought is considered unjustifiable as the development proposed will not result in a significant demand for such provisions.

7.3.22 As it stands, the Council does not feel that the contributions sought are compliant with the CIL Regulations (Reg 122), and so we do not currently support HCC's request. However, should negotiations be on-going, it is recommended that delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair and Vice Chair to secure any financial obligations (providing they meet Reg 122 of CIL and the NPPF) which may be required in this regard, which would form part of a S106 Legal Agreement.

7.3.23 The applicant has agreed to pay all monies sought through the signing of a S106 legal agreement.

7.4 Visual Impact of the Development

National Planning Policy Framework and Planning Practice Guidance

7.4.1 Chapter 12. Achieving well-designed and beautiful places of the NPPF (2023) stipulates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to

what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. Where development is not well designed, permission should be refused.

7.4.2 The National Design Guide 2019, which was published by the Government, is a material consideration in the determination of planning applications. It states that buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:

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

7.4.3 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.

Development Plan

7.4.4 Whilst the policies contained in the local plan have limited weight, Policy SP8 generally reflects the requirements of the NPPF in that it requires new development to achieve the highest standards of design and sustainability. In addition, Policy GD1 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.

Supplementary Planning Document

7.4.5 Appendix C of the Stevenage Design Guide SPD 2023 provides guidance on extensions and alterations to dwellings. The Council will consider the impact upon the appearance of the existing property as well as the character and appearance of the area. In addition, the guide sets out that the extension should appear subservient to the original house; smaller in width, height and depth than the existing property, but still using the same scale and proportions.

7.4.6 Appendix C of the Design Guide SPD also stipulates that building features such as windows, roof pitches, overhangs, gables, chimneys should all be consistent with those of the existing property. If the roof of the main building is pitched, for example, then the extension should have a pitched roof, at the same angle. However, this does not mean that contemporary design will not be acceptable, providing it respects local character and does not detract from the original building.

Appraisal

- 7.4.7 The application site is located within a residential area. As mentioned in section 1 of this report, there is very little uniformity in this area in terms of design and materials; there are red bricks, buff bricks, rendered and painted elements, mock Tudor styling, hipped roofs, dual pitched roofs, front dormers and gablet features.
- 7.4.8 The proposed building will be two-storeys and similar in height to the adjacent dwellings. It will be constructed in red brick with a hipped tiled roof. There are gablet features on the front elevation facing Walkern Road whilst the side elevation on Ellis Avenue features mews style accommodation with the vehicular access to the site underneath one of the flats. The use of brick quoins, banding and arched brickwork detailing above the ground floor fenestration in combination with the use of Juliette windows, helps to add variety and interest to overall architectural design and built form. In addition, the use of a timber framed entrance feature which in combination with the overall brick detailing, creates a building more in keeping with the late Victorian and early 20th century properties which form part of the overall fabric of this part of the Old Town.
- 7.4.9 It is acknowledged that flatted developments are not common in this area of the Old Town and consequently the proposed development could be considered as not in keeping with the prevailing grain of development. However, as previously outlined in this report, there is a shortfall and under supply of one- and two-bedroom dwellings for the increasing demographic of young singles and couples in the town who are in need of their own independent housing. The applicant has submitted a scheme that, whilst being a flatted development, does not have the traditional appearance of a flat block. It has been designed to be of similar height to the surrounding houses, with a hipped roof that respects the design characteristics of dwellings in the immediate area.
- 7.4.10 The building is L-shaped and the northern frontage on Walkern Road follows the rough building line of other properties on this frontage. The eastern side on Ellis Avenue sits in line with the properties at No.26 and 28 and also does not project their rear elevations. In this regard, the proposed development does not appear overly dominant in either street scene and sits well within its context in terms of scale, design, and materials.
- 7.4.11 Policy GD2 is a new policy emerging from the local plan partial review and update. It states that proposals which demonstrate they have been designed to achieve a rating of excellent or higher against a relevant BREEAM standard and/or to achieve the BRE Home Quality Mark will be strongly supported. Having regard to paragraph 48 of the NPPF, this emerging version of the policy is afforded limited weight in the assessment of the application, and, as it was not in place at the time of submission of the application, it would not be appropriate to seek the re-design of the development to achieve these standards.
- 7.4.12 Overall, the proposed development would be acceptable in design, scale and massing and with the use of high-quality materials, it would have an acceptable appearance in the street scene and therefore not unduly harm the visual amenities of the area.

7.5 Impact on Neighbouring Residential Amenity

National Planning Policy Framework and Planning Practice Guidance

- 7.5.1 Paragraph 135 of the NPPF (2023) sets out that planning decision should ensure create places with a high standard of amenity for existing and future residents. Paragraph 124 of the National Design Guide states that “*Good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability*”. Paragraph 126 of the National Design Guide also emphasises that “*well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-*

to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. The quality of internal space needs careful consideration in higher density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important”.

Development Plan

7.5.2 Whilst the policies contained in the local plan have limited weight, Policies SP8 and GD1 of the Local Plan 2019 which generally reflect the good design principles outlined in the NPPF and National Design Guide, requires that development does not adversely impact the amenities of neighbouring occupiers.

Supplementary Planning Document

7.5.3 Appendix C of the Design Guide SPD states that the Council will assess proposals for residential extension in terms of their impacts on privacy, outlook, and natural light.

Outlook and Amenity

7.5.4 In relation to the impact of the proposed development on existing residential amenity, the most affected properties would be 139 Walkern Road and 1, and 2 Weston Road to the north; 152 Letchmore Road to the west; 1-4 Popple Flats, Ellis Avenue and 3 Ellis Avenue to the east; and 26 Ellis Avenue to the south.

7.5.5 In assessing the impact on neighbouring amenity, the Council’s Design Guide SPD (2023) sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new development. In this regard, when assessing developments, the recommended separation distances 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

7.5.6 In this regard, the properties to the north would have a separation of between 15m and 35m with the proposed development. They would have a front-to-front orientation which has no minimum separation distance. Accordingly, the separations as mentioned are considered acceptable to protect neighbouring amenity and outlook.

7.5.7 The properties to the east in Ellis Avenue would have a separation of between 20m and 24m in a side to front and side to side orientation. As above, there are no minimum separations for these orientations and the distances measured are considered acceptable to protect neighbouring amenity.

7.5.8 The neighbour to the west would be approximately 10m to the closest elevation and approximately 30m to the other elevation. The closest elevation is a side elevation and contains two windows at first floor serving kitchens which are not habitable rooms and are denoted on the plans to be obscurely glazed. Given this, the distance of 10m is considered acceptable when there are no minimum side to side separations. With regards to the other elevation, this is a rear elevation and at 30m away, far exceeds the minimum 15m back to side separation.

- 7.5.9 With regards to the neighbour to the south, 26 Ellis Avenue, this property is approximately 5m from the proposed building. However, this is a side-to-side orientation of which there is no minimum separation and is standard to have side to side very close together. Notwithstanding this, there are no windows in the first-floor side elevation of the proposed development so no loss of amenity would occur in this regard.
- 7.5.10 It is noted that the proposed development would have rear elevation habitable windows overlooking the rear garden of No. 26 to the south. However, these windows would be approximately 18m from the rear garden boundary which is considered an acceptable distance and much greater distance than windows on existing neighbouring properties which would already have a view into this property's garden (their attached neighbour at No.28 and properties in Letchmore Road). Accordingly, it is not considered that this neighbour would suffer a loss of amenity to a scale commensurate with a refusal of permission on this basis.

Daylight and Sunlight

- 7.5.11 The proposed building is two-storey and, at 9.6m high, is approximately 0.5m higher than the existing dwellings on site and is of a similar height to the surrounding two-storey dwellings. As such, whilst no daylight and sunlight assessment has been provided with the application, it is not considered that the proposed building would worsen any existing impacts owing to the fact the buildings are all of a very similar height, the separation distances are acceptable, and the building does not breach existing building lines.

7.6 Impact Upon Amenities of Future Residents

Private Amenity Space

- 7.6.1 In respect to private amenity space, section H (Homes and Buildings) of the Design Guide SPD (2023) requires that all dwellings, including flatted developments, should have private amenity space with an exception granted to flats in central locations where public open space is easily accessible. There is a requirement to provide 50sqm for the first 5 units and an additional 10sqm for every additional unit. Garage courts, parking areas and bin storage areas are not considered as part of the useable garden amenity requirements. Accordingly, this development is required to provide 110sqm of private amenity space.
- 7.6.2 The development proposes natural landscaping around the perimeter of the building on all sides and a larger area within the site adjacent to the communal car parking area. None of these areas are considered to be particularly useable as social or recreational space as they are either not large enough, not private, or located close to car parking areas. In this regard, the proposal is considered contrary to policy which must be weighed against the public benefits of the scheme, which will be considered in the conclusion of this report, but is worth noting here that being one- and two-bedroom flats, it is not expected that the development would house families with a need for secure private space for young children to play and the site is located approximately 200m from an extensive area of public open space in Letchmore Road which also contains a children's play area.

Living Space Standards

- 7.6.3 Policies GD1 and SP8 of the Local Plan (2019) relate to High Quality and Good Design. These policies state that planning permission will be granted where the proposed scheme, under criterion j. meets, and where possible, exceeds the nationally described space standards (NDSS). Appendix C of the Local Plan (2019) sets out the minimum gross internal floor space standards for dwellings which is in line with the Government's nationally described space standards.
- 7.6.4 The submitted plans show that all units meet the overall floor space standards, and all bedrooms meet the minimum floor space requirements.

7.6.5 The proposed development is therefore considered contrary to Policies GD1 and SP8 of the Local Plan (2019), the Council's Design Guide SPD (2023), the NPPF (2023) and planning practice guidance due to the substandard level of private amenity space and must be weighed against the public benefits of the scheme, which will be considered in the conclusion of this report.

7.7 Car Parking, Cycle Provision, and highway implications

National Planning Policy Framework and Planning Practice Guidance

7.7.1 Chapter 9. Promoting Sustainable Transport of the NPPF (2023) sets out a requirement to consider transport issues, which includes parking, at the earliest stages of a development proposal. Paragraph 115 of the NPPF (2023) states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*". Taking this into consideration, paragraph 116 of the NPPF (2023) stipulates that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Development Plan

7.7.2 Whilst the policies in the Local Plan have limited weight, Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.

Car Parking

7.7.3 The Council's Parking Provision and Sustainable Transport SPD (2020) requires 2-bedroom units to have 1.5 spaces and 1-bed units to have 1 space. The proposed development therefore has a requirement to provide 14.5 spaces, rounded up to 15 spaces.

7.7.4 The submitted plans show that only 13 spaces will be provided within the site, although the applicant has shown 2 spaces on the highway in an off-street communal parking bay. These two spaces cannot be counted as they are general public spaces and not within the defined application site. therefore, the site has a deficit of 2 spaces and is not located within a residential accessibility zone where reductions in provision could be applied. Accordingly, the proposed development fails to accord with the Parking Provision SPD and Policy IT5 of the Local Plan and must be weighed against the public benefits of the scheme, which will be considered in the conclusion of this report.

7.7.5 Whilst the application fails to provide the required provision, the site is located within a sustainable location and travel by non-car modes of transport should be encouraged as much as possible. As discussed in previous sections of this report, there are shops, schools and

recreational areas all within easy walking distance of the site and it is located on a bus route, therefore travel by car can easily be substituted by other sustainable modes of transport.

7.7.6 Paragraph 115 of the NPPF (2023) states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*” Given the sustainable location of the site and that the deficit is only 2 spaces, it is not considered that there would be severe impacts on the local highway network such a refusal could be warranted and defended on appeal. Ellis Avenue is not overly congested and there are off-street parking bays along the road. Where there are no bays, there are parking restrictions such that vehicles could not park on the street and cause congestion or highway safety issues. On balance therefore, the deficit of 2 spaces is considered acceptable in this instance in this location.

7.7.7 Visitor spaces are required at a standard of 0.25 spaces per dwelling, so 11 units will require 2.75 spaces, rounded up to 3 spaces. However, as the parking is unallocated then additional visitor spaces would not need to be provided.

Disabled Spaces

7.7.8 Turning to disabled parking, in line with the Council's adopted Standards, 5% of the total number of spaces should be designated for disabled persons and should be incorporated within the provision and not necessarily in addition to it. There is a requirement for 1 space and the submitted plans show 2 spaces which is acceptable.

EV Charging

7.7.9 The Parking Provision SPD (2020) requires all new parking spaces for new dwellings to be designed to fulfil a Passive Electrical Vehicle Charging Point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network, but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases. This can be secured with a suitably worded condition.

Cycle Storage

7.7.10 Policy IT5 of the Local Plan (2019) also requires developments to provide secure cycle parking provision in line with the Parking Provision SPD (2020). The recently adopted SPD requires one cycle parking space per bedroom. The submitted plans show that there is a cycle storage area within the site which is acceptable.

7.7.11 Herts County Council (HCC) as the Highways Authority have assessed the application, and, whilst they initially raised concerns and recommended refusal, the applicant addressed their concerns and they subsequently removed their objection and confirmed that they did not wish to restrict the granting of planning permission.

7.7.12 Initially, their objections were in relation to car parking spaces not meeting their new standards of 2.7m wide and 5m long, the sliding security gate was too close to Ellis Avenue, the stepped access on Walkern Road was not user friendly for disabled persons, no EV charging points shown on the plans, and the gradient of the access road not shown.

7.7.13 It should be noted that the larger car parking space standards are HCC standards and not the Council's. As the Council is the parking authority, developments need only comply with our standards and not HCC standards which is the case with this application. The sliding security gate has been removed from the plans. EV charging will be secured by condition. The stepped access on Walkern Road is existing and is not planned to be removed or altered as the access from Ellis Avenue is the main access and is disability accessible. The gradient of the access was added to amended plans.

Highway Safety

- 7.7.14 The application was accompanied by a Transport Statement. In regard to trip generation, the existing site comprises 2no. four bedroom dwellings with no parking facilities; as such there is no data readily available for calculating existing trip generations and so a first principles approach of five trips per day per unit (total 10 trips) has been used. Using the TRICS (Trip Rate Information Computer System) database, the proposed development could potentially generate 19 trips per day, an increase of 9 trips.
- 7.7.15 it should be noted that due to the impacts of Covid-19 hybrid working, commuting and employment patterns have changed substantially. While no data exists at present it is universally known that levels of employment and ways of working have substantially changed and those of working age have chosen more flexible working patterns, making use of the ability to work from home more often and on certain days of the week. Therefore, it is likely that trip levels will be lower than those predicted by the TRICS database. HCC Highways have raised no concerns or objections in this regard.
- 7.7.16 The site is very well served with public footpaths along Ellis Avenue, Walkern Road, Letchmore Road and beyond. Additionally, these footpaths provide easy access to the town's cycle network including along Grace Way, North Road, Martins Way and Fairlands Way.
- 7.7.17 The Highways Authority have requested a financial contribution of £75,086.00 (£6826 per dwelling) under Strand 2 to improve sustainable transport options. They have not provided any details as to how this money would be used or for what intended purposes other than a general implication of 'improving sustainable transport'. Whilst the Council (SBC) supports the improvements of the cycle network and the LCWIP generally, the Council does not consider the requested financial contribution to be commensurate with this type of development or deemed to be reasonable, and therefore, it is not considered that the financial contribution sought by HCC as Highways Authority meets the requirements of the CIL Regulations. However, should negotiations be on-going, it is recommended that delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chairman to secure any financial obligations (providing they meet Reg 122 of CIL and the NPPF) which may be required in this regard, which would form part of a S106 Legal Agreement.
- 7.7.18 The highways authority have assessed the application and raised no concerns regarding highway safety or impacts on the local highway network. They have requested a condition regarding visibility splays for the access and this is agreed. They have also requested that a condition is imposed should permission be granted that requires the submission of a Construction Management Plan (CMP) prior to commencement of development. The CMP would require full details of the construction vehicle numbers, parking arrangements, traffic management and storage compounds amongst other things, to be submitted and approved by HCC Highways before the development can commence. In this regard, suitable mitigations can be put in place to minimise impacts on local residents. Failure to comply with the requirements of the CMP can be dealt with through the Council's enforcement powers where necessary.
- 7.7.19 Given the aforementioned assessment, and through the use of appropriately worded conditions, the development would be in accordance with the policies set out in the adopted Local Plan (2019), the Council's Parking Standards SPD (2020), the NPPF (2023) and PPG.

7.8 Impact on the Environment

- 7.8.1 The application site is a residential development and prior to the original development, the site was part of open fields. Therefore, there would be very low risk of contamination.
- 7.8.2 Following consultation with the Council's Environmental Health section, they have raised no concerns from a land contamination perspective subject to the imposition of conditions. The

conditions imposed would require a remediation strategy to be submitted for approval in the event that contamination is identified during the construction phase of development.

Groundwater

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

Air Quality

- 7.8.4 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, The Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within, or near, an Air Quality Management Area (AQMA).
- 7.8.5 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to the CMP which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.
- 7.8.6 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. As such, the Council's Environmental Health Section has not raised any concerns with respect to the operational impact the development would have on air quality.

Noise Pollution

- 7.8.7 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.
- 7.8.8 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures will be required in the CMP. Through the CMP the hours in which noisy activities take place are to be controlled along with the imposition of relevant mitigation measures being put in place to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can enforce the condition accordingly. Consequently, the imposition of such a condition is supported by the Council's Environmental Health Section.
- 7.8.9 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 Borough Council's Environmental Health department.

Light Pollution

- 7.8.10 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.

- 7.8.11 Turning to the operational side of the development, the dwelling would be set back from the main highways and therefore any external lighting is not considered to prejudice highway safety or cause a substantive nuisance to neighbouring residential properties.
- 7.8.12 In terms of lighting associated with the construction aspect of the proposed development, this is dealt with as part of a Construction Management Plan.

7.9 Development and Flood Risk

- 7.9.1 The application site is not located within a Flood Zone or a Source Protection Zone. Notwithstanding this, the application which has been submitted to the Council is classified as a Major, therefore, in line with the Town and Country Planning (General Development Procedure) (England) Order 2015, the applicant has provided a Sustainable Urban Drainage Strategy (SuDS).
- 7.9.2 In the emerging local plan partial review and update, flood risk and drainage policies are significantly revised. The existing policy FP1 is replaced by a new sustainable drainage policy, which places an emphasis on the use of the most sustainable SuDS features and methods of surface water discharge. Meanwhile, existing policies FP2 and FP3 are combined into a new, more comprehensive flood risk policy, which largely reflects national flood risk policies but also seeks to protect watercourses and flood defences. Having regard to paragraph 48 of the NPPF, this emerging version of the policy is afforded limited weight in the assessment of the application.
- 7.9.3 The developer proposes to provide a network of new pipes around the proposed building and utilise the existing foul drainage sewer in Ellis Avenue. The 11 properties will generate a peak discharge of approximately 0.5l/s. Thames Water have raised no objections or concerns in this regard.
- 7.9.4 The Sustainable Drainage (SuDS) Hierarchy has been considered to establish the most practicable and sustainable methods of drainage for the site. As the property will have pitched roofs, green or blue roofs are not possible and have been discounted from consideration. The next option on the hierarchy is the use of soakaways and this is the proposed method to be employed. It is proposed to use permeable paving and soakaways.
- 7.9.5 Herts County Council as the Lead Local Flood Authority (LLFA) have assessed the application, and, following negotiations and updated reports, they have confirmed that they have no concerns or objections to the development subject to the imposition of suitably worded conditions.
- 7.9.6 Emerging Policy CC6 will require developments to incorporate green roofs and green walls unless there are clear and convincing reasons for not doing so. Biosolar roofs will also be strongly supported. As this Policy is being introduced through the Local Plan review, it currently carries little weight and it would not be appropriate to seek a re-design of the development, including the SuDS to now include green roofs.

7.10 Trees and Landscaping

- 7.10.1 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. In the emerging local plan partial review and update, policy NH5 is replaced by two new policies: Policy NH5a, which relates to trees and woodland; and Policy NH5b, which relates to tree-lined streets. Policy NH5a continues to provide a general presumption against the loss of healthy trees but also introduces a new tree replacement standard and offsetting mechanism where replacement planting cannot be provided on site.

Policy NH5b requires new streets to be tree-lined, mirroring paragraph 136 and footnote 53 of the NPPF. Having regard to paragraph 48 of the NPPF, this emerging version of the policy is afforded limited weight in the assessment of the application.

7.10.2 The site contains no trees although there are pockets of shrub landscaping around the site and therefore these policies are not applied.

7.10.3 The submitted site layout plan indicates a large amount of landscaping will be provided around the site, although at this stage no detailed landscaping plans have been drawn up. The Council's Arboricultural Manager has raised no concerns. Full landscaping details can be secured via a suitably worded condition.

7.11 Biodiversity, Ecology and Protected Species

7.11.1 The Environment Act received royal ascent in 2021 within the legislation is the requirement for proposals to bring about a positive net gain on biodiversity. The regulations which make a 10% net gain a statutory requirement (with a standard condition) had not come into effect at the time of submission. The requirement and the ways in which this gain is measured apply to planning applications for major development submitted after the regulations came into force on 12 February 2024. For major applications submitted before this date, the Regulations comprised transitional arrangements whereby local policy will remain the starting point for determination, together with other material considerations.

7.11.2 National and local policy still require the scheme to demonstrate an overall gain. Policy SP12 requires new development to 'mitigate or, as a last resort, compensate for the loss of green infrastructure or assets of biodiversity importance' and 'only grant permission if an adequate assessment of priority habitats and species has been undertaken'. The implementation of this policy is supported by the "Impact on Biodiversity SPD" adopted in 2021.

7.11.3 The site is located in an urban setting and is bordered by residential properties and pedestrian and vehicle highways. The wider environment is generally urban in nature comprising a mixture of residential buildings along with hardstanding, hedgerows, individual trees and amenity grassland. The application is accompanied by a Biodiversity Net Gain Assessment and Ecological Appraisal to assess the potential for the site and adjoining habitats to have species that receive legal protection at either UK and/or European level. The survey comprised a desk top study from Hertfordshire Biological Records Centre and from the multi-agency Geographical Information for the Countryside (MAGIC). A field survey was also undertaken along with a Bat Survey.

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

7.11.5 The trees in neighbouring gardens have potential for nesting birds although no evidence of old nests were found. If habitat removal during the breeding season is unavoidable, any trees or scrub to be removed should be checked by an ornithologist no more than 28 hours before works commence. Any active nests found should be left undisturbed until the chicks have fledged. Bird Nesting opportunities will be incorporated into the site with two boxes suitable for Swift (*Apus apus*) added to the western wall of the replacement building. These can be secured via condition.

7.11.6 None of the trees in the area have bat roosting potential. It is recommended that any external lighting is directed away from trees to minimise any potential impacts on foraging or commuting bats. In order to provide increased roosting opportunities for bats in the replacement building, a minimum of two built in (Schwegler 1FR or equivalent) bat boxes will be installed in the

western walls of the new building. These boxes will be mounted at eaves level and at a minimum height of 4m above ground level. These can be secured via a condition.

7.11.7 With regards to biodiversity net gain, the applicant has undertaken a Biodiversity Net Gain calculation utilising the Defra Metric. The calculation identified that there would be a 109% net gain. As such, there is no requirement for financial contributions in this regard and the proposal is considered to substantially exceed the requirements of Local and National Policy and is therefore acceptable in this regard.

7.12 Other Matters

Sustainable construction and climate change

7.12.1 Existing Policy FP1 of the adopted Local Plan (2019) stipulates that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely variations in temperature.
- Reducing water consumption to no more than 110 litres per person per day, including external water use.
- Improving energy performance of buildings.
- Reducing energy consumption through efficiency measures.
- Using or producing renewable or low carbon energy from a local source; and
- Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.

7.12.2 The emerging local plan partial review and update contains a suite of new climate change policies (CC1 to CC8). These policies cover a much broader range of topics which are relevant to climate change and also make mandatory some of the measures that are currently only encouraged. Given that the emerging local plan is in the earliest stages of preparation, the extent of objections to the policies is as yet unclear, and their degree of consistency with the NPPF is likewise yet to be tested, emerging Policies CC1 to CC8 should only be afforded limited weight in the assessment of this application.

7.12.3 The Council's Design Guide SPD (2023) sets out additional requirements with respect to climate change. The guide 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.

7.12.4 The accompanying Design and Access Statement sets out that the development will be low maintenance with all new elements being insulated in compliance with, or exceeding, the requirements under Building Regulations Part L1. Domestic heating is currently proposed or anticipated to be via the use of energy efficient boilers, internal radiators and the final appropriate methods will be selected once reviewed (alongside SAPs) at building control stage and appropriate selections and/or adjustments made. Ventilation is currently anticipated as

being via natural means of opening windows and trickle vents with mechanical extractors for bathroom/WC. Emerging policy CC6 requires the use of green and blue roofs, however, this policy carries little weight at present and was not proposed at the time this development was designed and therefore these types of roofs have not been included and it is not considered appropriate to request a re-design of the development to meet policy standards of, at present, un-adopted policies. The same applies for other new emerging climate change/design policies.

7.12.5 Whilst the Design and Access Statement indicates that the proposal will comply with existing climate change policies, it is considered appropriate to secure the final, specific details via condition to ensure full compliance.

Waste and Recycling

7.12.6 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. The revised site layout plan shows the waste and recycling bins to be within the footprint of the building on the ground floor with entrance/exit doors on either side to facilitate easy access from within the site and out on to Ellis Avenue.

7.12.7 Initially the storage area was located within the communal car parking area at the rear of the site, adjacent to the shared boundary with No.26. Following objections from this property, revised plans were submitted to move the storage area away from their property.

7.12.8 Given the aforementioned, with an appropriate condition in place, suitable refuse and recycle storage facilities can be delivered to meet the criterion set out in the Council's Design Guide SPD (2023).

Community Infrastructure Levy

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

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

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

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

7.13 Equality, Diversity and Human Rights

- 7.13.1 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.
- 7.13.2 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.
- 7.13.3 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.
- 7.13.4 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.
- 7.13.5 In terms of inclusive access, the scheme has been designed to be DDA (Disability Discrimination Act) compliant. In addition, in accordance with Policy HO11: Accessible and Adaptable Housing of the adopted Local Plan (2019), as this is a major scheme at least 50% of all new dwellings will need to be category 2: accessible and adaptable dwellings. The development also comprises of ramped, level access to the car park and ground floor areas of the building.
- 7.13.6 The scheme also seeks to deliver the necessary disabled parking provision in accordance with the Council's adopted Parking Standards SPD (2020). The bays will meet the relevant size standards and have been located in an appropriate location in close proximity to the entrance of the main residential building.

8 CONCLUSIONS

- 8.1 The Stevenage Borough Local Plan (2011 – 2031) was formally adopted by the Council on the 22 May 2019. As of the 22 May 2024, the adopted Local Plan is 5 years old and as such, is deemed to be out-of-date. This means that the policies contained in the Local Plan are deemed to have limited weight with greater weight applied to the framework of policies in the NPPF. In addition, the Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). As this policy is now engaged, it means Local Plan housing policies would also be classed as out-of-date for this reason. 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.
- 8.2 The development would provide 11 dwellings, making a strong contribution to the aim of boosting housing supply, which in this instance, would be through the partial redevelopment of a sustainable brownfield site to deliver this much needed type of residential dwelling. Further, the proposal would deliver 3 affordable units which is in line with the requirements of Policy HO8 and attracts significant weight in favour of the development. This is due to the under-delivery of affordable housing to date over the Local Plan period. There would be some

economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. Given the quantum of development, it is considered that these benefits would be great and therefore attracts significant weight in favour of the proposal.

- 8.3 The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the collection of waste and recycling is acceptable. In relation to the amenities of future residents, the development would have acceptable living standards in terms of outlook, privacy, sunlight and daylight, internal floorspace standards and impact from noise.; these are neutral matters.
- 8.4 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The disabled parking and cycle parking are considered acceptable. This carries moderate weight in favour of the proposal.
- 8.5 The car parking provision has been identified as being below the required standards in the Parking Provision SPD and is therefore contrary to policy. However, the site has been determined to be in a sustainable location with good access to public transport and other non-car modes of transport with a good level of public services within easy reach. The public benefit of delivering much needed affordable housing along with the Council failing to meets it housing delivery requirements is significant and there would also be public benefits to the economy through construction jobs and spending in the area. Accordingly, whilst the development is not fully policy compliant in this regard, on balance, the public benefits arising from the delivery of the development are considered to outweigh the harm from this policy contravention.
- 8.6 The development has been assessed to be contrary to policy in terms of private amenity space due to a substandard level of provision. However, owing to the nature of the development of one and two bedroom flats, it is not expected that the development would house families with a need for secure private space for young children to play and the site is located approximately 200m from an extensive area of public open space in Letchmore Road which also contains a children's play area. The public benefit of delivering much needed affordable housing with the Council failing to meet its housing delivery requirements is significant and there would also be public benefits to the economy through construction jobs and spending in the area. Accordingly, whilst the development is not fully policy compliant in this regard, on balance, the public benefits arising from the delivery of the development are considered to outweigh the harm from this policy contravention.
- 8.7 With regards to the environmental impact of the development in terms of ecology, biodiversity and landscaping, it has been established that these are all considered acceptable.
- 8.8 The provision of affordable housing and other developer contributions can be satisfactorily addressed through the use of a S106 Legal Agreement.
- 8.9 In conclusion, whilst the proposal has been assessed to contravene some policies of the Local Plan (2019) through deficits in car parking provision and the land not being fully classified as previously developed brownfield land, it is considered that through the imposition of conditions and financial contributions secured through a Section 106 Legal Agreement that these policy contraventions can be suitably mitigated against. Therefore, taking all the aforementioned into account, the development would accord with the majority of the policies in the adopted Local Plan (2019) and the public benefits identified through the delivery of much needed smaller residential units and affordable housing, outweigh the harms previously identified. Therefore, despite the conflicts with the aforementioned Local Plan Policies, there are sufficient material considerations to indicate that planning permission should be granted in this instance.

9 RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:-
- Securing the provision of affordable housing;
 - Apprenticeships and construction jobs;
 - Monitoring of Travel Plans;
 - HCC contributions to improving sustainable transport (If they are found to meet Regulation 122 of the CIL Regulations);
 - SBC Section 106 monitoring fee – 2.5% of total financial obligations (capped at £25,000); and
 - HCC Monitoring Fee of £340 per trigger relating to HCC obligations.
- 9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, along with delegated powers to the Assistant Director in liaison with the Council's appointed solicitor to enforce the obligations set out in the S106 Legal Agreement on behalf of Stevenage Borough Council and / or appoint another Planning Authority to enforce planning obligations on behalf of Stevenage Borough Council as and where legally required to do so. In addition, the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:-

General

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
2023/P0221-LP-B; 2023/P0221-010-A; 2023/P0221-CP-B; 2023/P0221-012-D; 2023/P0221-013-A; Arboricultural Impact Assessment Plan; Tree Constraints Plan; 2023/P0221-011-D; 2023/P0221-001-G; 2023/P0221-C001-D;
REASON:- For the avoidance of doubt and in the interests of proper planning
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
REASON:- To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses.
- 4 Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.
REASON:- In the interests of the living conditions of neighbouring occupiers.

- 5 Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.
REASON:- In the interests of the living conditions of neighbouring occupiers and highway safety.
- 6 The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in the Ecology Report by Turnstone Ecology Ltd dated 31 January 2024 unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To prevent unacceptable harm to habitats and species.
- 7 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
REASON:- Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).
- 8 All planting, seeding and turfing shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
- 9 Any trees or plants comprised within the approved plans which within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure a satisfactory appearance for the development.
- 10 On completion, the design of windows and ventilators to each dwelling shall achieve an acoustic performance which shall ensure that, when windows are closed and ventilators are open, noise levels do not exceed:
- 35 decibels (dB) (LAeq,16h) during the daytime (07:00 – 23:00) within bedrooms and living rooms;
 - 30dB (LAeq,16h) during the night (23:00 – 07:00) within bedrooms;
 - 45 dB (LAFmax) on more than ten occasions during any typical night (23:00 – 07:00) within bedrooms
- Where mechanical purge ventilation is required to achieve the above standards with windows closed, this shall be designed so as to ensure that the ventilation system itself does not produce unacceptable levels of noise within each dwelling. All schemes for ventilation shall comply with the current edition of Approved Document F to the Building Regulations.
REASON:- To protect the amenity of future occupiers of the development
- 11 At least 50% of the residential units shall be Category 2: Accessible and Adaptable dwellings.
REASON:- To ensure the development will meet the increase in demand for accessible and adaptable units for elderly and disabled residents in accordance with Policy HO11 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019).

Pre-commencement

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

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to site;
- c) Traffic and pedestrian management requirements;
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) Dust control measures during demolition and construction from plant and machinery, and vehicles.

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

- 13 No development shall take place (including demolition and site clearance) until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and associated highway works, dropped kerb, tactile paving, pedestrian visibility splays, etc.

REASON:- To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users.

- 14 No development shall take place (including demolition and site clearance) until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

REASON:- To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

- 15 No development shall take place (including demolition and site clearance) until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy Drainage Strategy prepared by Lanmor Consulting revision 231652/DS/AG/RS/01 Rev B, dated 06 March 2024 and Drawing (reference 231652/DS/01 Rev C, and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority.

REASON:- To ensure that the development achieves a high standard of sustainability and to comply with NPPF and policies of Stevenage Borough Council.

- 16 No development shall take place (including demolition and site clearance) until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no

increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement unless alternative measures have been subsequently approved by the Local Planning Authority.

REASON:- To prevent flooding and pollution offsite in accordance with the NPPF.

Pre-Slab Level

- 17 No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:- To ensure the development has an acceptable appearance.

- 18 No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting. The approved landscaping scheme shall be completed in accordance with the approved details prior to first occupation of any of the units within the development.

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

- 19 No development shall take place above slab level until details of measures to address adaptation to climate change and energy efficiency in line with Policy FP1 of the Stevenage Local Plan (2019) and which should exceed the relevant Building Control Regulations 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 prior to first occupation of any of the units within the development.

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

Prior to Occupation

- 20 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

REASON:- To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and policies of Stevenage Borough Council.

- 21 Prior to the first occupation of the first unit hereby permitted the vehicular access and associated visibility splays shall be installed in accordance with the approved plans and thereafter retained and maintained at all times at the position shown.

REASON:- To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 22 Prior to the first occupation of the first unit hereby permitted, the bird boxes and bat bricks or boxes as specified in the Ecology Report by Turnstone Ecology Ltd dated 31 January 2024 shall be erected accordingly and thereafter permanently retained and maintained.
REASON:- To provide suitable roosting and nesting opportunities for bats and birds as an ecological enhancement of the site.
- 23 Prior to the first occupation of the first unit hereby approved the parking, turning, and servicing areas shown on drawing number 2023/P0221-001-G shall be provided, marked out and hard surfaced ready for use and shall be retained in that form and kept available for those purposes thereafter. The hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.
REASON:- To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining highways and to ensure the development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.
- 24 Prior to the first occupation of the first unit hereby permitted, the parking spaces shown on approved plan 2023/P0221-001-G shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.
REASON:- To ensure construction of a satisfactory development and to promote sustainable development.
- 25 Prior to the first occupation of the first unit hereby permitted, details of the secure cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The secure cycle parking facility shall thereafter be implemented in accordance with the approved details.
REASON:- To ensure there is sufficient secure cycle parking provision in order to encourage a mode shift from the private car.
- 26 Prior to the first occupation of the first unit hereby permitted, the general waste and recycling stores and plant areas associated with the development shall be implemented in accordance with the details shown on approved plan 2023/P0221-001-G and retained and maintained accordingly for the lifetime of the development.
REASON:- To ensure the storage areas are acceptable and are of sufficient size to accommodate the number of bins which are required for this development.

For the Following Reason:

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

INFORMATIVE

- 1 **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, Campus East, Welwyn Garden City, Hertfordshire, AL8 6AE.

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>

- 5 **Hertfordshire County Council as Highways Authority**
Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
- 6 **Hertfordshire County Council as Highways Authority**
Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- 7 **Hertfordshire County Council as Highways Authority**
Construction standards for new vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
- 8 **Hertfordshire County Council as Highways Authority**
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.
- 9 **Hertfordshire County Council as Highways Authority**
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.
- 10 **Biodiversity Net Gain**
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

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. Stevenage Borough Local Plan Partial Review (2024).
5. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
7. Central Government advice contained in the National Planning Policy Framework December 2023 and Planning Practice Guidance.