

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

Date: 7 April 2026

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Lead Officer: Alex Robinson

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Application No : 24/00451/FPM

Location : Abbeyfield 2 Pound Avenue

Proposal : Demolition of existing care home and erection of 15 no. flats, extended dropped kerb, associated parking and ancillary works

Drawing Nos.: 23069-0000-P1; 23069-0100-P1; 23069-0101-P1; ASC.23.521; 23069-0300-P1; 23069-1100-P3; 23069-1101-P2; 23069-1102-P2; 23069-1300-P4; 23069-1103-P2;

Applicant : Mr Richard Lines, Lindon Property Ltd

Agent: Cameron Bosque Brookes Architects

Date Valid: 3 July 2024

Recommendation: GRANT PLANNING PERMISSION



ILLUSTRATIVE PURPOSES ONLY

1. SITE DESCRIPTION

- 1.1 The application site comprises a two-storey building with single attached dwelling that is currently vacant but was previously in use as a care home. The front curtilage is mostly hard surface with pockets of soft landscaping that regularly become overgrown.
- 1.2 The care home closed in approximately 2021 at which point it only had 3 residents on site.
- 1.3 The property is located on the southern side of Pound Avenue and is bounded to the east by a single family dwelling; to the west by Astonia Lodge, a Churchills living retirement development; to the north by Pound Avenue highway with Pound Avenue Cars garage beyond; and to the south by a small pocket woodland that is in private ownership with rear gardens of residential dwellings beyond and King George V Playing Fields further beyond.
- 1.4 The property can currently accommodate 4 vehicles in off-street parking. The site is not allocated in the local plan for residential development and is located in Flood Zone 1.

2. RELEVANT PLANNING HISORY

- 2.1 2/0120/81 – Home for elderly persons incorporating existing house for resident housekeeper and none bedsit units with bathrooms and toilet facilities, car parking, and landscaping for Lindon Property Ltd. Granted 30.12.1981.
- 2.2 23/00324/S106 - Modification of Clause 2/3 of Section 52 Agreement (dated 22.12.1981) approved under planning permission reference number 81/2/0120/81 for Lindon Property Ltd. Granted 10.01.2024.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the demolition of the existing care home and erection of a 2.5 storey building comprising 11no. one-bedroom and 4no. two-bedroom flats.
- 3.2 The existing car parking will be increased from 4 spaces to 5 spaces and provision will be made for 21 cycle storage spaces.
- 3.3 The application comes before the Planning Committee as it is classified as a major planning application.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters, issuing of a press notice and the erection of site notices, public representations have been received from the following properties:
 - 10, 31, 35, 37 Astonia Lodge
 - 4, 6, 10 Pound Avenue
 - 162 Haycroft
 - 12 Gilders, Sawbridgeworth
 - North East Herts Swift Group
 - Cycling UK Stevenage

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

- Flats are unnecessary and too many for this site
- Inadequate car parking – exacerbate local congestion
- Water and sewer systems wont cope
- 14 swift bricks to be secured
- Disturbance from construction works
- Loss of privacy and light
- Cycle provision is unacceptable – inconvenient location and stacked
- We are a retirement home and don't want to live next to young people who will be noisy and disruptive
- Developer needs to pay for our cars to be cleaned during construction due to dust

4.3 The aforementioned is not a verbatim copy of the objections which have been raised.

5. CONSULTATIONS

5.1 Thames Water

SURFACE WATER – no objection if the developer follows the sequential approach to disposal. There are sewers crossing the site so developer needs to contact Thames prior to works. Minimise groundwater discharge into public sewers. Site is affected by wayleaves and easements that the developer needs to discuss with Thames. WASTE WATER & SEWERAGE TREATMENT – no objections.

5.2 Herts County Council Growth & Infrastructure Unit

12 July 2024 – no objections subject to financial contributions of **£36,011** for secondary education and associated monitoring fees.

20 June 2025 – Since the previous response was issued, HCC have updated its guidance on Developer Infrastructure Contributions (S106 and CIL). No objections subject to financial contributions of **£39,857** for secondary education and associated monitoring fees.

5.3 Herts & Middlesex Bat Group

Based on the results of the surveys in the submitted Ecology reports, we have no objection to the proposals and support the recommendations of the aforementioned reports.

5.4 NHS England

The Herts & West Essex Integrated Care Board (HWE ICB) assumes occupancy of 1.5 persons per dwelling for one bed flats and 2.4 persons per two bed dwelling giving a total of 21.3 new patients registrations resulting from the development. We would request financial contributions of **£14,835** to contribute towards the removal of patient records to off-site storage or digitisation of patient records, and the subsequent repurposing of saved space at either King George, Stanmore Road, Symonds Green, Bedwell, Chells, St Nicholas, Canterbury Way, Roebuck, Manor House, or Poplars GP surgeries.

5.5 SBC Environmental Health

17th July 2024 – condition for unexpected contamination, no waste materials to be burned on site, dust emissions to be controlled, condition for construction hours, condition for mechanical ventilation shall not cause disturbance to neighbours, require further details for location of plant areas and attenuation of prevention of noise, condition on external lighting, require further information on the submitted noise report as potential for unacceptable noise.

20 August 2024 – after discussions with the applicant’s noise consultant, we are satisfied that previous concerns are now addressed and we have no further objections.

5.6 Herts County Council as Waste & Minerals Team

No objection subject to condition for a site waste management plan to be submitted prior to commencement, including site clearance and demolition

5.7 Herts County Council as Highways Authority

No objections subject to conditions for parking plans and a construction management plan. Will require a financial contribution of **£102,390** for sustainable transport facilities and services for passenger transport users. Stacked cycle storage is unacceptable as it would exclude users of adaptive cycles and other such non-standard cycles but there is sufficient scope for this to be amended and can be conditioned.

5.8 SBC Arboricultural Manager

In order to reach a decision on whether to support or object to this application, I will need to see an Arboricultural Impact Assessment to see the impact of the proposed development on the trees to the south-south-east of the site.

5.9 SBC Green Spaces and Leisure Team

No landscaping plans or strategy has been submitted. We require details of any proposed landscaping within the development, both soft and hard, including plans, drawings, schedules, etc. Furthermore, a strategy and specification should be provided to ensure that landscaped areas are appropriately planted and maintained to a suitable standard while also maintaining the development's aesthetic in the longer term.

5.10 Affinity Water

We have no comments to make on this application.

5.11 Herts Police Crime Prevention Design Advisor

Substantive concerns that the applicant has ignored national and local planning policy regarding crime, disorder, and fear of crime. During the period 01.07.2023 to 30.06.2024 there were 33 crimes recorded – 12 were anti-social behaviour, 5 involved vehicles, 3 related to criminal damage/arson, and 2 were burglaries. There is very little natural surveillance from within the proposed dwellings over the parking area to the front. An advantage of achieving Secured by Design (SBD) is the potential carbon footprint reduction – a dwelling burglary can cost 2.5 metric tonnes of carbon production due to the investigation, replacement of lost goods and eventual move of occupants when they feel unsafe – SBD properties can achieve an 80% reduction in carbon footprint for burglaries. Without achieving SBD, we do not support the application.

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

16 October 2024 – objection. Development is at risk of surface water flooding, the proposed SuDS are likely to increase the risk of flooding elsewhere, the development does not comply with NPPF, PPG, or Council policy FP2.

19 December 2024 – maintain objection. Request consideration of a CCTV survey to confirm existing drainage joins to the foul system or if uses a local soakaway. Finished floor levels must be 300mm above max design flood level – in this location the max depth due to surface water flooding is up to 600mm so the finished floor levels need to be 900mm above surrounding ground levels. Pre-development runoff rates and volumes need to be calculated. Storm calculations do not include the permeable area.

Drainage consultant – can we install flood protection gates or stop-logs to all entry points rather than raise floor levels by 900mm?

21 May 2025 – flood protection gates or stop-logs are not structurally safe for more than 600mm of water depth so we cannot accept this as an alternative to the 900mm floor levels.

6 November 2025 – following updated plans, we have no objection subject to 4 conditions.

December 2025 – communications between applicant and LLFA regarding conditions and further amended plans were submitted. The amended plans comply with their flow rate requirements.

Officer Response

Whilst the LLFA have agreed the drainage strategy is acceptable subject to conditions, in December 2025 the applicant queried the details of one of the conditions and the LLFA rejected the applicants request for a change. Subsequently, the applicant provided a revised plan to accord with the condition request and as of the writing of this report we are awaiting confirmation from the LLFA that the revised plan does accord with their condition request.

A decision will not be issued until this matter has been resolved but members should note that the LLFA is not objecting to the scheme, and it is only the wording of one condition that is outstanding a conclusion.

6. RELEVANT PLANNING POLICIES

6.1 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 The latest revision of the NPPF was published in December 2024. The policies it contains are material considerations which will be taken into account in dealing with applications. Due weight will be given to development plan policies according to their degree of consistency with the NPPF. The NPPF should be read as a whole (including its footnotes and annexes).

6.3 Housing Delivery Test and 5-Year Land Supply

6.3.1 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 Ministry of Housing, Communities, and Local Government (MHCLG) in December 2024 identifies that Stevenage delivered 38% of its housing requirement.

6.3.2 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2024). 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.

6.3.3 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.

6.3.4 However, the Revised Housing Technical Paper (June 2025) identifies that the Council's Housing Supply is at **5.49 years**, but this has yet to be confirmed through an Examination in Public (EiP) and is therefore not formally adopted at this time.

6.3.5 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2024). For reference, as this policy is now engaged, it means Local Plan policies relevant to determine this application 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.

6.4 Planning Practice Guidance

6.4.1 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.

6.5 National Design Guide

6.5.1 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.

6.6 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)

6.6.1 The Stevenage Borough Local Plan 2011-2031 was adopted in 2019. Weight must be given to the policies it contains according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

6.6.2. In addition, the council is required to regard the local plan policies most relevant to determining the application as out-of-date because the application involves the provision of housing and the delivery of housing in the borough was substantially below the housing requirement over the last three years. Those policies are:

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 IT6: Sustainable transport;

Policy HO5: Windfall sites;

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 and management

Policy FP7: Pollution;

Policy FP8: Pollution sensitive uses;

Policy NH5: Trees and woodland.

6.6.3 According to the NPPF, the fact that these policies are regarded as out-of-date means that permission should be granted for the proposed development unless: i. the application of policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

6.7 Local Plan Review and Update (2024)

6.7.1 The council concluded a full review of the plan in 2024, as required by regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

6.7.2. In response to the review, the council has proposed a partial update of the local plan. Weight must be given to the emerging policies in the partial update according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved

objections to the policies; and c) the degree of consistency between the policies and the most recent revision of the NPPF.

- 6.7.3. At the time of writing, the partial update is undergoing examination by the Secretary of State. Given that the examination has yet to conclude, there remain unresolved objections to a number of emerging policies. The partial update is nonetheless at an advanced stage of preparation, and the council considers the emerging policies within it to have a high degree of consistency with the NPPF. Where relevant, the weight to be given to emerging policies will be set out in the assessment section of this report.

6.8 Supplementary Planning Documents

- 6.8.1 The following supplementary planning documents are relevant to determining the application:
- Parking Provision Supplementary Planning Document (February 2025);
 - Stevenage Design Guide Supplementary Planning Document (February 2025);
 - Developer Contributions Supplementary Planning Document (February 2025);

6.9 Community Infrastructure Levy

- 6.9.1 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 The main issues in the assessment of the application are in land use policy terms, affordable housing, visual impact of the development, impact upon neighbouring amenities, impact upon future amenities of residents, parking provision, highway implications, impact on the environment, trees, and landscaping and Biodiversity Net Gain, CIL and Planning Obligations, Equality and Human Rights, Climate Change.

- 7.1.1 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

- 7.2.1 The NPPF (2024) states that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption in favour of sustainable development". It also 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 of the adopted local plan sets a strategic target of 7,600 homes to be provided within the borough over the plan period from 2011 to 2031. The emerging partial update of the local plan identifies that 4,956 of these homes remain to be delivered as of 2024. However, the overall target remains unchanged, and the proposed development would make a small but nonetheless positive contribution to meeting this target.
- 7.2.4 The spatial strategy for housing also remains unchanged; the majority of the planned new housing will be delivered on regeneration sites in the town centre and in urban extensions to the north, west and south-east of the town, with a sizeable minority delivered on smaller housing sites spread throughout the borough. An allowance is also made for residential development coming forward on sites not specifically allocated for any purpose in the local plan, referred to as “windfall” sites.
- 7.2.5 In this case, the application site is not designated for any particular purpose in the local plan. The proposed development is therefore treated as windfall development. Updated Policy HO5 of the Local Plan (2019) (windfall sites) stipulates that proposals should be on previously developed land, or an underused urban site and should not prejudice the Council’s ability to deliver residential development on allocated sites. The updated Policy carries significant weight. The proposal will be on previously developed land and there are no allocated sites nearby that would be detrimentally impacted by the proposal. As such, the proposal complies with this Policy. Paragraph 125(c) of the NPPF places substantial weight on the redevelopment of previously developed land and states that permission should be approved unless substantial harms are identified.
- 7.2.6 Updated Policy SP2 (Sustainable Development) carries significant weight in the Local Plan Review and states residential developments must have a good level of access to local facilities. The site is located approximately 150m from the southern end of the historic High Street, which is approximately 2 minutes’ walk. It is approximately 750m (10 minutes’ walk) from Tesco Extra in the Town Centre and less than 20 minutes’ walk from the Bus Interchange and Train Station. There are multiple primary and secondary schools within 20 minutes’ walk and a GP surgery 250m (3 minutes’ walk) to the south. Bus routes operate along Sish Lane and High Street. A substantial area of public open space, King George V Playing Field is a 5-minute walk. Accordingly, the application site is considered to have excellent access to local facilities and alternative forms of travel to the private car and therefore deemed to be within a highly sustainable location.
- 7.2.7 The effect of the proposal on housing choice (in terms of the range of housing types and sizes provided in the borough) is also a relevant consideration. Policy HO9 (House types and sizes) of the Local Plan (2019) (No change to this policy under the Local Plan Partial Review) 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.
- 7.2.8 The Design Guide SPD (2025) 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. 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.
- 7.2.9 Due to growth requirements for the town, there is a need to provide a substantial number of additional homes in Stevenage, and in particular, smaller dwellings or larger aspirational dwellings. 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.

- 7.2.10 The proposal seeks to provide 11no. one-bedroom and 4no. two-bedroom flats. As such the proposal is considered to fully accord with Policy HO9 as it provides smaller dwellings which are an identified need.
- 7.2.11 Paragraph 61 of the NPPF (2024) states that to support the Governments 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 61. of the NPPF states that the overall aim should be to meet as much of an area's identified housing need, 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.
- 7.2.12 In summary, whilst the Council is currently able to demonstrate a five-year supply of deliverable housing sites, due to the under-delivery of housing as identified in recent HDT scores, paragraph 11(d) of the NPPF is engaged as there is a presumption in favour of delivering sustainable development. Consequently, this is considered to be a key material consideration in the assessment of this application.
- 7.2.13 The proposed development would contribute to the aim of boosting housing supply as required by the NPPF without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. 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 (15 units), it is considered that these benefits would be moderate and therefore attracts moderate weight in favour of the proposal.
- 7.2.14 Having regard to all the policy considerations laid out above, the proposed development is considered to be acceptable in principle.

7.3 Affordable Housing and Planning Obligations

- 7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission would be granted for residential development which would maximise affordable housing provision. Taking this into consideration, there is a requirement to provide 25% of new homes to be affordable on previously developed sites. In this regard, there would be a requirement to provide 3.75, rounded up to 4, 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 Paragraph 66 of the NPPF also advises on affordable housing tenure and mix, stating 'where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.'

7.3.4 In regard to affordable housing delivery, the Council’s five-year land supply includes the provision of a number of affordable housing units. The Housing Technical paper (2024) advises that the Strategic Housing Market Assessment (SHMA) 2023 concluded the current unmet need for affordable housing totals 1,612 households. This is made up of households in Stevenage that are currently living in unsuitable housing and are unable to afford their own housing.

7.3.5 Of these households, 802 currently occupy affordable housing that does not meet the household’s current needs. There is, therefore, a current need from 810 households in Stevenage that currently need affordable housing and do not currently occupy affordable housing. In addition, the SHMA assessment concludes there is an additional 110 households annually needing affordable housing in Stevenage. A further 312 households have then been identified as households that can afford market rents but aspire to home ownership. The Council’s most recently published affordable housing need is therefore represented below –

Figure 4: Overall need for Affordable Housing 2022-31 in Stevenage by property size

Stevenage	Affordable Housing Need Households unable to afford	Affordable Housing Need Households aspiring to home ownership	Affordable Housing (Households)
1 bedroom	94	103	197
2 bedrooms	442	125	567
3 bedrooms	993	84	1,077
4+ bedrooms	272	-	272
TOTAL HOUSING NEED	1,802	312	2,114

7.3.6 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”.

7.3.7 Paragraph 58 of the NPPF states that planning obligations must only be sought where they meet all the following tests, as contained in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

- 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.

7.3.8 Paragraph 59 of the NPPF states where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. Where the viability of a development is questioned, it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The application has been accompanied by a Viability Assessment (VA) produced by Carter Jonas. It is for the LPA to determine the weight in which to give the assessment when considering whether the plan and viability evidence

underpinning it is up to date, and any change in circumstances since the plan was brought into force.

- 7.3.9 To be policy compliant, the development would need to provide 25% affordable housing provision based on policy HO7. The submitted VA sets out that the development cannot provide any affordable housing within the development, nor provide any financial contribution in lieu.
- 7.3.10 The applicants VA concluded that the scheme would have a deficit of £357,230.00 without affordable housing provided i.e., 100% market.
- 7.3.11 The LPA have had the VA independently appraised by property regeneration consultants Aspinall Verdi (AV) to assess whether the assumptions made are correct, and whether any affordable housing can be provided on site. They concluded that the scheme would have a deficit of £299,486.00 without affordable housing provided and as such, whilst their figures differ (due to differing costs, including construction cost estimates and financial rates), they ultimately agree with the applicants' VA that the scheme is unviable for affordable housing or a financial contribution in lieu.
- 7.3.12 Our consultant initially advised that the inclusion of a clawback review mechanism in the S.106 Legal Agreement is recommended so that the Council can benefit from any uplift in profits should a revised viability review show a financial contribution becomes viable. However, the applicant and Carter Jonas rejected this on the basis that it is their view the Council would be acting unreasonably to include such a review clause on a small-scale development. Following discussions with AV, it is considered that in this instance, for this development, a review clause would be unreasonable. This is because the small-scale nature of the development would likely be built out in a short timeframe that would not benefit from a passage of time to allow the current economy to improve.
- 7.3.13 The application is therefore considered to comply with Policy HO7 and the NPPF at a zero level of affordable housing because the applicant has robustly demonstrated the 25% target cannot be achieved. The development has been shown to be unviable to provide affordable housing or a financial contribution in lieu and the current state of the economy is unlikely to improve to such a degree in the short term that would make a review clause in the S.106 Legal Agreement a reasonable request.
- 7.3.14 The Developer Contributions SPD (2025) sets out a range of financial obligations that would ordinarily be sought, including contributions towards local training, education, sustainable transport, and monitoring fees. However, the applicant has submitted a Viability Assessment (VA), independently reviewed by Aspinall Verdi (AV), which robustly demonstrates that the scheme cannot viably support any financial obligations or affordable housing provision.
- 7.3.15 The applicants' VA identifies that **with no planning obligations included**, the development generates a significant deficit. AV's independent review concluded that the scheme would run at a **deficit of approximately £299,486**, even with assuming a reduced developer return of **15%**, which is below typical market expectations of 17–20%. This deficit position remained **even when all requested financial contributions were excluded**, confirming that the scheme is fundamentally unviable regardless of the Council's requirements.
- 7.3.16 Given that the **total value of requested contributions was less than £150,000**, their removal does not materially change viability; the development would still operate at a substantial deficit. AV further advised that although one could argue that obligations

should still be sought to mitigate development impacts, the applicant's VA did not factor them in yet still showed the scheme to be unviable by over £300,000. In these circumstances, seeking obligations that cannot be supported by evidence would be unreasonable and could undermine deliverability.

- 7.3.17 The applicant has therefore reasonably declined to enter into a S.106 legal agreement for any financial contributions, including those sought by Hertfordshire County Council for secondary education and sustainable transport, or for local employment and apprenticeship obligations. On the basis of AV's conclusions, officers consider that the Council would be unable to robustly defend a position requiring these contributions at appeal.
- 7.3.18 Regarding NHS England's request for contributions relating to digitising patient records, this does not meet the statutory tests for planning obligations, as confirmed through recent case law. The request would not fund new medical provision or expand existing capacity and therefore cannot be supported.
- 7.3.19 In summary, the viability evidence demonstrates that the required obligations cannot be delivered without rendering the development unviable. As the NPPF requires planning decisions to take account of viability in decision-making and given the importance of facilitating housing delivery under paragraph 11(d), officers conclude that the absence of financial contributions is justified in this instance.
- 7.3.20 However, it is important to note that the development would still be CIL liable and this is non-negotiable. This is considered in greater detail later in this report.

7.4 Design and visual impact

National Planning Policy Framework and Planning Practice Guidance

- 7.4.1 Chapter 12. (Achieving well-designed places) of the NPPF (2024) 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 Policies SP8 and GD1 of the Local Plan Partial Review (2024) are deemed to carry significant weight, this is because they generally reflect the good design principles outlined in the NPPF and National Design Guide, i.e., that these policies require developments do not adversely impact the amenities of neighbouring occupiers as a good design principle. Policy GD2 (design certification) is a new policy emerging from the review and states that the Council will support developments that are designed to achieve high levels of certification against nationally and internationally recognised sustainability standards such as BREEAM excellent, Secured by Design Silver or higher or BRE Home Quality Mark.
- 7.4.3 Whilst the semi-detached residential dwellings further along Pound Avenue are largely uniform in their design and materials, the western end of the street—where the application site is located—is more varied in character. This part of Pound Avenue contains a greater mix of flatted developments and marks the transition into the more commercial elements of Pound Avenue and the High Street.

- 7.4.4 The existing building presents as a two-storey residential dwelling within the street scene but extends significantly into the plot, predominantly along the western side. The proposed building would adopt a similar general arrangement but positioned more centrally within the site and with a wider footprint.
- 7.4.5 The proposal comprises a 2.5storey building with brick to the ground and first floors, and metal cladding to the second floor, which is accommodated within a mansard style flat roof. The top floor would be recessed within the roof space, reducing perceived bulk and softening the overall massing.
- 7.4.6 A two-storey dual pitched projection on the front elevation reflects the architectural features of both Astonia Lodge to the west and Pound Court opposite the site. The inclusion of a hipped roof element also draws on the character of nearby semidetached dwellings. In terms of height, the proposed building would sit marginally above No. 4 Pound Avenue but remain slightly lower than Astonia Lodge.
- 7.4.7 Overall, the design, scale, and massing of the development are considered acceptable. The proposed materials and architectural treatment are modern and of high quality, and the development is expected to make a positive contribution to the visual amenities of the area.

7.5 Impact on Neighbouring residential amenity

Policy Background

- 7.5.1 Policy GD1 of the local plan requires that development does not lead to an adverse impact on the amenities of neighbouring occupiers. In the emerging partial update of the local plan, Policy GD1 is amended to refer to “unacceptable adverse impacts” on neighbouring amenities. This change is proposed to reflect the fact that in some instances, impacts on amenities may be deemed to be acceptable despite being adverse. The emerging policy is afforded significant weight.
- 7.5.2 The existing plans submitted with the application do not provide detailed floor plans but historical street view images on Google would suggest there are none, or limited, windows on the side elevations. The Astonia Lodge retirement flatted development to the west of the site was constructed 2016 and has an unknown quantum of windows on their side elevations.
- 7.5.3 Notwithstanding the above, and the comments received from residents of this development, the two sites would be oriented in a side-by-side orientation for which there are no minimum separation distances in the Local Plan or Design Guide SPD (2025).
- 7.5.4 The submitted plans show that there would be a number of windows and balconies on the western elevation of the development, directly facing the windows of flats in Astonia Lodge. The separation distances between the two buildings range from approximately 19m to 22m, which is considered acceptable in urban design and residential amenity terms. Although the Council does not prescribe minimum side-to-side separation distances within the Local Plan or the Design Guide SPD (2025), distances within this range are widely recognised in appeal decisions as sufficient to avoid material harm from overlooking in flatted developments, particularly where the relationship is not front-to-back, which typically demands greater separation. Furthermore, the orientation of the buildings results in an oblique relationship for several of the facing windows, reducing the frequency and directness of mutual views. Taking these factors together, the proposed

separation is judged to prevent unacceptable harm to privacy and general residential amenity.

7.5.5 Proposed windows on the eastern elevation closest to No.4 Pound Avenue have been minimised at first floor and there are none at second floor. All windows on this elevation serve bathrooms or communal walkways and can be conditioned to be obscurely glazed and fixed shut below 1.7m from internal floor levels to preserve the amenities of the neighbours to the west.

7.5.6 The existing building comprises single storey and two storey elements whereas the proposed building would be 2.5 storey for its entire length. It is acknowledged that this will increase the built form that is visible from the rear windows and garden of Nos.4 and 6 Pound Avenue to the west. However, these properties both have an excellent level of outlook as there are no significant built forms to their rear (south) or east. As their rear elevations and gardens are directly south facing, they will still enjoy acceptable levels of outlook and daylight/sunlight despite the increased built form to their west.

7.6 Impact Upon Amenities of Future Residents

7.6.1 Paragraph 135 of the NPPF (2024) 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”*.

7.6.2 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”*.

Internal Living Standards

7.6.3 Policies SP8 and GD1 of the Local Plan Partial Review (2024) relate to high quality and good design and are deemed to carry significant weight, this is because they generally reflect the good design principles outlined in the NPPF and National Design Guide, i.e., that these policies require developments do not adversely impact the amenities of neighbouring occupiers as a good design principle. These policies state that planning permission will be granted where the proposed scheme, under criterion j. meets the nationally described space standards. 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. Through the Local Plan Review, these policies now carry significant weight.

7.6.4 The table below sets out the overall floor areas and bedroom floor areas which then determines the acceptable occupancy of each flat. It then sets out what the minimum floor area required is and whether the flat complies. As can be seen, only one flat – flat 12 – fails to meet the overall floor area, but the bedroom is acceptable so overall, it is likely the occupants of this flat would have an acceptable living arrangement that is not overly cramped for two people. Further, flat 7 only provides 37sqm rather than 39sqm but this is acceptable where a shower room is provided rather than a full bath.

Flat	Floor area (stated on plans)	Bedroom area (approximate)	Occupancy based on bedspaces	Required	Acceptable?
1	66sqm	10sqm and 12sqm	3 persons	61	Yes
2	50sqm	16sqm	2 persons	50	Yes
3	44sqm	10.5sqm	1 person	39	Yes
4	41sqm	10.5sqm	1 person	39	Yes
5	42sqm	10.5sqm	1 person	39	Yes
6	61sqm	8.5sqm and 9sqm	2 persons	61	Yes
7	37sqm	11sqm	1 person	39	Yes *
8	39sqm	10.5sqm	1 person	39	Yes
9	45sqm	11sqm	1 person	39	Yes
10	41sqm	10.5sqm	1 person	39	Yes
11	42sqm	10.5sqm	1 person	39	Yes
12	44sqm	16sqm	2 persons	50	No
13	65sqm	8sqm and 15 sqm	3 persons	61	Yes
14	52sqm	11.5sqm	2 persons	50	Yes
15	71sqm	13sqm and 11sqm	3 persons	61	Yes

* 37sqm is acceptable where a shower room is provided rather than a full bath.

Private amenity space

7.6.5 In respect to private amenity space, the Design Guide SPD (2025) states that all new dwellings should benefit from private outdoor amenity spaces unless they are a flat, it is built in a central location, public open space is easily accessible, or a lack of amenity space is necessary to achieve higher densities.

7.6.6 In this regard, all flats except flat 7 are provided with a balcony. No general space is provided, but King George V Playing Fields and Millenium Gardens are less than 5 minutes' walk from the site and therefore the scheme is considered acceptable on balance.

Noise and Pollution

7.6.7 Policy FP7 of the Local Plan Partial Review (2024), states that developments should minimise, and where possible, reduce air, water, light and noise pollution. Policy FP8 stipulates that 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. Given the proposed development would be located within an existing residential area; harm from noise is not considered an issue. Through the Local Plan Review, these policies now carry significant weight.

7.6.8 The application has been reviewed by Environmental Health, and they initially sought additional information from the applicant's noise consultant with regard to how the noise impact assessment (NIA) was carried out and querying some of the overnight figures. Following the submission of an addendum Technical Note, officers noted the acceptability of the proposal and raised no objections or concerns.

7.6.9 A condition can be imposed to ensure the development is carried out in accordance with the NIA to protect the amenities of future occupiers.

7.7 Car Parking and Cycle Provision

National Planning Policy Framework and Planning Practice Guidance

7.7.1 Chapter 9. (Promoting Sustainable Transport) of the NPPF (2024) sets out a requirement to consider transport issues, which includes parking, at the earliest stages of a development proposal. Paragraph 116 of the NPPF (2024) 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 117 of the NPPF (2024) 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 Policy IT5 of the local plan requires developments to provide parking in accordance with the council’s Parking Provision SPD (2025). Policy SP6 (Sustainable Transport), has been significantly updated in the Local Plan Partial Review and requires, amongst other things, for developments to demonstrate they are in a sustainable location and will promote active travel by non-car modes of transport by providing appropriate cycle parking and prioritise public transport.

7.7.3 One-bedroom flats require 1 space, and two-bedroom flats require 1.5 spaces. This would result in a requirement for 17 spaces. The site is located in Residential Accessibility Zone 2, and whilst it is noted that that the boundary of Zone 1 runs between the application site and Astonia Lodge next door, the newly adopted SPD states in paragraph 3.15 that being close to a different accessibility zone will not, in itself, be accepted as justification for deviation from the range of acceptable provision.

7.7.4 Taking account only of Zone 2 therefore, the site could have a provision of between 50% and 75% of the maximum provision. The table below sets this out:

Maximum	75%	50%
17	12.75	8.5

- 7.7.5 The applicant is proposing only 5 spaces which is below the minimum requirement of 50%, siting the location of the site on the boundary of Zone 1 as justification.
- 7.7.6 It should be noted that the NPPF states planning permission should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or residual impacts would be severe. In this regard, the surrounding highways have parking restrictions in the form of double yellow lines so overflow parking from the site onto the adjacent highway could not occur and as such, a lack of parking on the site would be unlikely to result in severe impacts. In line with an appeal decision for the same issue (see below), only moderate weight can be applied to the policy contravention.
- 7.7.7 Further, Members should be aware of an appeal that was allowed in Stevenage in 2025 for a two-dwelling development in Vardon Road with zero car parking. Appeal reference APP/K1935/W/25/3362953 against planning reference 24/00893/FP. In allowing the appeal, the Inspector made it clear that the Council's failure in meeting the HDT score was given significant weight in favour of the development.
- 7.7.8 There are two bus stops on Letchmore Road, less than 200m from the site entrance; the Old Town High Street is within 200m and the Town Centre is within 800m. as such the site is considered to be in a highly sustainable location for non-car modes of transport and opportunities to travel without a motor vehicle are excellent.
- 7.7.9 Concerns from local residents are noted, however, Pound Avenue, Letchmore Road, Inns Close and more, all have double yellow lines along almost their entire length so there is zero on-street car parking. Officers do not agree that the area is therefore "highly congested" in this regard. If congestion is occurring, then this would be a matter for the Police or Traffic Enforcement Officers as a breach of the Traffic Orders in place.

Highway Safety

- 7.7.10 Herts County Council as highways authority (HA) have reviewed the application and raised no objections subject to conditions for parking spaces and a construction management plan. They also seek financial contributions.
- 7.7.11 The HA has reviewed the application and advised that given the site location, access to amenities, accessibility and connectivity to public transport, nearby public car parks and controlled parking in place on highways surrounding the site, the HA believes that the proposed development is not likely to have any significant impact on the operation of the highway network.
- 7.7.12 It is noted that the HA requested a condition for plans to be submitted to and approved in writing by the LPA and the HA for perpendicular parking spaces on the basis that new developments must be held to a higher standard than existing provisions to ensure they are meeting current standards. The parking spaces are perpendicular, but they are aligned to the building and not the kerb whereas the HA want them re-aligned to the kerb. It should be noted that the degree of non-compliance to current standards is 9-degrees. The LPA considers that such a condition for a non-compliance of this nature is unreasonable, and the parking as submitted, does not fundamentally result in an unacceptable development capable of causing highway safety issues.
- 7.7.13 As discussed in the above Planning Obligations section of this report, the Council is not seeking the financial contributions requested by the HA. The contributions were sought towards sustainable transport measures and improving passenger transport services. The application has been deemed to be unviable and cannot support these contributions.

However, it should be noted that the site is located close to the historic High Street which is currently undergoing significant improvements for motor vehicles, bus services, and pedestrians. Further, as set out in paragraph 7.7.8 above, the site is sustainably located for travel by non-car modes of transport and encourages future occupiers to utilise the Old Town High Street for their needs.

7.7.14 The development is not considered to overburden existing infrastructure given that it would be CIL liable, and the purpose of the CIL payment is to mitigate infrastructure impacts.

Cycle Storage

7.7.15 In terms of cycle storage, the SPD requires this development to provide at least 20 spaces (one per bedroom and one for visitors). The submitted plans show that 3no. storage units holding 7 bikes each will be provided along the eastern boundary of the site.

7.7.16 For ease of future occupiers, there is a side entrance door on this eastern elevation to allow for ease of access so that residents do not have to walk back around the building to the main entrance.

7.7.17 Comments from Cycle UK Stevenage are noted, and in response the applicant submitted amended plans removing the previously proposed stacked cycle stands. All cycle parking is now provided at ground level within single-storey sheds, ensuring full compliance with the Parking Provision SPD (2025), which requires that cycle storage is convenient, accessible, and suitable for a range of cycle types, including nonstandard and adaptive cycles. The revised design therefore meets the SPD's requirement for safe and inclusive cycle parking provision.

7.7.18 Furthermore, the positioning of the sheds along the eastern side of the building, behind a locked and gated access, accords with the Design Guide SPD (2025) and Secured by Design principles by ensuring that cycle storage is located within a secure, well overlooked, and controlled space. This reduces opportunities for crime, prevents the facilities from being exposed to the public realm, and provides future residents with a safe and practical area for storing cycles. Overall, the amended cycle storage arrangements are considered to fully comply with the relevant policy requirements and guidance.

7.8 Impact on the Environment

7.8.1 The application site is an existing, vacant care home building and associated hardstanding for parking, 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 or Affinity 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 highway and therefore any external lighting is not considered to prejudice highway safety or cause a substantive nuisance to neighbouring residential properties. A condition can be imposed to ensure external lighting is not directed towards highways.
- 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 In the emerging Local Plan Partial Review and update (2024), 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 and now requires all major and minor applications to incorporate SuDS unless there are clear and convincing reasons for not doing so. 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. Policy SP11 encourages direction of development to low-risk areas, where possible to utilise SuDS features, and to overall protect watercourses and ensure developments do not result in acceptable harm to human health or the natural environment as a result of pollution.
- 7.9.2 The application site is located within Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having less than 1 in 1000 annual probability of flooding and is the lowest risk. Therefore, all developments are generally directed to Flood Zone 1.
- 7.9.3 The application is accompanied by a flood risk assessment and drainage strategy which have been assessed by Herts County as the Lead Local Flood Authority (LLFA). The LLFA raised a number of objections that resulted in many iterations of the drainage strategy and discussions predominantly around floor levels and run off rates, however, they have now advised that the development is acceptable subject to the imposition of conditions.

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.
- 7.10.2 There are no trees within the site and therefore the application is not accompanied by any Arboricultural reports or assessments (AIA).
- 7.10.3 The Council's Arboricultural Manager reviewed the application and requested the submission of an AIA regarding the trees to the rear of the site. Upon further investigation, the small, wooded area to the rear is in private ownership of a property in Hammond Close and are not the responsibility of the Council.
- 7.10.4 Notwithstanding this, it is considered reasonable and appropriate to impose a pre-commencement condition that requires the applicant to submit details of how these trees will be protected during construction.

7.11 Biodiversity, Ecology and Protected Species

- 7.11.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply in some circumstances.
- 7.11.2 Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted, and, if it does not apply, under which exemption they are applying.
- 7.11.3 The development is subject to the BNG condition and therefore the applicant should provide a 10% net gain on site. Where this is not possible, the hierarchy states that the next best option is to purchase habitat units from a suitable Land Bank or Broker, and the least favourable option is to purchase credits from the Government for them to provide BNG at a suitable site.
- 7.11.4 The submitted BNG metric shows that the site has a habitat unit deficit post development of 0.04 units and therefore the development cannot provide the required 10% net gain.
- 7.11.5 The applicant was advised that the failure to achieve BNG can no longer be off-set by a financial contribution to the Council and they need to show evidence that they can purchase the required habitat units, or Government Credits. The applicant provided email evidence that they had purchased the relevant value of credits from the gov.uk site.
- 7.11.6 The applicant will still be bound by the national pre-commencement BNG Condition requirements, and they will need to submit the relevant plans and documents in due course.
- 7.11.7 The Preliminary Ecological Appraisal (PEA) by Denny Ecology dated June 2024 concludes that the habitats on site are of low ecological value. It goes on to recommend that 14no. integrated swift boxes and 2no. integrated bat boxes should be installed. There are no Local Plan policies regarding this matter and currently no definitive rules or guidance in the NPPF or planning practice guidance that sets out a specific number of boxes or formula for calculating the number. As such, whilst a condition can be imposed to require the developer to install said boxes, it is for them to determine how many they wish to provide.

7.12 Other Matters

Sustainable construction and climate change

- 7.12.1 Under the Local Plan Partial Review, Policy FP1 has been revised to cover sustainable drainage and Policy SP1: climate change, is the new relevant policy in this regard. The fundamental objective of Policy SP1 remains the same as previous policy FP1, however, it sets out in more detail the objectives to adapting to climate change. This policy requires, amongst other things off setting of emissions targets if not met on site, water usage targets, rainwater harvesting, grey water recycling, use of sustainable materials and practices on site, ultra-low and zero carbon combined heat and power systems and urban greening (green roofs and walls). This policy is further supported by a suite of new climate change polices, CC1 through CC6 which cover a broad range of topics but which, through the partial review and examination in public should be applied flexibly as they may not

always be appropriate, and it should be noted that Policy CC1 requires only major planning applications to provide an energy statement.

7.12.2 The Council's Design Guide SPD (2025) 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.

7.12.3 Whilst the application is accompanied by a Design and Access Statement, it does not contain sufficient information with regards to climate change and sustainability. Accordingly, it is considered appropriate and reasonable to request the submission of such details prior to commencement of development.

Waste and Recycling

7.12.4 The Design Guide SPD (2025) states, provision should be made within new development for the storage and collection of waste from a site.

7.12.5 No comments have been provided by the Council's Environmental Operations department, but the submitted plans show that there is space for 6no. 1100litre receptacles on the eastern side of the building.

7.12.6 Using the Environmental Operations own calculator, there would be a requirement for 8no. 360 litre recycling bins, 2no. 240 litre food waste bins and 2no. 1100 litre waste bins, giving a total space requirement of 5,560 litres which is under the space shown on the plans of 6,600 litres. It is therefore expected that the space allocated for waste and recycling will be acceptable.

7.12.7 It is noted that the furthest bin in the site would be in excess of 45m from the back edge of the highway which exceeds the 30m drag distance in Manual for Streets. This will be taken into account in the final planning balance.

Community Infrastructure Levy

7.12.8 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	

- 7.12.9 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.
- 7.12.10 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, 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. Whilst the development cannot secure the full 50% due to no lifts in the building, they can provide 33% which is all the ground floor units. The development also comprises of level access to the car park and ground floor areas of the building.

8. CONCLUSIONS

- 8.1. The proposed development would involve the provision of housing and the council's latest Housing Delivery Test result indicates that housing delivery was substantially below the housing requirement over the last three years. Therefore, the policies most important for determining the application are considered to be out-of-date and paragraph 11(d) of the NPPF is engaged. This carries significant weight in favour of the application.

- 8.2. It has been established that the proposed development accords with Policy HO5 as the site would be located on land which meets the definition of previously developed land as stated within the NPPF (2024). Paragraph 125(c) of the NPPF places substantial weight on reusing brownfield sites and states that proposals should be approved unless substantial harm would be caused.
- 8.3. The development would provide 15 dwellings, making a reasonable contribution to the aim of boosting housing supply, which in this instance, would be partially through redeveloping a sustainable brownfield site.
- 8.4. 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 moderate and therefore attracts moderate weight in favour of the proposal.
- 8.5. The proposed development would have an acceptable impact on the amenities of neighbouring occupiers. The collection of waste and recycling does not accord with Manual for Streets drag distance of 30m; these are neutral matters and would not be sufficient reason to recommend a refusal on this basis.
- 8.6. The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The development has been assessed to be acceptable in terms of private amenity space with regards to 14 of the 15 proposed dwellings in accordance with the adopted Design Guide (2025) and Policy GD1 of the Local Plan (2019). One unit is not provided with outdoor space, however there is excellent public space very close to the site. Given the proposal complies more with the standards than it fails, it would be unreasonable to refuse the application on this basis alone.
- 8.7. With regards to the environmental impact of the development in terms of ecology, biodiversity and landscaping, it has been established that there would be no uplift on site, but the applicant will make relevant contributions to biodiversity through Government Credits and the installation of swift and bat boxes on site. The application is therefore acceptable in this regard.
- 8.8. The cycle parking meets the standards as set out in the Parking Provision SPD (2025) and is therefore acceptable. Additionally, the Highways Authority have raised no concerns with highway safety. This carries moderate weight in favour of the proposal.
- 8.9. The car parking provision falls substantially short of the required provision, however, there is no parking on the highways closest to the site so there would be no overflow onto the street and no harm to highway safety in this regard due to Traffic Regulation Orders. Additionally, a failure of policy in this regard carries moderate weight against the proposal and when taken in context of the weight afforded to the delivery of much needed smaller units, does not warrant a refusal on this basis.
- 8.10. The development has been identified as being unviable for the provision of affordable housing, but the applicant has robustly justified this position in compliance with Policy HO7.
- 8.11. The viability evidence submitted by the applicant, and independently reviewed by Aspinall Verdi, concludes that the development is unable to support any financial contributions to mitigate its impacts. This absence of planning obligations weighs against the scheme and is a matter that must be taken into account in the overall planning balance. However, the Council's most recent Housing Delivery Test (HDT) result engages paragraph 11(d) of the NPPF, which carries significant weight in favour of granting permission due to the chronic under delivery of housing in the Borough. In this context, the delivery of 15 smaller

residential units - an identified and objectively assessed need in the Local Plan's housing evidence - represents a clear public benefit. These homes would make a meaningful contribution to meeting local housing need, particularly for one- and two-bedroom accommodation where there is a recognised shortfall.

- 8.12. Given the weight attached to housing delivery under the presumption in favour of sustainable development, officers consider that the benefits of redeveloping a sustainably located brownfield site for much needed smaller homes outweigh the harm arising from the inability to secure contributions towards education and sustainable transport, noting also that the development remains liable for CIL. Furthermore, the requested NHS contribution was independently assessed as failing to meet the statutory tests under Regulation 122 of the Community Infrastructure Levy Regulations and could not be secured in any case.
- 8.13. On balance, while the lack of planning obligations weighs against the proposal, the significant public benefits arising from the delivery of housing in a highly sustainable location, combined with the weight attributed to the HDT position, are considered to outweigh the identified harms.
- 8.14. In conclusion, whilst the proposal has been assessed to contravene policy through failures of private amenity space, car parking provision, and financial contributions, it is considered that the public benefits identified through the delivery of housing, on previously developed brownfield land, outweigh the harms 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 conditions set out below and delegated authority be given to the Director of Planning and Regulation in consultation with the Chair of the Planning and Development Committee, to amend or add to the conditions subject to which the permission would be granted, where such amendments or additions would satisfy the relevant national policy tests and would most effectively deliver the development which the Committee has resolved to approve.

SUBJECT TO THE FOLLOWING CONDITIONS/REASONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
23069-0000-P1; 23069-0100-P1; 23069-0101-P1; ASC.23.521; 23069-0300-P1; 23069-1100-P3; 23069-1101-P2; 23069-1102-P2; 23069-1300-P4; 23069-1103-P2;
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 No demolition, construction or maintenance activities audible at the boundary, and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays. For the avoidance of doubt, no such activity shall take place on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.
REASON:- In the interests of the living conditions of neighbouring occupiers.

- 4 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.
- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the local planning authority.
REASON:- To prevent unacceptable risks to human health as a result of contamination.
- 6 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure a satisfactory appearance for the development.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
- 8 The development hereby approved shall be carried out in accordance with the Noise Impact Assessment prepared by IEC Limited, reference IEC/4552/01/AVH dated 08.12.2023 and subsequent Technical Note reference IEC001 dated 01.08.2024 unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure there is an acceptable living environment for future occupiers and neighbouring residential properties.
- 9 At least 50% of the residential units are 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).
- 10 The development will be constructed as per the approved documents including the minimum Finished Floor Level (FFL) of 90.9 mAOD. This is to ensure that the development should be appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.
REASON:- To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Stevenage Borough Council.
- 11 The first floor windows in the eastern side elevation of the development hereby approved shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above floor level, and shall be retained in that form thereafter.
REASON:- To safeguard the privacy of the occupiers of adjoining properties.

12 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Plan would need to include details of:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site;
- c) Traffic management requirements;
- d) Construction and storage compounds (including areas designated for car parking);
- 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) Phasing Plan.

REASON:- In order to protect the safety and the amenity of other users of the public highway

13 No development shall take place (including site clearance and demolition) until details of tree protection measures for the trees to the south of the application site and any trees on the site have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures as approved shall be implemented prior to commencement of development and remain in place until the development has been completed. Within the tree protection areas to be fenced off there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.

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

14 No development shall take place (including site clearance and demolition) 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 (except for required demolition and site clearance) until an updated drainage strategy and detailed designs of a surface water drainage scheme have been submitted to, and agreed in writing by, the local planning authority. The updated information will include:

- a) Pre-development QBAR or 2l/s/ha will be calculated to set the greenfield runoff rates and volumes. The discharge rate to Thames Water surface water sewer will be QBAR or 2l/s/ha (whichever is the greater) greenfield run off rate will be incorporated into the drainage design which will then a new connection to the surface water sewer.
- b) Provision of surface water attenuation storage, supporting modelling calculations to demonstrate that they are sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).
- c) Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
 - 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

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

16 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.

17 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.

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

18 No development shall take place above slab level until details of the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.

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

- 19 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.
REASON:- To ensure a satisfactory appearance for the development.
- 20 No development shall take place above slab level until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.
REASON:- To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.
- 21 No development shall take place above slab level until details of integrated swift bricks and bat boxes to be provided within the development have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
REASON:- To ensure that the development enhances the natural environment.
- 22 Prior to the first occupation of the dwellings hereby permitted the parking provision as shown on the approved plans, shall be constructed, hardsurfaced and made ready for use. Any new areas of hardstanding created, or existing areas which are replaced, shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.
REASON:- To ensure that adequate parking and servicing facilities are available within the site and to prevent surface water from passing onto the public highway which may be detrimental to highway safety.
- 23 Prior to the first occupation of the dwellinghouses hereby permitted, all parking spaces 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
- 24 Prior to the first occupation of the dwellings hereby permitted, the cycle storage as shown on approved plan 23069-1100-P3, for the storage of not less than 20 cycles in a single storey formation shall be implemented accordingly. The cycle storage shall be retained and maintained accordingly during the lifetime of the development.
REASON:- To ensure that adequate cycle parking is provided in accordance with the Council's adopted supplementary planning documents.
- 25 Prior to the first occupation of the dwellings hereby permitted, the waste and recycling storage area as shown on plan 23069-1100-P3 shall be implemented accordingly. The storage shall be retained and maintained accordingly during the lifetime of the development.
REASON:- To ensure the general waste and recycling storage is of a sufficient size to accommodate the number of bins which are required for this development. In addition, to ensure the proposed bin store has an acceptable appearance.

26 The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation.
- ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company. Hertfordshire County Council

REASON:- To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Stevenage Borough Council.

27 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 15. 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.

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

1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework 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 **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>

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

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.

8 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.

9 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.

10 **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.

11 **Thames Water**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

12 **Herts Police Crime Prevention Design Advisor**

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

13 **Environmental Protection Act 1990**

The applicant is advised of the Council's powers under Part III of the Environmental Protection Act 1990 to prohibit nuisances arising from dust, smoke, artificial light, and a range of other pollutants that may arise on construction sites.

14 **Environmental Health**

During the demolition and construction phase of the development, the guidance in BS5228-1:2009 (Code of Practice for Noise Control on Construction and Open Sites) should be adhered to.

10. BACKGROUND DOCUMENTS

- 1 The application file, forms, plans and supporting documents having the reference number relating to this item. Online copies may be obtained at <https://publicaccess.stevenage.gov.uk/online-applications/>
- 2 The Stevenage Borough Local Plan 2011-2031 <https://www.stevenage.gov.uk/planning-and-building-control/planning-policy/local-plan>
- 3 The Stevenage Borough Local Plan Partial Update 2025 <https://www.stevenage.gov.uk/planning-and-building-control/planning-policy/local-plan-partial-update/submission-to-secretary-of-state>
- 4 Stevenage Borough Council Supplementary Planning Documents: Parking Provision SPD 2025; Design Guidance SPD 2025; Developer Contributions SPD 2025. <https://www.stevenage.gov.uk/planning-and-building-control/planning-policy/planning-library>

- 5 Hertfordshire County Council Local Transport Plan LTP4 2018-2031
<https://www.hertfordshire.gov.uk/media-library/documents/about-the-council/consultations/ltp4-local-transport-plan-4-complete.pdf>
- 6 Government advice contained in the National Planning Policy Framework 2024 and the Planning Practice Guidance.
https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf
<https://www.gov.uk/government/collections/planning-practice-guidance>
- 7 Representations made by statutory consultees and other interested parties referred to in this report. Online copies can be found on Public Access (See paragraph 1 above).