

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

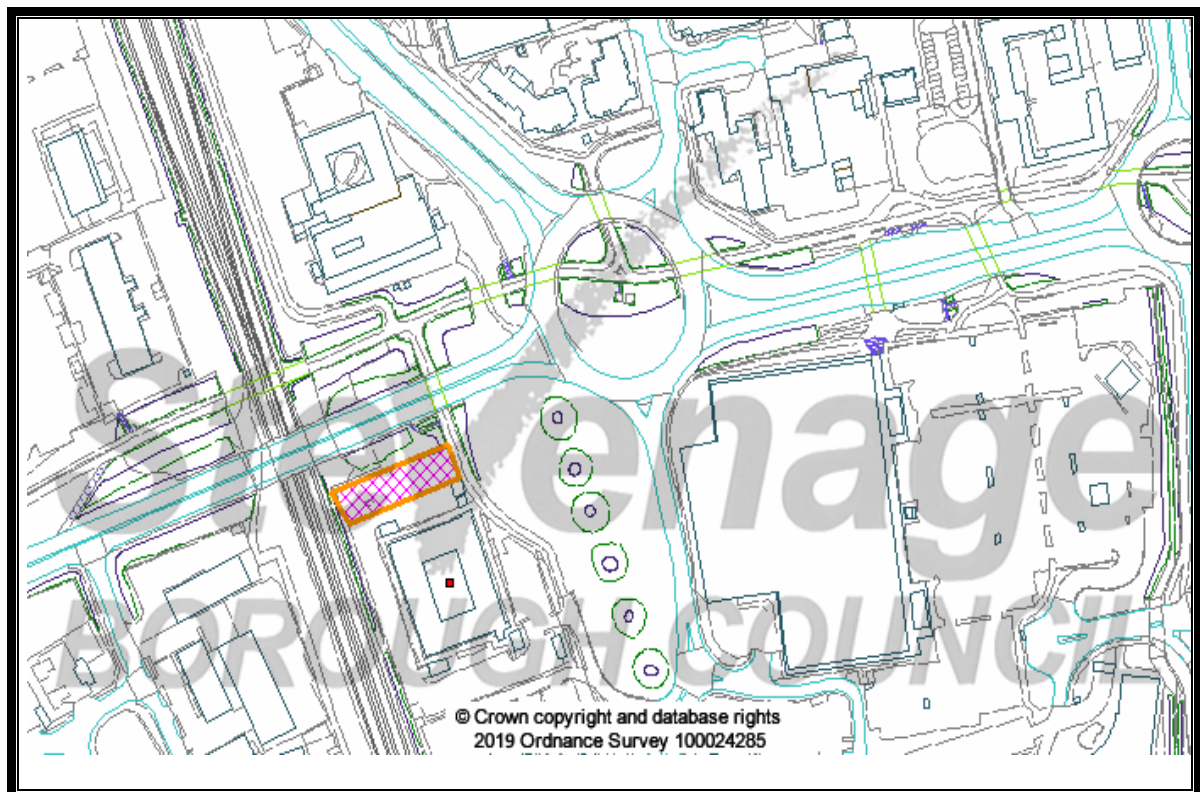
Date: 4 June 2026

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Lead Officer: Alex Robinson

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Application No :	21/01283/FPM
Location :	North Car Park, Six Hills House, Six Hills Way
Proposal :	Erection of a 10-storey building comprising of 94 no. flats which consists of 11 no. studios, 36 no. 1 bedroom and 47 no. 2 bedroom units, associated parking, access and ancillary works
Drawing Nos.:	119-3EX-00; 119-3GA-00C; 119-3GA-01D; 119-3GA-02D; 119-3GA-03D; 119-3GA-04D; 119-3GA-05D; 119-3GA-06A; 119-3GA-09D; 119-3GA-10B; 119-3GA-11D; 119-3GA-12E; 119-3GA-07C; 119-3GA-08B.
Applicant :	Westgold Developments Ltd
Date Valid:	6 December 2021
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located at the northern end of the Six Hills House site and was previously occupied by surface car parking, although construction works have been undertaken in relation to the previously approved planning permission (reference number 16/00482/FPM) and is now enclosed with hoarding.

- 1.2 To the south of the application site is Six Hills House which is an existing part four storey, part eight storey building converted into residential apartments. The plant rooms associated with the old office building have also been converted to residential accommodation. The existing building is surrounded by surface car parking which is punctuated by trees with new cycle and bin stores.
- 1.3 To the north of the application site is Six Hills Way, beyond which is Stevenage Police Station. To the east of the application site is the Six Hills Common which is an established Wildlife Site and comprises the Six Hills Barrows which is classed as a Scheduled Ancient Monument. Beyond the common is Asda supermarket and the North Hertfordshire College Campus. To the south of the application site is Kings Court which is a five-storey office building with residential properties to the east of this office block which front London Road. To the west of the application site is the East Coast railway line with Gunnels Wood Employment Area beyond.

2. RELEVANT PLANNING HISORY

- 2.1 14/00328/CPA Prior approval for the change of use of office building (Use Class B1(a)) to Residential Dwellings (Use Class C3), comprising of 52no one bedroom and 80no two bedroom flats. Prior approval Not Required, 04.08.2014.
- 2.2 15/00078/FP 4no. new bin and bicycle stores, 1no. substation and 1no. pumping station. Permission Granted, 02.04.2015.
- 2.3 15/00225/CPA Change of use from commercial roof top plant enclosures (Class B1) to 15no. residential apartments (Class C3). Prior Approval Not Required, 16.06.2015.
- 2.4 15/00293/FP Construction of 4 storey lift enclosure alongside existing stair tower and external alterations to existing building. Permission Granted 13.07.2015.
- 2.5 15/00483/CPA Prior approval for the change of use of office building (Use Class B1(a)) to Residential Dwellings (Use Class C3), comprising of 128no. one, two and three bed apartments. Prior Approval Not Required, 05.10.2015.
- 2.6 15/00708/COND Partial discharge of Condition 3 (Archaeology) attached to planning permission reference number 15/00078/FP. Discharged, 07.01.2016.
- 2.7 16/00250/NMA Non material amendment to planning permission 15/00078/FP to relocate and increase the size of substation, amend the size and adjust positions of the bin store, increase in size and relocation of pumping station and amendment to the cycle canopy design. Agreed, 04.05.2016.
- 2.8 16/00252/COND Discharge of Condition 7 (Tree Protection) attached to planning permission reference number 15/00078/FP. Discharged, 01.06.2016.
- 2.9 16/00482/FPM Erection of an 8-storey residential building comprising of No. 17 one-bedroom residential units, No. 35 two-bedroom units, No. 12 three-bedroom units, and associated access. Permission Granted, 06.12.2017.

- 2.10 18/00243/COND Discharge of Conditions 3 (Materials), 4 (Landscaping), 11 (Construction Method) and 18 (Site Waste Management) attached to planning permission reference number 16/00482/FPM. Refused 05.07.2018.
- 2.11 18/00515/S106 Variation of Section 106 Agreement dated (06.12.2017) approved under the planning permission reference number 16/00482/FPM. Delegated Authority to Approve 16.05.2019.
- 2.12 20/00359/COND Discharge of condition 3 (Samples of Materials) and 4 (Hard and soft landscaping) attached to planning permission reference number 16/00482/FPM 05.08.2020 DISCHARGED
- 2.13 20/00624/FPM Variation of condition 1 (Approved Drawings) and condition 6 (Car Parking) attached to planning permission 16/00482/FPM. Permission Granted 12.10.2021.
- 2.14 20/00625/FP Installation of fire new escape route has to be created from one of the two stair cores of the adjacent development approved under planning application 16/00482/FPM. The escape route is necessary as the stair core cannot discharge directly into the proposed car park. Permission Granted 07.01.2021.
- 2.15 20/00627/NMA Non-material amendment to planning approval 16/00482/FPM to increase the overall height of the building by 682mm. Agreed 03.11.2021.
- 2.16 21/00367/COND Discharge of condition 11 (Construction Method Statement) and 18 (Site Waste Management) attached to planning permission reference 16/00482/FPM. Discharged 26.11.2021.
- 2.17 21/00564/NMA Non-material amendment to planning approval 16/00482/FPM to re-position brickwork from the second floor to the first floor at the front of the development. Agreed 09.06.2021.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the proposed erection of a ten-storey residential block of apartments, comprising 11no. studio units, 36no. one-bedroom units and 47no. two-bedroom units. The proposed development would measure approximately 15.5m in depth and would span approximately 59m in width with a height of approximately 30.5m.
- 3.2 The proposed development would comprise an area of undercroft car parking with 18no. spaces and a basement area comprising 30no. parking spaces over two levels. The development would also comprise 145 long term and 3 short term cycle spaces.
- 3.3 In respect of the finished appearance of the development, the materials which would be used in the construction of the development would be a light grey render with dark grey sections to the north elevation; whilst the south, east and west elevations have a combination of grey render, and Belgravia Gault brickwork with white painted concrete block work to the car park.
- 3.4 Serving the individual flats is a balcony area which comprises metal railings with frosted glazing and timber decking. On the northern elevation of the building, the proposed development would be constructed in a mid-grey cladding. The fenestration of the proposed building comprises

metal framed fully glazed windows and doors. The top floor levels have been recessed and comprise full height glazing to the habitable room areas in order to break up the visual bulk of the development and provide variance to the built form.

- 3.5 This application comes before the Council's Planning and Development Committee as the application is for major residential development. Members are advised that this application was presented at the Planning Committee on 8th December 2022 where it was resolved to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement.
- 3.6 The application is referred back to the Planning Committee as the legal agreement has not been finalised and due to the passage of time officers received legal advice that the application should be re-assessed against the current policy framework and statutory consultations re-sought.

4. PUBLIC REPRESENTATIONS

4.1 Following notification of the application via letters to adjoining landowners, the erection of a site notice and a press notice in the local newspaper, 56 public representations have been received.

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

- Construction noise and disruption.
- Overlooking/loss of privacy
- Loss of daylight and sunlight
- Lack of car parking to existing East & West Terrace developments; the application site should be used for additional car parking
- Lack of car parking for proposed dwellings
- Previous permission not built due to safety concerns of construction and moving of construction vehicles around the site
- Additional 2 floors above previous permission is unacceptable and will result in an eye sore
- Private garden in centre of existing development will be overlooked by upper floors of new development
- Over development of the site
- Value of properties will go down
- No visitor parking spaces
- Car lifts will create excessive noise
- Land should be used as a recreation park, public building, arts centre, electric bike transport hub/facility or an extension of existing car park.

4.3 The aforementioned is not a verbatim copy of the objections which have been raised. Full copies are available for inspection on the Council's website.

5. CONSULTATIONS

5.1 SBC Engineers

The on-site car parking provision appears adequate in line with SBC's policies, though I suspect residents may have reservations about the proposed use of car lifts. Should this cause reluctance to park in the basement, this may have an impact on local roads. The council will

have to monitor this and may find it necessary to make new parking regulations. A developer contribution should therefore be sought towards the costs this will impose on the council. I would estimate this as being up to £12,000. The proposed two-tier cycle parking is not suitable for non-standard cycles such as recumbents or tricycles. Such cycles are frequently used as mobility aids. In the interests of accessibility and enabling cycling by any resident, cycle parking suitable for non-standard cycles such as these should be provided.

2026 Update: We have no additional comments to make, and we can confirm that the S106 contribution is still required.

5.2 Herts Fire & Rescue Water Officer

This will require a condition for the provision and installation of a fire hydrant, at no cost to the county, or fire and rescue service. This is to ensure adequate water is available for in the event of an emergency.

2026 Update: We have no new comments to make.

5.2 HCC Highways

Hertfordshire County Council as Highway Authority considers that the development is unlikely to result in a significant material increase or change in character of traffic in the vicinity of the site and therefore has no objection subject to the implementation of the agreed construction management plan. A Section 106 agreement will be required to secure £6,000 towards an approved Travel Plan.

2026 Update: We have reviewed the application and associated documents and can confirm that there are no significant changes to the proposed access or parking arrangements. We are satisfied with our previous comments and the Travel Plan option, and we do not wish to make any further observations.

5.3 Historic England

Any development or changes at the application site have potential to affect the setting of the monument and cause harm to its significance. The proposals will result in a significant increase in built form in the vicinity of the scheduled monument. We consider the proposal could result in harm to the significance of the heritage assets. We have previously advised the need for a heritage impact assessment to be prepared. This assessment is not undertaken in the archaeological desk-based assessment that has been submitted with the application (RPS Group, January 2022). We consider that the scheme has the potential to cause less than substantial harm, moderate in scale to the significance of the designated heritage assets. With regards to the case for public benefit for the historic environment, we consider this could be delivered by the provision of an interpretation panel in a suitable, publicly accessible location to improve public perception and understanding of the adjacent scheduled monument of 'The Six Hills Roman barrows'. We would recommend this is secured by a condition attached to any planning permission or via s.106. The Planning Authority should take this representation into account and seek amendments, safeguards or further information as set out in our advice.

2026 Update: Having reviewed the current submission, we note that the scheme remains unchanged, and no heritage assessment has been submitted. The proposal would result in a high level of less than substantial harm to the significance of the Scheduled Monument. We advise the application cannot be adequately assessed in its current form.

5.4 Herts & Middlesex Wildlife Trust

To conserve and enhance the biodiversity of Stevenage and in accordance with NPPF, this development should incorporate integrated swift nesting bricks. Swifts are a focus species for Stevenage and have recently slipped onto the red list of birds of conservation concern. They are entirely dependent on human habitation for their nesting. Simple features built into new development are vital for this species if it is to survive. The boxes should be positioned as high as possible and orientated predominantly to the north.

5.5 Network Rail

Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis. Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development, but there are some requirements which must be met, especially with the proximity of the development to high voltage overhead line equipment on the adjacent East Coast Main Line. These can be secured via conditions.

2026 Update: No further comments received.

5.6 HCC Growth & Infrastructure Unit

Based on the information to date for the development of 94 dwellings we would seek financial contributions towards the following projects - Primary Education towards the new 2FE primary school in Stevenage town centre (£242,215 (240,884 build costs + £1,331 land costs) index linked to BCIS 1Q2020). Monitoring Fees - these will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI 1Q2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

Following a viability appraisal assessment identifying that financial contributions could not be provided, HCC GIU confirmed they were okay to proceed, however they suggested that a viability review mechanism is included in the S106 legal agreement should this application be granted permission to secure contributions towards education and request to be a party to any S106 legal agreement that is drawn up for this application, this is to ensure that HCC are part of the conversation on how any chargeback on increased values and therefore profits are apportioned and spent. HCC acknowledges that SBC is minded to prioritise S106 contributions to affordable housing and therefore as HCC is no longer able to seek the primary education contribution of £242,215 (index linked to BCIS 1Q2020) then HCC may need to seek the outstanding contribution amount towards the new primary school as part of a future CIL bid.

2026 Update: for 94 dwellings we would seek primary education contribution of £372,269 and secondary education contribution of £305,327 and we reserve the right to apply for CIL contributions for infrastructure through the appropriate channels.

Following a review of the viability assessment, Officers advised HCC GIU that the application remains unviable for financial contributions, and we are awaiting their response.

5.7 SBC Parks and Amenities

We want to draw attention to the close vicinity of the development site to Six Hills Common, which is protected under law. This site is also designated as a local wildlife site, is home to an ancient scheduled monument (Six Hills Roman Barrows) and is rigorously guarded by

residents. While the development envelope does not fall directly onto this site, care shall be taken not to encroach or impact the site directly or indirectly.

2026 Update: no further comments received.

5.8 B.E.A.M.S

Six Hills House is located to the west of a group of six Roman burial mounds known as 'The Six Hills', they give their name to the adjacent Six Hills House and Six Hills Way. The Six Hills have been designated a Scheduled Ancient Monument, and their significance was formally recognised as early as 1923, they are of national importance and under the NPPF are a 'designated heritage asset'. They are of particular significance as the largest surviving group of Roman burial mounds (barrows) in England. The construction of a new residential development to the north of Six Hills House has previously been approved, the current application proposes an increase in height of the development to 10 storeys, its footprint will remain as previously approved. The application does not assess the latest planning application in relation to their setting or any resulting impact upon their significance. It is recommended a heritage impact assessment be submitted as part of the current planning as required by NPPF.

2026 Update: No further comments received.

5.9 SBC Environmental Health

It is noted that the total overall transport noise exposure at location 1 contained in the 2016 report is significantly higher at measurement location 1 than either the road traffic or rail noise exposure identified in the 2022 report. Nevertheless, it is further noted that the 2022 Report contains detailed external fabric specifications at section 5.0 and this includes a relatively high specification for the required glazing.

2026 Update: We do not recommend any additional conditions or offer alternate advice that previously provided.

5.10 Hertfordshire Fire & Rescue Service

We will make further comment when the building regulations application is received.

2026 Update: Not required to consult.

5.11 HCC Archaeology

I can confirm that the previous comments still stand. (from the discharge of conditions app).

For completeness, those comments are as follows:

A Written Scheme of Investigation should be submitted which would include proposals for some test pitting and/or archaeological trenches so that we can have some information regarding any archaeological remains which may be present and determine the likely impact of the proposal on them. Depending on the results we would then be able to amend the plans to protect the archaeology, mitigate the damage or carry on as per the submitted plans.

2026 Update: No further comments received.

5.12 SBC Arboricultural and Conservation Manager

I have no objections to this application.

2026 Update: No further comments received.

5.13 Health and Safety Executive (under Gateway One)

It is noted that the revised plan drawings propose a new approach for the development, specifically, to contain a single building of 10 storeys served by two staircases, each provided with a dry riser fire main. This design resolves the concerns HSE previously raised. The revised plan drawings illustrate that the inlet location for the dry fire main is inside the protected stair. Whilst this may be a drawing mistake, it should be noted that the inlet location should be on the face of the building, close to the entrance point leading to the firefighting shaft, with the inlet visible from the fire appliance. This issue will be picked up at a later regulatory stage.

2026 Update: There are no new design changes since our previous response and as such we have no further comments to make.

5.14 HCC as LLFA

The proposal does not have significant concerns regarding the existing flood risk on site. There is not obvious potential for the proposed development on the site to reduce existing flood risk in the surrounding area. These proposals would not increase the flood risk on site or off site, provided national and local SuDS/surface water drainage requirements are considered in the site design.

2026 Update: No further comments received.

5.15 Woods Plc Drainage Consultant

Whilst the proposals include a number of positives with respect to drainage, notably the aim of providing betterment through the attenuation of run-off rates to a low discharge rate of 2l/s, we object on the basis that the Drainage Strategy does not appear to have considered all options to maximise the sustainability of the development, nor addressed all of the constraints identified in the 2016 application. The drainage strategy was amended to reflect the comments raised by our drainage consultant who confirmed that the amended strategy was acceptable subject to the imposition of conditions.

2026 Update: No longer a consultee as the LLFA are providing their statutory service.

5.16 Herts County Council Waste and Minerals

May 2026: No objections or concerns raised subject to a pre-commencement condition requiring the submission of a Site Waste Management Plan.

5.17 UK Power Networks

May 2026: All works should be undertaken with due regard to health and safety guidance noted HS(G)47. Any diversions work will require our consent.

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.

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 score is below 75%, the Council must apply the presumption in favour of sustainable development under paragraph 11(d) of the NPPF, incorporate a 20% buffer into its housing supply calculations, and prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. 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 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. This includes a 20% buffer.

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. The policies used in the assessment of this application are:

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP5: Infrastructure;
Policy SP6: Sustainable transport;
Policy SP7: High quality homes;
Policy SP8: Good design;
Policy SP11: Climate change, flooding and pollution;
Policy SP12: Green infrastructure and the natural environment;
Policy SP13: The historic environment;
Policy IT4: Transport assessments and travel plans;
Policy IT5: Parking and access;
Policy IT6: Sustainable transport;
Policy IT7: New and improved links for pedestrians and cyclists;
Policy 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: Climate change;
Policy FP2: Flood risk in Flood Zone 1;
Policy FP5: Contaminated land;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH2 - Wildlife Sites;
Policy NH5: Trees and woodland;
Policy NH6: General protection for open space;
Policy NH9: Areas of Archaeological significance.

- 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 examination by the Secretary of State has now concluded and the updated Local Plan is due to be adopted in July 2026. The partial update is therefore at an advanced stage of preparation. Where relevant, the weight to be given to emerging policies will be set out in the assessment section of this report. The policies used in the assessment of this application 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 SP13: The historic 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 management
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH2 - Wildlife Sites; (NH2/27)
Policy NH5: Trees and woodland;
Policy NH6: General protection for open space;
Policy NH9: Areas of Archaeological significance.

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);
- Design Guidance 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

- 7.1.1 The main issues for consideration in the determination of this application are the principle of development, housing mix and tenure, planning obligations, design and visual impact, impact on residential amenities, flood risk and drainage, biodiversity, landscaping and ecology, car parking and highway safety, and the impact on designated heritage assets.
- 7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 Principle of Development

- 7.2.1 The application site is not allocated for any specific purpose in the adopted Local Plan, and the proposal therefore falls to be considered as windfall residential development. The acceptability of the principle of residential use on the site is assessed against Policy SP7, the Council's strategic policy for housing, and Policy HO5, the associated detailed policy for windfall sites.
- 7.2.2 Policy SP7 seeks to deliver at least 7,600 new homes within the Borough between 2011 and 2031 and, at criterion (e), expressly supports applications for housing development on unallocated sites where they occupy suitable locations and would not exceed the Borough's environmental capacity. The proposal, which would provide 94 dwellings, would make a meaningful contribution towards meeting that housing requirement. As set out below, the scheme would also be delivered on previously developed land and would accordingly assist in meeting the Policy SP7 objective of securing at least 60% of new homes on such land.
- 7.2.3 Policy HO5 provides that planning permission for residential development on unallocated sites will be granted where the criteria at (a) to (e) are satisfied. In respect of criteria (a) and (b), the site meets the definition of previously developed land set out in Annex 2 of the National Planning Policy Framework and is located on the edge of the town centre with excellent connectivity and access to a wide range of local facilities and services. Both criteria are clearly met.
- 7.2.4 Criterion (c) requires that there be no detrimental impact on the environment and the surrounding properties. The detailed environmental and amenity implications of the proposal are considered later in this report. As a matter of principle, however, the proposal is for residential development within an area characterised by a mix of uses, including residential, such that in land use terms there is no inherent conflict, and no obvious detrimental impact arises. Similarly, criterion (d) requires that the proposal would not prejudice the Council's ability to deliver residential development on allocated sites; given its scale and location, the proposal would not prejudice the delivery of any allocated site. Criterion (e) requires that the development would not overburden existing infrastructure, a matter also examined in greater detail later in the report. As a matter of principle, the proposal is not of a scale or type that would inherently overburden existing infrastructure. The proposal therefore accords with Policy HO5 as currently adopted, subject to the detailed assessments that follow.
- 7.2.5 Consideration must also be given to the emerging Local Plan Partial Update, which proposes to amend Policy HO5 by removing criteria (b), (c) and (d). The examination of the updated plan has concluded, and the plan is anticipated to be adopted imminently. Having regard to its advanced stage, significant weight can be afforded to Policy HO5 as proposed to be amended.

Under the amended policy, the principle of development would fall to be assessed against criteria (a) and (e) alone, both of which are met for the reasons given above. It is material that the proposal therefore complies with Policy HO5 whether in its currently adopted form or as proposed to be amended; the outcome in principle is the same under either version of the policy.

Housing Mix

- 7.2.6 The proposed development would provide 94 dwellings, comprising 11 studios (treated as one-bedroom units), 36 one-bedroom units and 47 two-bedroom units. No units with three or more bedrooms are proposed. The acceptability of this mix falls to be assessed against Policy HO9, which requires, amongst other things, that an appropriate range of market housing types and sizes be provided, having regard to the four considerations set out at criterion (a)(i) to (iv). When the proposal is assessed against those considerations, factors are found to pull in different directions.
- 7.2.7 The first consideration, at (a)(i), concerns structural imbalances in the existing housing stock. The evidence indicates that the Borough's stock contains a very high proportion of terraced houses and three-bedroom homes, coupled with a shortage of larger, aspirational homes. By not providing three-bedroom units, the proposal would not add to the existing over-representation of that house type, and in providing many smaller units, it would be positive in relation to this particular imbalance.
- 7.2.8 The second consideration, at (a)(ii), concerns the housing needs of the Borough as informed by up-to-date evidence. The most recent evidence is the Strategic Housing Market Assessment Part II Update (2024), which identifies that 57.6% of the total market sale housing requirement is for three-bedroom units. The proposal would provide no three-bedroom units and in this respect, the proposed mix would not accord with the most up-to-date evidence of need. That said, there remains an acute need for dwellings of all sizes and the development would make a meaningful contribution towards meeting the need for smaller units.
- 7.2.9 The third consideration, at (a)(iii), concerns the location and accessibility of the site. The site lies on the periphery of the town centre, is physically constrained, and is highly accessible. Such a location lends itself well to the high-density flatted development proposed and considerably less well to the delivery of larger family homes. This consideration weighs in favour of the proposal and of the smaller unit mix it would deliver.
- 7.2.10 The fourth consideration, at (a)(iv), concerns recent completions, existing permissions and sites within the five-year land supply. These comprise a combination of higher-density flatted development providing smaller units and lower-density housing development including larger units. Taken overall, the pipeline reflects a reasonable mix of types and sizes, and this consideration is therefore regarded as neutral for the proposal.
- 7.2.11 In addition to the matters at criterion (a), Policy HO9(b) requires that the resulting scheme provide a density and character of development appropriate to its location and surroundings, and states expressly that significantly higher densities should be achieved in easily accessible locations. The site occupies a highly accessible location on the edge of the town centre, of precisely the kind to which that part of the policy is directed. The high-density form of development proposed is considered appropriate to, and is positively encouraged by, the

policy in this location, and the proposed density is therefore acceptable for the purposes of Policy HO9.

7.2.12 Policy HO9(c) seeks the provision of aspirational homes in appropriate locations, a list which includes the town centre and other highly accessible locations such as the application site. Aspirational homes are however, defined in the Local Plan as detached dwellings with large gardens. Homes of that kind are by their very nature incapable of being delivered within a high-rise flatted development on a physically constrained site such as this. The absence of aspirational homes is therefore an inevitable consequence of the form of development proposed rather than a shortcoming of the scheme and criterion (c) is not a consideration that can fairly be weighed against the proposal in these circumstances.

7.2.13 Drawing these matters together, the proposal represents windfall residential development on previously developed land in a sustainable, edge-of-centre location. It would make a significant contribution towards the Borough's housing requirement and accords with the strategic support for unallocated housing sites in Policy SP7 and with the criteria in Policy HO5, whether as currently adopted or as proposed to be amended. The scheme is for high-rise flatted development on a physically constrained and highly accessible site, which lends itself well to the provision of smaller units.

7.2.14 Whilst the assessed need for three-bedroom homes weighs against the proposed absence of larger units, none of the considerations under Policy HO9, taken individually or together, provides an irresistible justification for insisting that larger units be provided in this location and in this form of development. The proposed mix is therefore considered to accord with Policy HO9 which remains unchanged in the Local Plan Review (2024). The principle of development is accordingly considered to be acceptable.

7.3 Affordable housing

7.3.1 Policy HO7 seeks to maximise affordable housing provision and applies a target of 25% to schemes above the applicable national thresholds on previously developed sites. The application site comprises previously developed land and the 25% target therefore applies, which in the case of this 94-dwelling scheme, equates to a target of 24 affordable homes once rounded up.

7.3.2 The application proposes no affordable housing and therefore would not achieve the target. In these circumstances, Policy HO7 provides that permission will only be granted where one of two exceptions is engaged: where it is robustly demonstrated that the target cannot be achieved owing to site-specific constraints resulting in higher than normal costs that affect viability (criterion (a)); or where meeting the requirements would demonstrably and significantly compromise other policy objectives (criterion (b)). In this case, the applicant relies on criterion (a) and has accordingly provided a financial viability assessment.

7.3.3 The application as originally submitted, included a viability appraisal that concluded that if the applicant was to provide the full quota of affordable housing, then they would be left with a deficit of circa £5.4m. Further, the assessment also concluded that the scheme would be left with a £4.1m deficit if financial contributions were provided instead, which is only marginally smaller than the fixed profit target of £4.16m and would therefore result in the scheme generating no developers profit in real terms.

- 7.3.4 That assessment has been independently appraised by the Council's financial viability consultants as originally submitted and a further assessment was undertaken in 2026. The most recent independent appraisal concludes that, even on the basis of nil affordable housing provision, the development now generates a financial deficit of £9.08m. The scheme is therefore demonstrably unviable even before any affordable housing is brought into account, and there is consequently no scope for affordable housing to be delivered on the site at the present time.
- 7.3.5 Whilst the viability evidence demonstrates that affordable housing cannot be supported on the basis of current costs and values, viability is not fixed and may improve as the development is built out and sold. To address this, a review mechanism has been agreed with the applicant and would be secured through a section 106 legal agreement. The review would be triggered at 80% occupancy of the development and would therefore operate as a late-stage review, enabling any improvement in the scheme's viability towards the end of its delivery to be reassessed and any resulting capacity for affordable housing, or an equivalent financial contribution, to be captured. This provides an appropriate safeguard against the risk that the development proves more profitable in practice than the current appraisal indicates.
- 7.3.6 On the basis of this independently verified evidence, and with the protection afforded by the late-stage review mechanism, it is considered that the applicant has robustly demonstrated, in accordance with criterion (a) of Policy HO7, that the affordable housing target cannot be achieved for viability reasons. The proposal is therefore considered to accord with Policy HO7 of the Local Plan (2019) and Local Plan Review (2024) to which there has been no change to this policy in terms of required percentage of affordable homes on previously developed sites.

7.4 Impact on the appearance of the area

- 7.4.1 Policies SP8 and GD1 of the Local Plan (2019) and Local Plan Review (2024) as amended are deemed to carry significant weight. This is because they generally reflect the good design principles outlined in the NPPF and National Design Guide.
- 7.4.2 The application proposes the redevelopment of the existing surface car park for residential development which forms a key gateway site. The site lies adjacent to the existing Six Hills House which is a part four storey, part eight storey building which has been converted into residential apartments. The external elevations of the building have been finished in white coloured render and strategically placed colour panels utilising a simple palette of materials to provide contemporary design. Additionally, well-proportioned windows and door openings have been installed on the main building. There are also Juliette balconies which are finished in either timber or tinted glass balustrades. The roof areas have been finished with single ply painted copper effect roof membrane with a décor profile. The existing building is surrounded by surface car parking which is punctuated by trees with new cycle and bin stores being erected.
- 7.4.3 The proposed development comprises the erection of a ten-storey building with an undercroft and basement car parking area and comprising 94 residential units. The building would measure approximately 15.5m in depth and would span approximately 59m in width. In terms of height, the proposed development would have an overall height of approximately 30.5m.
- 7.4.4 The proposed building would be located on the periphery of the town centre. To compare the scale and height of the proposal with buildings close to the application site and similarly within

and on the periphery of the town centre, the development would be taller than Six Hills House by two storeys. Furthermore, in context with the application proposal, there are a number of tall buildings in the wider area of the Town Centre and its periphery, including Vista Towers (formerly Southgate House) which is a 13-storey building, Pine Tree Court which is a 6-storey building, The Towers which is 13 storeys and the Holiday Inn which is 7 storeys. Therefore, the proposed development would not be out of character with the wider area due to the range of building of heights.

- 7.4.5 Further, there are a number of approved planning permissions in the outer Town Centre area for tall buildings, such as the former Matalan site, former BHS site, The Forum, the former Icon site and the SG1 re-development proposals for the Town Centre. In the appeal statement for the Icon site (planning ref. 19/00474/FPM, appeal ref. APP/K1935/W/20/3255692), paragraphs 30-33, the Inspector concludes that tall buildings around the periphery of the Town Centre are not harmful *per se*, where they are close to other existing and proposed tall buildings within and outside the Town Centre.
- 7.4.6 In respect of the finished appearance of the development, the materials which would be used in the construction of the development would be a light grey render with dark grey sections to the north elevation; whilst the south, east and west elevations have a combination of grey render, and Belgravia Gault brickwork with white painted concrete block work to the car park. These materials are distinctive to the proposal development but the use of modern and contemporary materials are welcomed.
- 7.4.7 Serving the individual flats is a balcony area which comprises metal railings with frosted glazing and timber decking. On the northern elevation of the building, the proposed development would be constructed in a mid-grey cladding. The fenestration of the proposed building comprises metal framed fully glazed windows and doors. The top floor levels have been recessed and comprises full height glazing to the habitable room areas in order to break up the visual bulk of the development and provide variance to the built form.
- 7.4.8 Taking into consideration the aforementioned, the proposed development has a well-defined top, middle and bottom with distinctive window patterns through the building. The use of balconies combined with the brick projection on the southern elevation of the building also helps to add more modulation to the built form. The design and position of the windows combined with the balconies also helps to add architectural merit to the overall character and appearance of the building.
- 7.4.9 In regard to spatial layout, the building would run parallel with Six Hills Way with the eastern elevation fronting onto the cycleway and the western elevation fronting onto the railway line. The proposed development has been positioned approximately 16m from Six Hills House and 16m from Six Hills Way respectively. Given this, the development has been positioned in a way to allow sufficient views across the site and ensure that it does not appear cramped or overbearing. Furthermore, the visual gap also ensures that the building can be fully appreciated in its full architectural form given its distinctive style.
- 7.4.10 The development has also been designed to address both the site by creating a dual active frontage overlooking the surface car park and the cycle path to the east of the site. The site also has the main lobby entrance on the eastern elevation of the building with full height glazed area in order to create a focal point when viewed from the cycle path.

- 7.4.11 Taking into consideration of the above, the submitted proposal has been designed to create a high-quality development with the use of contemporary architecture in order to address this tightly constrained site. This is achieved through the introduction of a strong relief to the built form with a clearly defined top, middle and bottom with distinctive window patterns running through the building. The use of balconies and the brick projection helps to modulate the built form which is further broken up by the use of contrasting materials and along with the usage of glazing and climbing planters.
- 7.4.12 With respect to the ground floor car park, this would be well screened from the public realm due to the presence of a mature hedge which runs along the eastern edge of the site. The site is also set down from Six Hills Way due to the sloping nature of the site and there is a tree belt between the building and the highway. This would further screen the proposed ground floor parking area. Therefore, it would only be readily visible from the surface car park in the grounds of Six Hills House. The rear elevation provides articulation through the use of windows to create a vertical emphasis.
- 7.4.13 In summary, the proposed development would comprise a high-quality design to all elevations and would help to improve the visual amenities of the area. Nevertheless, it is recommended that if planning permission was to be granted, a condition would be imposed requiring samples of the materials to be submitted to the Council for approval. This would ensure that the development would have a high-quality appearance which enhances the overall character and appearance of the area on this important gateway site.
- 7.4.14 Subject to this, the proposal would comply with Local Plan (2019) policies SP8 and GD1 and as amended within the Local Plan Review (2024).

7.5 Impact upon residential amenities

- 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. Policy HO5 additionally requires windfall development to have an acceptable impact on the surrounding environment.

Outlook and privacy

- 7.5.2 In regard to outlook, the separation distance between Six Hills and the proposed development, which would be approximately 16m, would not appear overbearing to the future owner/occupiers of the properties within Six Hills House and vice versa. Turning to privacy, the Council’s Design Guide SPD does not have standards on separation distances for front to side elevations. However, there is still the potential for direct overlooking into private amenity areas of properties within Six Hills House and vice versa. Therefore, to overcome this issue, the applicant has angled the main habitable room windows which have been orientated east and west. This is to ensure that there is no direct overlooking of main windows of both the existing and proposed developments.

- 7.5.3 Turning to the proposed balcony areas, these have been carefully positioned to be screened by the projecting brickwork on the southern elevation of the development. This ensures that persons standing out on the balconies cannot directly look on to the habitable room areas of properties in Six Hills House. Turning to the terraces on the 9th floor of the development, at this point there would be no habitable windows within Six Hills House which would be directly affected.
- 7.5.4 Given the above, it is considered that the outlook and privacy of the existing and proposed developments would be acceptable.

Sunlight and daylight

- 7.5.5 An independent sunlight and daylight assessment by a suitably qualified person has been undertaken in line with the guidance set out in the Building Research Establishment (BRE) (2011) "Site Layout Planning for Daylight and Sunlight". After the submission of the application, this guidance was superseded with "Site Layout and Planning for Daylight and Sunlight June 2022" which includes updated methodologies for assessing the provision of daylight and sunlight to habitable rooms within proposed developments but does not make fundamental changes to the way in which impacts on existing residential properties are assessed.
- 7.5.6 Accordingly, the applicant was asked to provide an updated daylight and sunlight assessment for this application. A response was received on 30 November 2022 whereby the applicant's professional advisor on such matters, Herrington Consulting Limited, advised that a full updated report is not necessary. They have advised the following:

"The Guidelines are not just used as a tool to assess the adequacy of daylight and sunlight provision to new development. They are in fact used to inform the design process and as is very often the case, there are numerous design iterations before a compliant scheme is achieved. These design iterations are informed by the analysis we undertake during the design process. Therefore, in the case of the Six Hill development, the design was informed and shaped by the 2011 version of the BRE Guidelines.

Based on the assessment that was carried out at that time, it was possible to demonstrate that the habitable rooms within the proposed development met the requirements for the provision of good levels of natural daylight and sunlight. Whilst the assessment methodologies adopted in the updated version of the BRE Guidelines have changed during the period over which the application has been determined, the principle of providing adequate natural daylight to habitable spaces has not. In my professional opinion, I therefore believe that the aspirational targets set out within the original and updated versions of the BRE Guidelines will be met".

- 7.5.7 In this regard, it is not considered that the updated guidance from the BRE would result in fundamental changes to the assessment that follows.
- 7.5.8 The extant 2016 planning permission is a material consideration in the determination of this application as an accepted fall-back position. This extant permission determined that any harm identified in relation to the daylight and sunlight of the existing Six Hills development was within acceptable levels. Any additional harm identified by new reporting measures would be considered limited over and above that already identified.

- 7.5.9 Given that the proposed development would be located due north of the existing Six Hills House, there is the potential for the development to impact upon the level of daylight received on Six Hills House and vice versa. Dealing with daylight, the BRE guidelines operate on the principle that where the retained Vertical Sky Component (VSC) is 27% or greater, or where the VSC is below 27% but is not reduced to less than 0.8 times its former value, then the reduction in daylight would not generally be noticeable to the owner/occupiers and therefore, the level of impact is not sufficient to warrant refusal.
- 7.5.10 The assessment submitted with this application identified that the lower floors of Six Hills House would experience a notable change in the level of daylight received. However, the windows of the properties located on the northern elevation of Six Hills House have an open aspect and therefore, receive a greater level of daylighting than a typical window. Following a more detailed Average Daylight Factor (ADF) test, it has been demonstrated that all but 2 of the rooms on the northern elevation of Six Hills House would exceed the recommended values set out in the BRE guidelines.
- 7.5.11 The two rooms which failed were living/kitchen/dining rooms and only failed to reach the target ADF value by 0.5%. The BRE guidelines require flexibility of judgment when interpreting results. This is particularly relevant when rooms are open plan living/kitchen/dining rooms in urban developments. In this instance, the two affected rooms are approximately 7.7m deep with the living area situated nearest the windows and kitchens at the rear of the room.
- 7.5.12 Given this, the northern facing rooms within Six Hills House would still retain acceptable levels of natural daylight if the proposed development is implemented.
- 7.5.13 Turning to sunlight and overshadowing, the BRE guide states that sunlight is only relevant to neighbouring residential windows which have a view of a proposed development and face within 90 degrees of south. The necessary sunlight test has been undertaken, and this assessment has identified that the existing development (Six Hills House) would not have a detrimental impact on the level of sunlight which would be received by the development, or generate an unacceptable level of overshadowing of the proposed development. Furthermore, as the development is located due north of Six Hills House, it would not impact on the level of sunlight or generate an unacceptable level of overshadowing to the existing development

Private amenity space

- 7.5.14 The Council's Design Guide SPD (2025) states that in flatted developments, the Council will aim to achieve a minimum useable communal area of 50sqm, and for those over 5 units the area should equate to 10sqm per unit. However, it does note that flats may be excluded from the provision of amenity space where centrally located and public open space is easily accessible, for those developments where communal space is not provided, then balconies or terraces are an acceptable alternative.
- 7.5.15 The proposed development does not include communal amenity space due to the constrained nature of the site. However, the Council's Design Guide does state that upper floor flat dwellers rarely have access to garden space, therefore, where there is no communal space there should be a provision of balconies or roof gardens for the occupants of the development.
- 7.5.16 Taking into consideration of the above, the proposed development would comprise of approximately 500sqm of private balconies and terrace areas which would serve the individual

properties rather than the provision of communal open space. Furthermore, the application site is within walking distance to the Town Centre Gardens and King George V Playing Fields. Taking this into consideration, the site is accessible to areas of public open space which can be utilised by the residents of the development. Accordingly, the proposal complies with the requirements of the Design Guide SPD (2025) and therefore Policy GD1.

- 7.5.17 Given the aforementioned, it is considered that the proposed development would have an adequate provision of private amenity space to serve the future occupiers of the development and is highly accessible to public open space

Gross internal floor area

- 7.5.18 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.

- 7.5.19 Following an assessment of the proposed floor plans, all apartments would meet the minimum space standards as set out in the NDSS adopted into the Local Plan. Given this, there would be adequate living space standards for any future occupiers of these properties.

Noise

- 7.5.20 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.

- 7.5.21 Taking the above policy into consideration, due to the location of the proposed development in close proximity to the railway line and Six Hills Way which is a busy dual carriageway, the applicant has submitted a Noise Impact Assessment. It is set out in this assessment that the proposed development would be constructed with insulated render, 120mm Rockwool insulation on 150mm Metsec Frames fully filled with Rockwool insulation. In regard to the glazed areas, these would have specially designed double glazed windows and doors in line with British Standard BS8233:2014 (Guidance on sound insulation and noise reduction for buildings).

- 7.5.22 Following consultation with the Council's Environmental Health Department, it is considered that the proposed mitigation set out in the Noise Impact Assessment is acceptable. Their comments on the application remain unchanged when re-consulted in March 2026. Given this, if members were minded to grant planning permission, a condition could be imposed to ensure that the proposed development is constructed in accordance with the mitigation measures as set out in the submitted Noise Impact Assessment to ensure the development can adequately mitigate any noise impacts.

External lighting

7.5.23 In regard to external lighting, the applicant has not submitted any details about any lighting which would be installed on the building or around the application site. However, to ensure that any external lighting does not affect the amenities of the neighbouring residential properties within Six Hills House or the adjacent highways and railway line, it is recommended to add a condition to any grant of planning permission in order to deal with external lighting.

Conclusion

7.5.24 In conclusion, it is considered the proposed development would provide an acceptable living environment for future occupiers and would not harm the amenities of the neighbouring buildings in accordance with policies GD1, FP7 and FP8 of the Local Plan (2019) and as amended (where relevant) under the Local Plan Review (2024).

7.6 Means of access and traffic issues

7.6.1 The site is served by a single vehicle access road from Kings Road, which itself is a spur road off London Road connected via a mini roundabout. London Road, which is a two-way carriageway, is a designated secondary distributor road subject to a speed limit of 30 mph. The existing access road off Kings Road would be utilised as an access/egress point to serve both the proposed development and existing Six Hills House development. This access would not be altered as it is of a sufficient width for two-way traffic to safely enter and exit the site.

7.6.2 Turning to primary pedestrian access, this will be taken from the shared pedestrian and cycle track located adjacent to Kings Road. Pedestrian access into the proposed building will be taken from the ground floor level on the eastern side of the building. The proposal comprises a new footpath connection between the existing cycle track/footway located to the east of the application site and the proposed development. Additionally, a new footpath will run along the northern elevation of the building to allow for egress from the fire exits. This footpath has been assessed by Herts County Council as Highways Authority to be acceptable.

7.6.3 In respect of visibility splays, the existing access points on both Kings Road and London Road have adequate vehicle to vehicle and pedestrian inter-visibility splays in line with the Hertfordshire County Council's guidance. Therefore, vehicles entering and exiting should not prejudice the safety and operation of pedestrians, cyclists, and vehicles utilising the highway network, including the adjacent cycle track off Kings Road.

7.6.4 In regard to the internal road layout, the proposed car parking aisles would, as set out in the submitted Transport Statement, be between 4.31m to 6.85m in width. Given this, the internal road layout for the surface car park would be of a sufficient size to accommodate single-vehicle traffic as identified in the swept path analysis. However, the layout of the car park is such that there is no conflict between vehicles egressing and entering the site.

7.6.5 In assessing traffic generation, the applicant's transport consultant has produced a transport assessment which incorporates details of proposed traffic generation for weekdays. The traffic generation figures for motor vehicles identify that on a Weekday AM peak hour (08:00 to 09:00) there would be 27 two-way trips and in the Weekday PM peak hour (17:00 to 18:00) there would be 32 two-way trips. Given this, Hertfordshire County Council as the Highways Authority

considers that the low levels of trip generation to and from the site would be acceptable in that it would not prejudice highway safety.

- 7.6.6 In relation to proposed pedestrian and cycle access into the application site, this has been designed in a way to ensure that the existing footpath and cycle path link to the town centre is not detrimentally affected. Furthermore, this new connection ensures the development allows for a modal shift from the use of a motor vehicle where an individual can easily walk into the town centre or utilise the extensive cycle network. HCC Highways have assessed the application and have raised no objections in this regard. Therefore, it is considered that the proposed pedestrian and cycle access would be acceptable in this instance.
- 7.6.7 Under planning application reference number 21/00637/COND, the applicant sought to discharge conditions attached to planning application reference number 16/00482/FPM, relating to construction management and site waste management. Following consultation with HCC Highways, HCC Archaeology and Historic England amongst others, the temporary access for construction traffic from the cycleway on the eastern side of the site was agreed as acceptable in terms of highway safety and impacts on the adjacent Six Hills Barrows. The current application does not include details of the construction management, however, the Highways Authority are satisfied that this can be dealt with through a pre-commencement condition, as was successfully undertaken for the 2016 application.
- 7.6.8 Having assessed the application, HCC Highways are satisfied with the layout of the site in terms of motor vehicle, emergency vehicle and service vehicle access and the parking areas have ample turning aisles to enable vehicles to enter and egress in forward gear. It is noted that there are 2no. disabled spaces on the ground floor – which is undercroft style parking and open-sided. These spaces are measured on the plans to be approximately 4.8m long and 3.6m wide which HCC Highways acknowledged in their original comments as being acceptable although they do not appear to meet current standards. Notwithstanding this, disabled spaces are not a policy requirement for the application as no wheelchair user dwellings are being provided. It is noted that the disabled spaces are located at the edge of the car park and would benefit from additional space around them unencumbered by other spaces. HCC Highways' comments remain unchanged following a re-consultation in March 2026.
- 7.6.9 An approved Travel Plan, with £6,000.00 towards monitoring costs, in accordance with the HCC Travel Plan Guidance for Business and Residential Development has been requested by HCC Highways. As discussed in the developer contributions section of this report, the financial contribution would not be secured due to scheme viability, but the Travel Plan itself can be secured via a suitably worded condition.

7.7 Car Parking and Cycle Storage

Car parking

- 7.7.1 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 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.

- 7.7.2 The Council's Parking Provision SPD (2025) requires studios and 1-bedroom units to have 1 space and 2-bedroom units to have 1.5 spaces. In this regard, there is a requirement for a total of 118 spaces.
- 7.7.3 The application site is within residential accessibility zone 2 which allows for a provision of between 50% and 75% of the maximum baseline requirement. This would equate to a requirement of between 59 spaces at 50% provision and 89 spaces once rounded up at 75% provision.
- 7.7.4 The proposed development would comprise 18 parking spaces at ground level and a further 30 spaces over two basement levels (total provision of 48 spaces) which, even accounting for the 50% reduction available, is still a deficit of 11 spaces. In addition, since the application received a resolution to grant planning permission in 2022, the Council has updated its Parking Provision SPD which now requires parking spaces to measure 2.5m x 5m. The spaces as previously approved are now technically undersized.
- 7.7.5 Despite the above, the application site is in a highly sustainable location as it is located in close proximity to a number of local services and amenities located within Stevenage Town Centre along with the Asda Superstore, Nine Yards Retail Park and the Leisure Park. The site is also highly accessible via public footpath and cycle path connections which are located immediately adjacent to the eastern boundary of the site. The site is also in close proximity to a number of bus services and within walking distance to Stevenage Train Station and the re-located Bus Interchange.
- 7.7.6 Regarding the existing development at Six Hills House (East Terrace and West Terrace), the proposal would result in the loss of 42 car parking spaces on the site whilst leaving 114 spaces available. This existing development has a requirement for a maximum of 90 spaces which is below the 114 spaces that would remain available and therefore the loss of 42 spaces is considered acceptable in policy terms.
- 7.7.7 The basement car parks would be accessed via car lifts on the northern side of the building. The lifts would be centrally placed on the ground floor which would equate to the far western side of the basements. The submitted plans include swept path analyses which show that cars can enter and exit the car lifts and the car parks. HCC Highways as highways authority have assessed the plans and confirmed they have no concerns over the car lifts or basement parking in general. Their comments remain unchanged following a re-consultation in March 2026. Herts Fire and Rescue Service do not engage with planning applications and will assess the plans once submitted to Building Control.
- 7.7.8 Following concerns raised by Officers in relation to the original open plan nature of the car lifts, the plans were amended to relocate them in order that they could be enclosed with floor to ceiling walls on three sides and a roller shutter on the front. This will ensure that they are safely closed off from members of the public.
- 7.7.9 The Council's Parking and Enforcement Manager raised concerns that, whilst a reduction in parking provision would be in line with the Parking Provision SPD, and therefore policy compliant, there could potentially be over-spill parking into surrounding areas as a result, or through residents not wanting to use the car lifts to access the lower basement levels. Accordingly, they have requested a financial contribution, to be secured via a S.106 Legal Agreement, to carry out monitoring of the site and implement suitable parking restrictions

should it be determined to be necessary. This contribution is discussed later in this report in the developer contributions section.

- 7.7.10 Given the above and taking account of the highly sustainable location with excellent access to non-car modes of transport, on balance, it is considered that the proposed parking provision would be acceptable in this regard.

Disabled Parking Spaces

- 7.7.11 In line with the Parking Provision SPD that was in force at the time of submission (which has now been revoked), the applicant included 2no. disabled spaces. Based on the current Parking provision SPD (2025) that is now in force, there is no requirement for any disabled spaces to be provided because the development does not include any wheelchair user dwellings (Category M4(3) dwellings).

Visitor Parking Spaces

- 7.7.12 The Parking Provision SPD (2025) requires visitor spaces to be provided at a standard of 0.25 spaces per dwelling. If parking is to be allocated then these spaces will be required in addition to the parking spaces; where a significant portion of parking is unallocated, additional visitor spaces are not necessary. The number of visitor spaces may be reduced in line with accessibility zones. The parking on site is not allocated and therefore additional spaces for visitors are not required in this instance.

Cycle parking

- 7.7.13 The Council's Car Parking Standards stipulate that there should be 1 long-term secure cycle parking space per bedroom and 1 short term visitor space per 40 units. The number of bedrooms on site is 141 so that requires 141 long term spaces; 94 units would require 3 short term spaces once rounded up.
- 7.7.14 The proposed development would comprise of 145 long term spaces in a secure cycle storage area on the western side of the development and 3 short term spaces located in the main lobby foyer on the eastern side of the building. These spaces are in close proximity to the internal stairwells as well as the lifts which ensures that the store is easily accessible.
- 7.7.15 The originally submitted plans had the cycle storage in two-tiers and the Council's Parking and Enforcement Manager raised concerns about the accessibility of these two-tier cycle units in that the upper tier may be difficult for shorter or less able-bodied persons to reach and pull down. The plans were amended to have 120 spaces on two-tier racking and 25 spaces on Sheffield stands. Due to space constraints on the site the use of two-tier racking is still required to ensure that the total number of spaces can still be provided. Neither the Parking Provision SPD nor HCC's Design Guidance state that cycle storage *must* be in single tier racking, only that it is the preferred option. As such, the provision of cycle storage is still considered to be policy compliant.
- 7.7.16 It is noted that the Parking Provision SPD requires residential developments to provide at least 5% of the on-site cycle storage for adapted cycles. The developer has opted not to provide this, and as mentioned above, the site constraints would prevent this from being provided. It is noted that this would amount to a policy contravention of policy IT5.

7.7.17 Given the above, it is considered that there would be acceptable secure cycle parking provided within the development.

7.8 Tall Buildings and Fire Safety

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

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

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

7.8.3 Accordingly, this application has provided the required fire statement and the HSE were consulted. As a result of initial concerns raised by the HSE, the internal layout, staircases and fire escape routes were amended in line with the HSE's recommendations. The HSE have confirmed that the proposed development is now acceptable, and they have no objections or concerns. The detailed design of the fire safety measures would be dealt with at Building Regulations stage.

7.9 Development and Flood Risk

7.9.1 In the emerging Local Plan Review and partial 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 that has less than 1 in 100 annual probability of flooding. Therefore, all developments are generally directed to Flood Zone 1. Notwithstanding this, the application which has been submitted to the Council is classified as a Major, and the applicant has provided a drainage strategy.

7.9.3 The drainage strategy for this scheme proposes to discharge surface water to an existing Thames Water surface water sewer, with attenuation provided in an underground tank located beneath the building. The underground tank would comprise cellular storage crates located beneath the ground floor in the western half of the site. The tank is indicated as having a

footprint of 47.5m², 1.5m deep, and a total volume of 71.25m³, having been sized for the 1 in 100 plus 40% allowance for climate change rainfall event. The flow rate would be restricted to 2 l/s using an orifice flow device. The invert level of the storage crates is indicated as 88.09m AOD, connecting to the Thames Water surface water sewer at an invert level of 85.26m AOD. The Drainage Strategy assumes that the existing site discharges to the Thames Water surface water sewer and thus concludes that the proposed attenuation would result in betterment compared to the existing situation.

- 7.9.4 At the time the application was submitted, Herts County as Lead Local Flood Authority (LLFA) was not able to provide responses to planning consultations and as such, the Council engaged the services of an independent Drainage Consultant, WSP. The consultant raised concerns that the proposal did not consider all options to maximise the sustainability of the development and failed to address concerns from Network Rail in regard to proximity to the railway line, particularly their requirement of a 20m offset from the boundary.
- 7.9.5 The LLFA subsequently advised that there is no obvious potential for the proposed development to reduce existing flood risk in the surrounding area, and the proposed development would not increase the flood risk on or off the site, provided that national and local SuDS/surface water drainage requirements are considered. However, they would support the Council using third-party drainage consultants to review the proposals in more depth and provide site specific advice.
- 7.9.6 Amendments were made to the drainage strategy to avoid locating storage tanks within 20m of the site boundary as per Network Rail's requirements; in order to achieve this, blue roofs have been included and confirmation was provided by email that the building structure, specifically the basement design, would be capable of sustaining the additional weight of the blue roofs. Thames Water have agreed in principle to the connections to their sewers. Further, due to site constraints, Network Rail requirements and Building Regulations requirements, it is not possible to utilise ground infiltration methods.
- 7.9.7 It is important to note that the site is currently completely covered in hardstanding, contains no SuDS features, and discharges straight to the surface water sewer. The proposed development would not add any new impermeable surfaces and would add some surface level SuDS and some attenuation underground. Therefore, the drainage is an improvement on the existing situation and flood risk is reduced.
- 7.9.8 The Council's Drainage Consultant advised that the revised drainage strategy was acceptable subject to 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 on the application site; there are trees located around the perimeter of the site which are outside of the application site and as such they cannot be removed without the consent of the landowner. However, the applicant will need to undertake some works to these trees to ensure that there is no conflict with the proposed development. These works would need to be undertaken at the expense of the developer before works start on-site. Furthermore,

they would require the consent of the landowner to undertake the necessary works to these trees. The Council's Arboricultural Manager has assessed the application and raised no objections. Their comments remain unchanged following a re-consultation in March 2026.

7.10.3 Turning to landscaping, the applicant has not provided any plans relating to landscaping. As such, it is recommended that if members were minded to grant planning permission, a condition could be attached to any permission issued requiring the submission of a landscaping scheme which is to be approved by the Council. This will ensure that an acceptable landscaping scheme is implemented which strikes a balance between softening the appearance of the development and at the same time enhancing the visual amenities of the area.

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 This Legislation came into force after the application was submitted and as such cannot be retrospectively applied. Notwithstanding this, the application site comprises only hard surfaces and therefore even if the Legislation could be applied, the site would be exempt under the *De Minimis* exemption as less than 25sqm of habitat being impacted.

7.11.3 The application site is located adjacent to Six Hills Barrows which is a designated wildlife site as identified under Policy NH2 of the Local Plan (2019). The application site and the adjacent Six Hills apartment site are generally built up with buildings and surface car parking and are separated from the Six Hills Barrows Wildlife site by the existing cycle way and footpath. The applicant has undertaken a Phase 1 Environmental Survey to determine whether or not the proposed development would have an impact on the wildlife site.

7.11.4 The report submitted by the applicant did not identify any impacts which the development would generate given that the built form is located on previously developed land. Furthermore, due to the built-up nature of the site where there is no vegetation or water bodies, there would not be any protected species such as birds, flora, invertebrates, mammals and reptiles within the application site. Neither the Herts and Middlesex Wildlife Trust nor the Council's Green Spaces department have raised objections to the proposed development.

7.11.5 Herts and Middlesex Wildlife Trust have assessed the application and raised no concerns. However, to conserve and enhance the biodiversity of Stevenage, they have requested that the development incorporates integrated swift nesting bricks. The boxes need to be as high as possible and orientated facing north where possible. This can be secured via the imposition of a condition for boxes to be installed prior to occupation.

7.11.6 Given the above, it is considered that the proposed development would not have a detrimental impact on any protected species. Furthermore, the proposal would not have a detrimental impact on the nearby wildlife site and there is no requirement to provide a biodiversity net gain.

Further, a condition can be imposed on any decision issued that as part of the Construction Management Plan, measures are taken to protect the wildlife site during construction.

7.12 Impact on the Environment

7.12.1 The application site was previously used as a trackway and embankment over the railway line at the end of the 19th century which is likely to have involved limited importation of potentially contaminated materials. Over the last 30 years, the site has been utilised as a surface car park and as such there is the potential presence of hydrocarbons.

7.12.2 Regarding the surrounding area, the applicants Phase 1 Environmental Survey identified the following potential contaminative activities: -

- Railway lines with a single above ground storage tank;
- Factory 137m north-west of the site;
- Clay pits and brick fields which was 240m to the southwest of the site and infilled in 1898 and then partially replaced by terraced properties;
- Gasometer (245m to the southwest) which is now inactive;
- Various large industrial type buildings (unspecified use) 260m to the west.

7.12.3 Given the above, and as set out in the aforementioned survey, there would be potential for contamination to migrate beneath the site. However, the survey does not identify any significant contaminants on the site. Nevertheless, there is always the potential and as such the survey recommends that a watching brief is undertaken during initial site preparation to identify any potentially contaminated materials such as hydrocarbons.

7.12.4 Following consultation with the Council's Environmental Health Officer, it is considered that the recommendations set out in the report are acceptable. Therefore, they recommend a condition be imposed if permission were to be granted requiring the applicant to undertake a watching brief during the initial site preparation stage of the development. It is also recommended that if any unsuspected contamination is identified during the construction of the development, conditions can be imposed to require to applicant to assess the level of these contaminants and set out the necessary mitigation measures as required. These mitigation measures would have to be approved by the Council.

Air Quality

7.12.5 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).

7.12.6 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 pollutants which are generated during the construction phase of development.

7.12.7 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

- 7.12.8 With respect to noise, Policy FP7: Pollution, requires all development proposals should minimise, and where possible, reduce air, water, light and noise pollution.
- 7.12.9 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures will be required in the Construction Management Plan (CMP). Through the CMP, the hours in which noisy activities take place can be controlled along with the imposition of relevant mitigation measures being put in place to minimise the impact of noise from construction activities. Consequently, the imposition of such a condition is supported by the Council's Environmental Health Section.
- 7.12.10 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding tenants who would be housed within the development, these could be dealt with by Environmental Health.
- 7.12.11 Concerns from local residents relating to noise that arose during the construction of the neighbouring flatted development are noted, however, permission should not be refused for developments on the basis of construction noise. As mentioned above, a construction management plan will be required which can limit the hours of construction.
- 7.12.12 Turning to noise impacts on future occupiers of the development, the application has been accompanied by a Noise Impact Assessment (NIA). This NIA confirms that that the environmental noise impacts would be within acceptable limits within the proposed dwellings. In order to mitigate any potential noise impacts, the NIA recommends that the building is constructed with suitable sound insulation (wall, glazing, ventilation and roof) to meet British Standards. Environmental Health have assessed the application and has raised no concerns. Their comments remain unchanged following re-consultation in March 2026. However, it is considered appropriate to impose a condition on any decision issued should planning permission be granted that requires the development to be constructed in accordance with the NIA.

Light Pollution

- 7.12.13 In terms of light pollution, Policy FP7: Pollution of the adopted Local Plan (2019) requires all development proposals should minimise, where possible, light pollution. This policy remains unchanged within the Local Plan Review (2024). 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.

- 7.12.14 Turning to the operational side of the development, the applicant has not submitted a detailed lighting strategy. However, to ensure that any external lighting does not prejudice highway safety, railway safety or cause a substantive nuisance to neighbouring residential properties, a condition should be imposed on any permission issued.
- 7.12.15 In terms of lighting associated with the construction aspect of the proposed development, this is dealt with as part of a Construction Management Plan.

7.13 Impact on the site of archaeological importance

- 7.13.1 Policy NH9: Areas of Archaeological Significance of the adopted Local Plan (2019) states that The Six Hills (NH9/2) is an area identified as being of archaeological significance. As such, where a development proposal affects such areas, or has the *potential* to affect important archaeological remains on adjoining sites, developers will be required to submit the results of an archaeological field evaluation. The policy goes onto state that if in situ preservation of important archaeological remains is considered preferable, development proposals would be required to demonstrate how those remains will be preserved and incorporated into the layout of that development.
- 7.13.2 Policy NH9 then goes on to state, where in situ preservation of important archaeological remains is not feasible, planning conditions or obligations will ensure that appropriate and satisfactory provision is made for the investigation and recording of archaeological remains that will be damaged or lost before development commences and for the subsequent analysis and publication of results and, where appropriate, excavation. Where appropriate the management, enhancement and public presentation of archaeological remains and their setting will be sought.
- 7.13.3 The image below shows the extent of the policy area and Members will note that the application site itself is not within this policy area but adjacent to it:



- 7.13.4 Whilst outside of the application site, the Six Hills Barrows on the eastern side of the site are also a Scheduled Ancient Monument. Therefore, this scheme has potential to impact on the setting of this heritage asset. In support of this application, the applicant has submitted an

Archaeological Report. The report sets out that an Archaeological Desk Based Assessment was undertaken. In addition, as part of the overall methodology, data from the British Geological Survey (2021) as well as evidence from an archaeological evaluation undertaken in 2016 have been utilised to inform the mitigation measures detailed within the accompanying Archaeological Report.

- 7.13.5 However, before going into the mitigation measures, it is important to understand the history of the site which would further help to inform the mitigation measures which would be used. The Archaeological Report details that the earliest evidence recorded on the Hertfordshire Historic Environment Record (HHER) within the study area relates to vague accounts of surface finds of Palaeolithic hand axes within the vicinity of the study area (1758, TL 240 240), although one hand axe was detailed as being discovered immediately to the east of Danestrete, c.650m to the north of the site (418, TL 2370 2430). From around 4000 BC the mobile hunter-gatherer economy of the Mesolithic period gradually gave way to a more settled agriculture-based subsistence. The pace of woodland clearance to create arable and pasture-based agricultural land varied regionally and locally, depending on a wide variety of climatic, topographic, social and other factors. The trend was one of a slow but gradually increasing pace of forest clearance.
- 7.13.6 Aerial photographic analysis, as set out in the Archaeological Report, has identified a possible Late Neolithic or Early Bronze Age ring ditch in close proximity to the A1(M) corridor (6645, TL 2288 2343) located approximately 750m to the west of the site. Two isolated Neolithic artefacts have been recovered c150m to the northwest of the site, consisting of a polished flint axe head (612, TL 2352 2376) and non-descript flint tool (2239, TL 2350 2375). By the 1st millennium, i.e. 1000 BC, the landscape was probably a mix of extensive tracts of open farmland, punctuated by earthwork burial and ceremonial monuments from distant generations, with settlements, ritual areas and defended locations reflecting an increasingly hierarchical society.
- 7.13.7 The HHER lists four Iron Age coins which have been found by metal detecting within the general vicinity of the study area (22434, 22853, 23361, 23555, TL 23 24). Turning to the Roman Period, evidence for Roman activity within the Study Area relates to the Scheduled Monument of Six Hills Roman Barrows (1577, TL 2375 2370) located c.50m to the east of the site. The monument consists of six large round barrows aligned approximately north-south (36, 4291, 4292, 4293, 4294, 4295). They are assumed to be Roman burial mounds constructed about AD 100, although the scant records of their exploration during the 18th and 19th century are inconclusive. The barrows are assumed to be located along the eastern edge of a former road. The actual date for the road and barrows is uncertain; the road likely forms part of the Roman route between Welwyn and Baldock (Niblett 1995; 10565, TL 2378 2394). Evidence for drainage ditches, agricultural activity, settlement activity and burials are commonly associated with the course of Roman roads. Due to the relationship of the barrows with the alignment of the Roman road, it is likely that any below ground remains associated with the Scheduled Monument are restricted to the eastern side of the road alignment.
- 7.13.8 The Six Hills Roman Barrows form the largest surviving group of Roman burial mounds in England, with Roman Barrow monuments in general being a rare monument form. Originally, the Six Hills Barrows would have had a close relationship with the Roman road, designed to be highly visible in a rural environment to any travellers on the road. The monuments are now located within the urban expanse of Stevenage, surrounded on all sides by modern buildings severely limiting the surviving setting of the monument, containing the setting to the grassy area within which the monuments lay.

- 7.13.9 A Roman coin, recovered from surface deposits, has been found in association with the Six Hills Roman Barrows (433, TL 2374 2375). Further isolated Roman artefacts, consisting of coins and pottery, have been recovered at a distance to the north and east of the site (431, TL 2365 2414; 434, TL 2390 2449; 438, TL 2430 2423; 450, TL 2413 2359). No evidence for Roman activity was identified during the archaeological investigations immediately to the south of the site (Archaeological Solutions 2016), or during the evaluation stage (AOC 2016). Roman finds from the area are dispersed and limited in quantity. Apart from the presence of the Six Hills Barrows and alignment of the Roman road, recent archaeological investigations have yet to identify any contemporary features. As a consequence, the potential for encountering Roman activity within the study site is considered to be low to moderate.
- 7.13.10 Turning to the Medieval period, the Archaeological Report details that no finds of Anglo-Saxon date have been identified within a 1km radius of the study site. The historic village of Woolwicks, located approximately 1.1km to the northwest of the site, is recorded in the Domesday Book of 1086 as a small settlement containing 9 households. The larger settlement recorded at Stevenage is thought to lie approximately 2km to the north (Open Domesday 2016). During the later medieval period, documentary evidence suggests the land surrounding the Six Hills Barrows was designated as common land, and characterised as open pasture (12550, TL 2375 2362). During the majority of the post-medieval period the site is likely to have remained within common land.
- 7.13.11 Turning to post-medieval to modern times, Andrew and Drury's map of 1766 (not replicated) as detailed in the Archaeological Report shows the study site located to the west of Six Hills Barrows and associated road alignment, in an area of localised high ground open in character. The general character of the site remains unaltered between 1810 and 1822. The 1839 Stevenage Tithe map (not replicated) and associated Award record the site located in a narrow strip field listed as pasture.
- 7.13.12 The Ordnance Survey map of 1880 (not replicated), as detailed in the report, indicates that the site is now located within a larger field. The western boundary is now formed by the Stevenage to London railway, with the southern boundary defined by a raised causeway for a bridge over the railway (5101, TL 23603 23688). The layout of the site remains unaltered between 1898 and 1974. By 1986 the bridge causeway has been removed with the site now lying within the hardstanding car park associated with the newly constructed Six Hills House immediately to the south. A cycle path now forms the eastern boundary. The layout of the site remains unaltered up to the present.
- 7.13.13 With regards to past archaeological investigations, one of which was undertaken as part of planning application 16/00482/FPM, **no archaeology was observed**, and it was established that the site had been subjected to significant truncation with the removal of almost all subsoil, likely during the construction of the present Six Hills House in the late 1970s/early 1980s.
- 7.13.14 Notwithstanding this, there is still the potential presence of archaeological remains in the area which could be disturbed as part of the construction of the temporary access road. However, the current application does not include details of any mitigation measures as these would be dealt with via condition. Additionally, an Archaeological Watching Brief can be requested to be carried out during any works near to the Six Hills Barrows.
- 7.13.15 If extensive archaeological remains are uncovered, a meeting would be set up on site with the Archaeological Curator, Historic England, the Archaeological Contractor/supervising

archaeologist, the Archaeological Consultant, the Attendance Contractor and the developer. This will allow for a programme of investigation to be established and recording of the remains.

- 7.13.16 A key material consideration in the determination of this current application is the planning application 16/00482/FPM for an 8-storey building on the exact same site and an application to discharge the condition relating to construction management – 21/00367/COND. As part of the 2021 application, extensive consultations and discussions were carried out between the developer, HCC Archaeology and Historic England. As a result of these discussions, the construction management condition was satisfactorily discharged, with Historic England and HCC Archaeology being satisfied that the development would not harm the Six Hills Barrows or any potential archaeological deposits.
- 7.13.17 With regards to the County Council Archaeologist, they were formally consulted on the Archaeological Report and have confirmed that their comments remain unchanged from the 2021 discharge of conditions application and do not wish to object to the proposal.

7.14 Impact on the Scheduled Ancient Monument

- 7.14.1 Whilst outside of the application site, the Six Hills Barrows on the eastern side of the site are a Scheduled Ancient Monument. Therefore, this scheme will have an impact on the setting of this heritage asset. Scheduled monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979 (as amended).
- 7.14.2 Chapter 16 of the NPPF (2024) requires Local Planning Authorities to place great weight on preserving historic assets and their significance. Paragraph 213 states: 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.14.3 Additional to the above, Policy SP13 of the Adopted Local Plan relates to the historic environment. This states that the council will preserve and enhance the most important area and characteristics of Stevenage. This policy remains unchanged within the Local Plan Review (2024).
- 7.14.4 The Six Hills Barrows are a Scheduled Monument which was listed in 1923 and amended in 1996. The reason for the designation is because, as set out in Historic England's Records, the earthen barrows are the most visually spectacular survivals of a wide variety of funerary monuments in Britain dating to the Roman period. Constructed as steep sided conical mounds, usually of considerable size and occasionally with an encircling bank or ditch, they covered one or more burials, generally believed to be those of high-ranking individuals. The burials were mainly cremations, although inhumations have been recorded, and were often deposited with accompanying grave goods in chambers or cists constructed of wood, tile or stone sealed beneath the barrow mound. Occasionally, the mound appears to have been built directly over a funeral pyre.
- 7.14.5 The barrows usually occur singly, although they can be grouped into "cemeteries" of up to ten examples. They are sited in a variety of locations but often occur near Roman roads. A small number of barrows were of particularly elaborate construction, with masonry revetment walls or radical internal walls. Roman barrows are rare nationally, with less than 150 recorded examples, and are generally restricted to lowland England with the majority in East Anglia. The earliest examples date to the first decades of the Roman occupation and occur mainly within

East Anglian concentration. It has been suggested that they are the graves of native British aristocrats who chose to perpetuate aspects of Iron Age burial practice.

- 7.14.6 The majority of the barrows were constructed in the early second century AD but by the end of that century the fashion for barrow building appears to have ended. Occasionally the barrows were re-used when secondary Anglo-Saxon burials were dug into the mound. Many barrows were subjected to cursory investigation by antiquarians in the 19th century and, as little investigation to modern standards has taken place, they remain generally poorly understood. As a rare monument type which exhibits a wide diversity of burial tradition, all Roman barrows, unless significantly damaged, are identified as nationally important.
- 7.14.7 The Six Hills, therefore, according to the listing, form the largest surviving group of burial mounds dating to the Roman period in England. Whilst a degree of the landscaping has infilled the quarry ditches and levelled the outer banks, evidence for these will survive beneath the present ground surface. Previous excavations have disturbed five of the six mounds, but this disturbance is limited and significant archaeological deposits, including human remains with funerary assemblages, will survive providing valuable evidence for the dates of the mounds, the method of construction and the religious beliefs of the builders. The fills of the buried ditches are the old ground surfaces beneath the mounds will likely retain environmental information which will illustrate the nature of the landscape in which the mounds are set.
- 7.14.8 The Six Hills stand within an area of common land and are easily accessible to members of the public and visible from the adjacent highway, providing a striking and valued recreational and educational amenity value in Stevenage. Given the significance of the Six Hills Barrows as a Scheduled Monument, the proposed development is likely to have an impact on the historic setting of these Barrows.
- 7.14.9 In order to construct the development, the applicant requires a temporary access to be formed on the eastern side of the site, utilising the adjacent cycleway. In this regard, the temporary access has potential to impact the Barrows and their setting. Concerns from local residents regarding the permanent loss of the cycleway and surrounding trees are noted but are entirely unfounded. This construction access is temporary, and the land will be put back to its original condition post construction.
- 7.14.10 An assessment needs to be made as to whether a 10-storey building would impact the setting of the Barrows. The final details of this access would be for determination later via conditions; however, it is pertinent to determine the principle of the access at this stage. It is important to note that in 2021 (21/00367/COND) an application to discharge a condition relating to this access attached to the previously approved 2016 application was approved by members of the Planning and Development Committee after extensive negotiations with a number of Statutory Consultees to ensure that suitable mitigation measures were put in place to protect the heritage asset and undertake any necessary remediation works following completion of construction. Conditions can be imposed on any decision issued to ensure this is undertaken again for this current application.
- 7.14.11 Historic England and the Council's Conservation and Historic Advisor have assessed the current application and have raised concerns that the application does not include a Heritage Impact Statement as per the requirement of the NPPF and that the construction of the temporary access is likely to cause significant harm to the overall setting of the Six Hills

Barrows. Although this harm is less than substantial, it is at the higher end of the scale. Their comments remain unchanged following re-consultation in March 2026.

- 7.14.12 The Barrows are approximately 45m at their closest to the site boundary and separated by boundary hedgerows, a foot path, cycleway and grass verge. This separation distance is considered acceptable such that the 10-storey building would not appear over dominant from the site of the Barrows, especially given the presence of the existing Six Hills House, Kings Court and Asda Supermarket which already dominate the surrounding landscape. The boundary hedgerow and existing trees around the Barrows would provide a softening of the views to mitigate some of the impact. Further, the setting of the Barrows has already been undermined with the development of the New Town in the intervening years with developments such as Kings Court, the existing Six Hills House and neighbouring Asda Supermarket.
- 7.14.13 Given this assessment, and the impact that the development would have, Council's Conservation and Heritage Advisor and Historic England consider the impact of 'less than substantial harm'. However, whilst the scheme does result in 'less than substantial harm', the harm as advised, is at the higher end of the scale. Notwithstanding, and as set out in this report, the setting of the Barrows has drastically changed due to the introduction of the surrounding developments. In addition, the scheme would not entail any direct physical alteration to the heritage asset or its immediate plot.
- 7.14.14 Notwithstanding this, there are two relevant planning applications which are material considerations to the determination of this application. The first is the 2016 planning application (16/00482/FPM) for the erection of an 8-storey building which was granted planning permission. The second is a discharge of conditions attached to the 2016 application relating to construction management (21/00367/COND) approved in 2021. As part of these applications, Historic England entered negotiations with the developer to amend the temporary access such that they were satisfied the temporary access would not harm the Six Hills Barrows.
- 7.14.15 As a level of harm has been established, the Council should balance the 'less than substantial harm' identified against any 'public benefits' the proposal may result. Case law has determined that 'preserve' is taken to mean 'to do no harm'. The NPPF requires great weight to be given to conserving the significance of designated heritage assets (para 212). This is regardless of whether any harm may be 'substantial harm' or 'less than substantial harm' (para 212). Any harm should require clear and convincing justification (para 213). If a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal (para 214).
- 7.14.16 In undertaking that balancing, case law has confirmed that the presumption to preserve in the 1990 Act is a strong one and must be given 'considerable importance and weight'. For instance, less than substantial harm is not a less than substantial planning issue. However, that presumption is not irrefutable and can be outweighed by circumstances important enough to justify it. A decision maker that has followed the processes set out in the NPPF can be considered to have discharged their duties under the 1990 Act. The balancing, however, is not 'equal', the presumption to preserve must come first.
- 7.14.17 Case law (South Lakeland, 1992) has determined that 'preserve' means 'to do no harm'. However, if harm is identified, the NPPF provides a means of weighing either 'substantial harm' or 'less than substantial harm' to the significance of a designated heritage asset against the

public benefits of the proposal. In doing so, case law has emphasised the need to give “considerable importance and weight” to preserving listed buildings or the character and appearance of conservation areas (Barnwell Manor, Case No: C1/2013/0843). However, the presumption ‘to preserve’ is not irrebuttable and “can be outweighed by material considerations powerful enough to do so” (Forge Field (Case Nos: CO/735/2013; CO/16932/2013) and a decision maker that has followed the process set out in the NPPF, in respect to weighing harm and benefits, can reasonably be expected to have complied with the ‘statutory duties’ of the 1990 Act (Mordue, Case No. C1/2015/1067).

- 7.14.18 The proposed development would provide 94 dwellings, making a significant contribution to the aim of boosting housing supply through the redevelopment of sustainable brownfield sites. Whilst the Council can demonstrate a five-year land supply, the failure of the HDT score weighs in favour of the development. 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 to the setting of the ancient barrows.
- 7.14.19 In terms of an additional benefit, the development would generate a number of construction jobs as well as support positions in the supply chain. In terms of the construction jobs themselves, a number of these jobs will be drawn from the local market which would be secured as part of any S.106 agreement in line with the Council’s Developer Contributions SPD (2025).
- 7.14.20 It is acknowledged that the proposed development would not entail any direct physical alteration to the heritage asset or its immediate plot. In addition to this, the setting of the heritage asset has drastically changed due to the introduction of commercial and residential buildings in the immediate area.
- 7.14.21 Historic England advised that they request the applicant should provide a public information / interpretation board at the site of the Six Hills Barrows which would be publicly accessible. This would provide a public benefit to the scheme by way of improving public perception and knowledge of the Barrows. This can be secured through the imposition of a condition.
- 7.14.22 Through planning application reference 21/00367/COND to discharge conditions relating to Construction Management and Site Waste Management, the developer successfully negotiated amendments to their original design with Historic England, the Council’s Heritage and Conservation Advisor, Herts County Council as highways authority and Archaeologists to ensure that the developer would mitigate any harm to the heritage asset and wildlife site and make good the land for the temporary access once construction is completed. With suitably worded conditions imposed on this current application, the Council is confident that this can be achieved again.
- 7.14.23 Taking the aforementioned into account, officers have considered the advice of Historic England and the Council’s heritage consultant and assessed the impact of the development on the significance of the designated heritage asset. Officers consider the public benefits associated with the development as detailed above would outweigh the identified harm to the setting of the ancient barrows. Furthermore, officers are satisfied that any impacts on the Six Hills Barrows can be mitigated and dealt with via condition as was successfully achieved in 2021 for the extant planning permission on the site. Officers have therefore followed the

processes set out in the NPPF and have discharged their duties under the 1990 Act in relation to assessment of impact.

7.15 Impact on the Common

7.15.1 In accordance with Section 16 of the Commons Act 2006, the owner of any land registered as common land may apply to the appropriate national authority for the land (“the release land”) to cease to be so registered. Section 38 of the Commons Act 2006 states that restricted works on common land are prohibited without consent. In determining an application for works under Section 38. The criteria for determining an application for works are set out in Section 39 of the Commons Act 2006. These criteria include public interest in:

(2b) the conservation of the landscape

(2c) the protection of archaeological remains and features of historic interest.

7.15.2 Under the previous application to discharge conditions relating to the temporary construction access, it was determined that the proposed works would only fall on a part of the designated common land. Where the proposal falls on land which is designated Common, the Planning Inspectorate (the body which determines consents for work on a Common) has advised that consent is not required for the resurfacing of a common with loose material (e.g. gravel, shingle, crushed stone) so long as it does not impede or prevent public access or does not interfere with rights over the common, e.g. commoners’ rights to graze livestock.

7.15.3 It is understood that the temporary construction access for this current application would be the same as that which was previously approved in 2021 given the footprint of the application is the same as previously approved. Previously, the temporary access was permitted to be constructed from materials such as crushed stone/gravel along with the use of a EuroMat (ground protection mat for heavy goods vehicles) as recommended by Historic England. In addition, the temporary access was designed, through negotiations with Historic England, to ensure that there are no restrictions in place which would restrict the ability of the local community in being able to gain access to the common.

7.15.4 Notwithstanding this, conditions can be imposed on this application should members be minded to grant permission that will require these details to be submitted and approved again to ensure that the Common remains protected and remediation works are undertaken once construction is completed.

7.16 Sustainable construction and climate change

7.16.1 Under the Local Plan 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.

7.16.2 The applicant as part of the application has submitted a Sustainability and Energy Statement. The proposed development has been orientated southwards to ensure that the residential properties receive the maximum level of sunlight and daylight. This helps to provide higher level of natural light as well as reduce the level of heating required during certain periods of the day/year. The building would also be constructed in accordance with current Part L of the Building Regulations to ensure that the building is thermally efficient. In this regard, new homes are much more energy efficient than previously. The proposed development would also incorporate water saving measures to meet 105 litres per person per day. Furthermore, use of recycled materials would be utilised in the construction of the development and at least 50% of constructed waste will be diverted from landfill. This would be achieved through the implementation of Site Waste Management Plan (SWMP).

7.16.3 Further to the above, the development would comprise of advanced heating controls in order to regulate internal thermal comfort conditions according to room use. This would help to reduce energy wastage. All internal lighting would use a low energy system in order to reduce the energy footprint of the building. Blue roofs will be incorporated as part of the sustainable construction which will also meet the requirements of the sustainable drainage strategy.

7.16.4 Given the above, it is considered that the development has been carefully designed to ensure that it is energy efficient, has a low level of water consumption and is constructed in a sustainable manner with a high usage of recycled materials where possible and to limit the amount of construction waste being sent to landfill. These measures are all considered acceptable and can be secured via the imposition of a compliance condition should permission be granted. The application is therefore considered to be policy compliant in this regard.

7.17 Waste and Recycling

7.17.1 Policy GD1 and the Design Guide (2025) state that provision should be made within new developments for the storage and collection of waste. The submitted plans indicate that there is sufficient provision for general waste and recycling for this site. In addition, the bin stores are located within acceptable drag distances for future occupiers as well as refuse collectors. As such, a condition would be imposed to ensure the stores are provided prior to first occupation of the development.

7.18 Community Infrastructure Levy

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

Development Type	CIL Rate (£ per square meter)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m 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

7.18.2 CIL is a non-negotiable charge. The rate applicable to this type of development would be £100/sqm and the final 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.

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

7.19 Developer Contributions

7.19.1 Developer contributions are the means by which new development is required to contribute towards the infrastructure and other measures needed to mitigate its impacts. They take two principal forms: planning obligations, secured by way of a legal agreement under section 106 of the Town and Country Planning Act 1990; and the Community Infrastructure Levy (CIL), a charge levied on new floorspace under the Community Infrastructure Levy Regulations 2010. Please refer to the above section 7.18 for full details of CIL.

7.19.2 Planning obligations secured under a section 106 agreement are the second form of contribution. Where an obligation does not arise from a specific policy requirement elsewhere in the development plan, they are secured under Policy SP5, the Council's strategic infrastructure policy. This requires new development to contribute fairly towards the demands it creates and lists a broad range of infrastructure and measures towards which contributions may be sought.

7.19.3 However, for any obligation to be taken into account, it must also satisfy the three statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010: it must be (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.

7.19.4 A number of candidate obligations have been identified in connection with this scheme:

- Affordable housing (addressed in full in the affordable housing section above);
- An employment and skills plan, setting targets for the proportion of construction-phase employment to be filled by Borough residents and for the provision of apprenticeships, with financial penalties where reasonable endeavours to meet those targets are not made;
- A contribution of £372,269 towards primary education, requested by Hertfordshire County Council;
- A contribution of £305,327 towards secondary education, requested by Hertfordshire County Council;
- A contribution of £6,000 towards travel plan monitoring, requested by Hertfordshire County Council;
- A contribution of £12,000 towards the introduction of new traffic regulation orders on the surrounding road network, requested by the Council's engineers; and
- A contribution of £10,000 towards the Council's cycle hire scheme, as suggested by the Council's Developer Contributions Supplementary Planning Document.

- 7.19.5 Affordable housing is itself a planning obligation and is recorded here for completeness. As set out in the affordable housing section above, the independently verified viability evidence demonstrates that no affordable housing can be supported at the present time, but a late-stage review mechanism would be secured through the section 106 agreement to capture any improvement in viability over the course of the development.
- 7.19.6 Of the remaining candidate obligations, only the employment and skills plan would be secured through the section 106 agreement. The employment and skills obligations are capable of being secured notwithstanding the viability position because they operate on a reasonable-endeavours basis rather than requiring a fixed financial contribution that the scheme cannot support.
- 7.19.7 The requested contribution of £12,000 towards traffic regulation orders is considered to fail the first of the Regulation 122 tests. The request is made on the basis that future residents would be reluctant to use the proposed on-site parking, which would be accessed by means of a car lift, and would instead park on the surrounding streets. However, the proposed car lift does not conflict with adopted policy or guidance, and the parking provision is assessed to be acceptable. It follows that the requested contribution is not necessary to make the development acceptable in planning terms. As the parking is acceptable, the contribution is not necessary, it therefore fails the first Regulation 122 test and cannot be required.
- 7.19.8 The remaining obligations (i.e. the primary and secondary education contributions, the travel plan monitoring contribution and the cycle hire contribution) are each assessed to be compliant with Regulation 122. They are necessary, directly related to the development, and fairly and reasonably related in scale and kind to it, and would ordinarily be sought under Policy SP5. However, the independently verified viability evidence demonstrates that the development cannot support these contributions, and they therefore cannot be secured. The consequence is that the development would not contribute towards the infrastructure demands it creates to the extent that Policy SP5 requires, and the proposal accordingly conflicts with Policy SP5 in this respect. The weight to be attributed to that conflict is considered in the conclusion to this report.
- 7.19.9 The updated appraisal in April 2026 by Aspinall Verdi (AV) concluded that even in a scenario where the developer provides 100% market sale housing, the scheme provides a significant deficit of circa -£9.08m when taking account of the financial contributions sought. This deficit is clearly significantly in excess of the S.106 obligations of £706,000 sought, meaning no contributions can be viably supported.
- 7.19.10 AV further advised that although one could argue that obligations should still be sought to mitigate development impacts, the applicant's viability appraisal had not factored them in, yet still showed the scheme to be unviable. In these circumstances, seeking any financial contributions would be unreasonable and could undermine deliverability.

7.20 Planning History

- 7.20.1 The planning history of the site is a material consideration. The most relevant feature of this site's planning history is a permission granted in 2017 (16/00482/FPM) for the erection of an eight-storey building comprising 64 flats (referred to throughout this report as the 2016 application). A material start has been made on that permission, with the consequence that it

remains extant and the development authorised by it is capable of being completed at any time. The 2017 permission therefore represents a "fallback" position: a development that the applicant could lawfully carry out irrespective of the outcome of the present application.

- 7.20.2 The weight to be attached to a fallback position is not fixed but instead depends upon the likelihood of it actually being carried out. The established legal position is that there need only be a real prospect of the fallback being implemented, a prospect that is more than merely theoretical. It does not have to be shown to be probable or likely, and the Council is not required to have firm evidence that the fallback will be implemented.
- 7.20.3 In the present case, the likelihood of the fallback being carried out points in two directions. On the one hand, the viability evidence indicates that the 2016 scheme would itself be significantly unviable, which might suggest that its implementation is not a realistic prospect. On the other hand, the scheme now proposed is also highly unviable, and yet the applicant is actively pursuing it. The applicant's evident willingness to progress an unviable scheme demonstrates that unviability is not, of itself, an impediment to building out development on this site, and it cannot therefore safely be assumed that the unviability of the 2016 scheme would prevent its implementation. Weighing these considerations, it is considered that there remains a real prospect of the fallback being carried out, and that it should be afforded weight in the assessment of the current application.
- 7.20.4 It is also relevant to note the form that the fallback would take if implemented. The 2016 scheme would deliver 64 flats and would be accompanied by some £110,000 of contributions towards affordable housing and primary education. A section 106 legal agreement has been signed and completed on this previous application. In contrast to the scheme currently proposed, the fallback would therefore mitigate a proportion of its own infrastructure impacts, with the result that its impact on infrastructure could be lower than that of the current proposal, albeit delivering fewer homes in the process. This is a notable feature of the comparison between the two schemes, which is considered further in the conclusion of this report.

7.21 Equality, Diversity and Human Rights

- 7.21.1 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.
- 7.21.2 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.
- 7.21.3 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.
- 7.21.4 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.

- 7.21.5 In terms of inclusive access, in accordance with adopted 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. Additionally, the building will have level access and lifts to all floors. It is noted that the emerging Policy HO11 now requires 10% of dwellings on major applications to be wheelchair user dwellings and 40% to be accessible and adaptable. No wheelchair dwellings are to be provided which is compliant with the policy as currently adopted.
- 7.21.6 The scheme also seeks to deliver disabled parking provision which has been located in an appropriate location in close proximity to the entrance of the main residential building.
- 7.21.7 It is accepted that the application only provides around 17% of the total cycle storage provision as single tier which could be prejudicial to disabled users or those unable to lift a cycle into a two-tier racking system; further, no adapted cycle spaces are provided. This is weighed up in the final planning balance.

8. CONCLUSION

- 8.1 The principle of residential development has been established on this application site through planning permission reference 16/00482/FPM, which has been deemed to have been legally implemented; as such there remains a real prospect of this fallback being carried out. This weighs in favour of the application.
- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the Council's most recent Housing Delivery Test result means that the policies most important for determining the application are to be treated as out-of-date. The presumption in favour of sustainable development at paragraph 11(d) of the National Planning Policy Framework is therefore engaged, with the consequence that permission should be granted unless the circumstances identified at paragraphs 11(d)(i) or 11(d)(ii) apply.
- 8.3 The proposed development would provide 94 residential units which makes a meaningful contribution towards meeting the borough's housing requirements, on a suitable, well-connected brownfield site, at a time when housing supply in the Borough is significantly constrained. Having regard to paragraph 73(d) of the Framework, this benefit attracts great weight in favour of granting permission. The application has demonstrated that the scheme would be capable of providing a good standard of accommodation.
- 8.4 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. Paragraph 125(c) of the NPPF places great weight on reusing brownfield sites and states that proposals should be supported unless substantial harm would be caused.
- 8.5 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. These economic benefits attract moderate weight in favour of the application.
- 8.6 Subject to the imposition of an appropriate condition, the development would deliver a modest heritage benefit through the provision of a heritage interpretation board, improving public understanding of the area's heritage assets, a benefit which attracts limited weight in favour of granting permission.

- 8.7 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The car parking and cycle parking are considered acceptable given the site's sustainable location which is a neutral matter. Additionally, HCC Highways have determined that the development would not harm highway safety.
- 8.8 The proposed development would have an acceptable impact on the amenities of neighbouring occupiers, would be acceptable in terms of private amenity space, and the collection of waste and recycling is likely to be acceptable, all accordance with the adopted Design Guide SPD and Policy GD1 of the Local Plan (2019); these are neutral matters.
- 8.9 The development is of a high-quality design which creates a landmark feature on an important gateway into Stevenage Town Centre. Furthermore, the proposed development would not have a detrimental impact on nearby trees or ecology. Moreover, the proposed development would be a sustainable form of development where it would be energy efficient and adaptable to climate change.
- 8.10 The development would cause harm to the significance of the scheduled monument known as the Six Hills Roman Barrows, through development within its setting. That harm is less than substantial but at the higher end of that scale. In accordance with paragraph 212 of the Framework, great weight is afforded to the conservation of this designated heritage asset, with additional weight applied to reflect the particularly high level of its significance. The harm requires clear and convincing justification and must be weighed against the public benefits of the proposal.
- 8.11 It is considered that the harm is clearly and convincingly justified by the pressing need to deliver additional housing and to make effective use of well-connected previously developed land. Weighing the high level of less than substantial harm against the very significant public benefits of housing delivery on a suitable brownfield site, together with the moderate economic benefits and the limited benefit of the heritage interpretation board, it is concluded that the public benefits of the development outweigh the harm to the heritage asset. It follows that the heritage policies of the Framework do not provide a clear reason for refusing the application, and the presumption is not disengaged by paragraph 11(d)(i).
- 8.12 Officers are satisfied that any impacts on the Six Hills Barrows can be mitigated and dealt with via condition as was successfully achieved in 2021 for the extant planning permission on the site. Officers have therefore followed the processes set out in the NPPF and have discharged their duties under the 1990 Act in relation to assessment of impact.
- 8.13 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.
- 8.14 By reason of its viability, the development would not contribute towards mitigating the pressures it would place upon primary and secondary education provision, contrary to Policy SP5. The weight attributed to this harm is limited, given that the development would comprise exclusively smaller units, the majority of them studios and one-bedroom flats, which are less likely to be occupied by families with children of school age.
- 8.15 A number of other harms nonetheless weigh against the proposal. By reason of its viability, the development would not contribute towards mitigating the pressures it would place upon primary and secondary education provision, contrary to Policy SP5. The weight attributed to this harm is limited, given that the development would comprise exclusively smaller units, the majority of

them studios and one-bedroom flats, which are less likely to be occupied by families with children of school age.

- 8.16 For the same reason of viability, the development would not contribute towards the Council's cycle hire scheme, which represents a further conflict with Policy SP5. That harm is compounded by the failure to provide adequate cycle parking within the development, contrary to Policy IT5. Given the highly accessible location of the site and the limited car parking the development would provide, these failures to promote sustainable transport are notable missed opportunities and together attract significant weight against the proposal.
- 8.17 The development would also fail to provide car parking in accordance with the Council's standards, the level of provision falling below the recommended range, which represents a further conflict with Policy IT5. In the absence of compensatory sustainable transport provision, the harm arising from this conflict attracts moderate weight against the proposal.
- 8.18 In addition, the proposal conflicts with a number of policies in the emerging Local Plan Partial Update, notably Policy HO11 (in respect of wheelchair user dwellings) and Policy CC1 (in respect of energy efficiency). By reason of the advanced stage of preparation of the emerging plan and the consistency of these policies with the Framework, they are afforded significant weight, and the harms arising from the conflicts with them attract moderate weight against the proposal.
- 8.19 In all other respects, including the viability-tested affordable housing position, the proposal is considered to be acceptable and in accordance with the relevant policies. These matters are neutral in the balance.
- 8.20 Drawing all of these matters together, the benefits of delivering 94 good quality dwellings on a well-connected brownfield site, at a time when housing supply in the Borough is significantly constrained, are considered to outweigh the harms that have been identified. It is therefore concluded that the proposal accords with the development plan when read as a whole. Having regard to the policies of the Framework taken as a whole and, particularly noting the emphasis it places on making effective use of land in sustainable locations, the adverse impacts of granting permission would not significantly and demonstrably outweigh its benefits. It follows that planning permission should be granted.

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 and also subject to the applicant having first entered into a S106 legal agreement to secure the following:-
- A clawback mechanism to secure financial contributions in lieu of affordable housing;
 - Apprenticeships and construction jobs;
 - An appropriate trigger for the associated Section 278 Highway Works;

SUBJECT TO THE FOLLOWING CONDITIONS/REASONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
119-3GA-00C; 119-3GA-07C; 119-3GA-11D; 119-3GA-12E; 119-3GA-08B; 119-3GA-10B; 119-3GA-06A; 119-3GA-04D; 119-3GA-01C; 119-3GA-02D; 119-3GA-03D; 119-3GA-05D; 119-3GA-09D; 119-3EX-00;
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 In line with the Desk Study and Ground Investigation by Hydrock dated 22 September 2022 (reference SHW-HYD-XX-XX-RP-GE-S2), a watching brief should be adopted during the initial preparation works to identify any potentially contaminated materials e.g. hydrocarbon staining due to the previous use of the site of the car park. Where identified, materials should be segregated, sampled, analysed, categorised and disposed of off-site in accordance with current legislative requirements.
REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in The National Planning Policy Framework.
- 9 At least 50% of the residential units are to meet 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 noise mitigation measures as detailed in the Noise Impact Assessment prepared by KP Acoustics Ltd, dated 26/01/2022 shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- 11 The development hereby approved shall be constructed in accordance with the measures to address adaptation to climate change as laid out in the Sustainability and Energy Statement by Icen Projects Ltd dated January 2022 unless otherwise agreed in writing by the Local Planning Authority.

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

- 12 No development shall take place (including demolition and site clearance) until a construction methodology statement has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To safeguard the safety of the adjacent Network Rail mainline railway.

- 13 No development shall take place (including demolition and site clearance) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include the following additional matters;

- 1) Construction vehicle numbers, type, routing;
- 2) Access arrangements to the site;
- 3) Traffic management requirements;
- 4) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
- 5) Siting and details of wheel washing facilities;
- 6) Cleaning of site entrances, site tracks and the adjacent public highway;
- 7) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- 8) Provision of sufficient on-site parking prior to commencement of construction activities;
- 9) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- 10) 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;
- 11) The proposed methods of construction (including details of any excavation/buildings/piling/scaffolding which are located within 10m of the railway line and/or in close proximity to Thames Water assets);
- 12) Risk assessment in relation to the railway;
- 13) Details on the screening or enclosure of plant and machinery;
- 14) Details of dust control measures;
- 15) Details of any vibro-compaction machinery which is to be used in development;
- 16) Details of mitigation measures to protect the Common Land, Wildlife Site and Six Hills Barrows to the east of the site during the construction phase of the development.
- 17) Details of how the safety of existing public highway users and existing public right of way users will be maintained;
- 18) The provision for addressing any abnormal wear and tear to the highway;

- 19) The details of consultation with local businesses or neighbours;
- 20) The details of any other Construction Sites in the local area;
- 21) Signage.

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

- 14 No development shall take place (including demolition and site clearance) unless the developer has complied fully with the requirements of the Department for Transport's DMRB Standard CG 300: Technical Approval of Highway Structures. The Approval in Principle and Design and Check Certification, accompanied by full structural details, shall be submitted and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the details submitted and Construction Compliance certification and documentation submitted to the Highway Authority.

REASON:- In the interests of public safety, to ensure that construction of the development hereby permitted does not affect the stability of the adjacent public highway.

- 15 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:- In order to reduce the level of waste generated during the construction of the development and to recycle all waste where possible.

- 16 No development shall take place until a final design of the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall include:

- Updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year plus climate change event, including infiltration options.
- Updated full detailed surface water drainage plan showing the proposed discharge point, the location of the proposed SuDS features, any pipe runs and size.
- Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs along with all corresponding detailed calculations/modelling.
- Exceedance flow paths for surface water for events greater than the 1 in 100 year plus climate change.

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

- 17 Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Provision of complete set of as built drawings including the final drainage layout for site drainage network.
- Maintenance and operational activities for the lifetime of the development.
- Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

- 18 No development shall take place until samples of the materials to be used in the construction of the external surfaces development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.
- 19 No development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions and:
1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation www.hertfordshire.gov.uk
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
REASON:- To ensure the preservation of potential remains of the site following archaeological investigation.
- 20 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis and publication where appropriate.
REASON:- To ensure the preservation of potential remains of the site following archaeological investigation.
- 21 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. Soft landscaping details will need to take into consideration Network Rail's acceptable and unacceptable planting (see Informative No.8).
REASON:- To ensure a satisfactory appearance for the development.
- 22 No development shall take place above slab level until the proposed ventilation scheme for the development has been submitted to and approved in writing by the local planning authority. The detailed measures that will be implemented shall ensure that the specifications at Table 6.1 of the Noise Impact Assessment Report (Report reference 13395.NIA.02, prepared by KP Acoustics Ltd, dated 26/01/2022) can be achieved. The ventilation scheme shall be installed in accordance with the approved scheme and shall be retained for the lifetime of the approved development
REASON:- To ensure there is an acceptable living environment for future occupiers and neighbouring residential properties.
- 23 No development shall take place above slab level until there has been submitted to and approved in writing by the Local Planning Authority, details of the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure. The approved boundary treatments shall be completed before the dwellings are occupied.
REASON:- To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.

- 24 No development shall take place above slab level until details of 10 integrated swift boxes (including model and location) marked on a plan, have been submitted to and approved in writing by the Local Planning Authority. The approved swift boxes shall be fully installed prior to occupation and retained as such thereafter.
REASON:- To increase opportunities for wildlife in new developments.
- 25 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.
- 26 Prior to the first occupation of the dwellings hereby permitted, the approved secure cycle parking area shall be constructed in accordance with the approved plans and shall be permanently retained in that form.
REASON:- To ensure that there is sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.
- 27 Prior to the first occupation of the dwellings hereby permitted, the general waste and recycling stores and plant areas associated with the development shall be implemented in accordance with the details shown on approved plans. The stores and plant areas shall thereafter be retained and maintained accordingly for the lifetime of the development.
REASON:- To ensure the storage areas have an acceptable appearance and are of sufficient size to accommodate the number of bins which are required for this development.
- 28 Prior to the first occupation of the development hereby permitted, the parking spaces shown on approved plans 119-3GA-01D and 119-3GA-00C shall be constructed, hardsurfaced and made ready for use taking into account the following:
a) The underlying infrastructure for connection to the electricity network to enable them to be served by electric vehicle charging points shall be provided;
b) They shall be constructed in a porous material or provision 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 motor 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.
- 29 Prior to the first occupation of the development hereby permitted, details of An Armco or similar barrier shall be provided. This barrier shall be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing/wall must not be removed or damaged. The barrier would need to be installed at each turning area, roadway and car parking area which is located adjacent to the railway.
REASON:- In order to protect infrastructure associated with the railway line managed by Network Rail.
- 30 Prior to the first occupation of the development hereby permitted, details of an interpretation panel in a suitable, publicly accessible location to improve public perception and understanding of the adjacent scheduled monument of 'The Six Hills Roman barrows' shall be submitted to and approved in writing by the Local Planning Authority. The interpretation panel shall be installed prior to first occupation of the development hereby permitted.
REASON:- In order to enhance the understand of the Six Hills Barrows which is a Scheduled Ancient Monument.

- 31 Before first occupation of the development hereby permitted, a Travel Plan in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be in place from the first occupation until 5 years post occupation.
REASON:- In order to deliver sustainable transport objectives including a reduction in car journeys and increased use of public transport, walking and cycling.

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

- 1 Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework 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 Police Crime Prevention

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".

6 Thames Water

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 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Through the centre of the proposed development there are easements and wayleaves. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development.

7 Network Rail

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures.

There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

8 **Network Rail Trees/Shrubs/Landscaping**

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:-

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:-

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request to Network Rail.

9 Hertfordshire County Council as Highways Authority

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

10 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.

11 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.

12 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.

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. The applicant is advised of the Council's powers under the Control of Pollution Act 1974 to restrict noise generating construction (including demolition) activity audible beyond the development site boundary.

14 **Biodiversity Net Gain**

Applications where Biodiversity Net Gain is not required as development is considered De Minimis

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.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

1. Development below the de minimis threshold, meaning development which:
 - a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

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

10 BACKGROUND DOCUMENTS

- 1 The application file, forms, plans and supporting documents having the reference number relating to this item. Online copies may be obtained at <https://publicaccess.stevenage.gov.uk/online-applications/>
- 2 The application file, forms, plans and supporting documents having the reference number 16/00482/FPM, relating to the extant planning permission on the site. <https://publicaccess.stevenage.gov.uk/online-applications/>
- 3 The Stevenage Borough Local Plan 2011-2031 <https://www.stevenage.gov.uk/planning-and-building-control/planning-policy/local-plan>
- 4 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>
- 5 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.