

STEVENAGE BOROUGH COUNCIL
**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Tuesday, 30 June 2026

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Claire Parris (Chair) , Nigel Williams (Vice-Chair) , Julie Ashley-Wren, Forhad Chowdhury, Peter Clark, Rob Henry, Doug Bainbridge CC, Jody Hanafin, Jackie Hollywell, Peter Wilkins and Myla Arceno

Start / End Time: Start Time: 6.30pm
End Time: 9.10pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Lynda Guy and Ellie Plater.

Councillor Myla Arceno and Nazmin Chowdhury were present as substitutes.

2 MINUTES FROM THE PREVIOUS MEETING

The Minutes of the meeting of the Planning and Development Committee held on 4 June 2026 were agreed as a correct record and signed by the Chair.

3 26/00281/FP - 46 BASILS ROAD

The Team Leader presented the report, which sought planning permission for the conversion and extension of the existing mixed-use property at 46 Basils Road to provide six one-bedroom flats.

The presentation outlined the proposed extensions and alterations, the proposed parking and cycle provision, and the key planning considerations that had informed the recommendation for approval.

The Chair introduced Mrs Maria Da Silva-Gane, a local resident to address the Committee.

The Committee heard from the objector, speaking on behalf of local residents, who raised concerns regarding the scale of the development, the standard of accommodation for future occupiers, parking provision, the impact on neighbouring amenity, bin storage arrangements and the effect on the character of the surrounding area.

The Chair introduced Kenya Sharland, a consultant on behalf of the applicant address the Committee.

The applicant's consultant addressed the Committee in support of the proposal, advising that the scheme had been amended following discussions with officers and that it would bring a vacant building back into use whilst delivering six much-needed homes in a sustainable location.

The Chair thanked both speakers for their contributions and invited the Team Leader to respond.

It was noted that although the proposal did not achieve the recommended back-to-back separation distance or provide the full parking standard, officers considered the impacts to be acceptable having regard to the proposed mitigation measures, including obscure glazing to protect neighbouring privacy, and the site's sustainable location close to local services and public transport.

Members were also advised of two late representations received from Hertfordshire Fire and Rescue Service and the local MP, both of which had been considered by officers.

During questions to officers, Members sought clarification on the proposed obscure glazing and its impact on future occupiers, the parking provision and residents' eligibility for parking permits, the height and design of the proposed extension, waste management arrangements, the consultation undertaken with neighbouring residents and the relevance of a restrictive covenant.

Members also expressed concerns regarding the standard of accommodation for future occupiers, parking pressures, the impact of the proposal on the character of the area and the potential precedent that could be set by approving the development.

To allow proceedings to move to a debate a proposer and seconder was required. Councillor Bainbridge moved, and Councillor Ashley-Wren seconded the report, and the motion was declared **CARRIED**.

During the debate, Members expressed concerns that the proposal represented an overdevelopment of the site. Concern was raised regarding the outlook and natural light available to two of the proposed units, together with the limited separation distances and potential overlooking of neighbouring properties.

Members also discussed the proposed parking provision, noting that only four off-street parking spaces were proposed to serve the six flats. Concerns were expressed that the surrounding streets already experienced significant parking pressures and that the development would be likely to exacerbate these issues, including within the existing residents' permit parking area.

It was noted that the proposal would have an adverse impact on the character of the Old Town and result in the loss of a family-sized dwellings.

Whilst Members recognised the need to deliver smaller homes and acknowledged the importance of increasing the supply of flats within the Borough, it was suggested

that a revised scheme with fewer units, providing a better standard of accommodation and improved parking provision, may have been more acceptable.

It was **RESOLVED** that application 26/00281/FP be **REFUSED**, and following consultation with the Director of Planning and Regulation and the Chair, the reasons for refusal are as follows:

The proposed development, by virtue of its proximity to the rear elevation of No. 47 Grove Road fails to meet the required minimum back to back separation distance as laid out in the Local Plan (2019), Local Plan Partial Review (2024) (Reg19) and the Council's Design Guide (2025) and would therefore likely result in an unacceptable outlook and loss of privacy for the occupiers of this property. The obscure glazed windows to the rear first and second floor flats designed to mitigate this loss of amenity to the neighbour would result in an unacceptable outlook for the future occupiers of the flats and a poor living environment. The proposal is therefore contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019) and the Local Plan Partial Review (2024) (Reg19), the Council's Design Guide SPD (2025), National Planning Policy Framework (2024) and the Planning Practice Guidance (2014).

The proposed development fails to demonstrate that adequate provision for car parking can be provided on site for 6 one bedroom flats, in accordance with the Council's standards set out in the Parking Provision SPD (2025). The proposal would likely result in vehicles from the development parking on-street, in an area already constrained by parking of vehicles on the public highway, which exacerbate existing on-street parking issues to the detriment of highway safety and neighbour amenity. The proposed development is therefore contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019) and the Local Plan Partial Review (2024) (Reg19), the Council's Parking Provision SPD (2025), the National Planning Policy Framework (2024) and Planning Practice Guidance (2014).

4 **26/00301/FP - EASTERN SIDE OF STEVENAGE RAILWAY STATION**

The Committee received a presentation on the application seeking planning permission for the installation of a memorial bronze sculpture of Nala the Cat within the public realm adjacent to the Gordon Craig Theatre and the pedestrian route to Stevenage Railway Station.

Members were advised that the sculpture would commemorate Nala, who had become well known locally through her regular presence at the railway station and following on social media.

The sculpture had been designed to resemble Nala sitting on a station ticket barrier and would be privately funded through crowdfunding.

Members were advised that the proposed location had been selected to avoid obstructing pedestrian movement and would remain fully accessible for wheelchair users and those with pushchairs.

In response to questions, officers confirmed that, should the site be redeveloped in the future, the sculpture could be removed without damage and relocated, with any future location to be determined at the appropriate time.

To allow proceedings to move to a debate a proposer and seconder was required. Councillor Williams moved, and Councillor Chowdhury seconded the report, and the motion was declared **CARRIED**.

During the debate, Members expressed unanimous support for the proposal, recognising Nala the Cat as a well-known and much-loved part of the Stevenage community.

Members commented on Nala's positive impact on commuters and visitors to the railway station, noting that she had become widely recognised both locally and beyond the Borough.

The Committee welcomed the proposal as a tribute to Nala's legacy and agreed that the sculpture would provide a lasting memorial for residents and visitors alike. No objections were raised during the debate, and the Committee proceeded to vote on the application.

It was **RESOLVED** that planning permission be **GRANTED** subject to the conditions set out below and delegated authority be given to the Director of Planning and Regulation in consultation with the Chair of the Planning and Development Committee, to amend or add to the conditions subject to which the permission would be granted, where such amendments or additions would satisfy the relevant national policy tests and would most effectively deliver the development which the Committee has resolved to approve.

SUBJECT TO THE FOLLOWING CONDITIONS/REASONS

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Sculpture Design Proposal by Ben Twiston-Davies.

2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission

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

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

INFORMATIVE

1 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).

2 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. DC88 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>.

5 26/00304/FP - LAND TO THE SOUTH-EAST OF ST NICHOLAS JMI SCHOOL

The Committee considered the application for a public stag sculpture to be installed southeast of St. Nicholas School, on land owned by Stevenage Borough Council.

Officers confirmed the proposal was policy compliant, causing no loss of designated open space, and offered a positive visual and cultural contribution to the area.

The sculpture, formed in durable corten steel, was assessed as acceptable in scale, design, and siting, with a 4.5-metre offset from the Millennium Avenue path ensuring no obstruction or highway impact. It was noted that the installation would generate no noise, odour, lighting, or amenity harm.

The Committee acknowledged comments regarding durability, climbing, vandalism, and littering, alongside the artist's assurances that the proportions discouraged

climbing and that the prominent location reduced antisocial behaviour risks.

Members raised questions on safety measures, potential fencing, costs, and funding and officers advised that funding derived from a separate public art fund and that any protective features could be considered outside the planning process. The cultural relevance of the stag to Stevenage and Hertfordshire was recognised.

To allow proceedings to move to a debate a proposer and seconder was required. Councillor Chowdhury moved, and Councillor Ashley-Wren seconded the report, and the motion was declared **CARRIED**.

It was noted that members had expressed strong support for the proposed piece of public art, commenting on its design and being well suited to its setting.

Members stated that art, music and culture were important contributors to wellbeing and quality of life, and they welcomed efforts to enhance the town's appearance.

Some concern was raised regarding the likelihood of children attempting to climb the structure despite its height, and it was acknowledged that the artist would be holding a public conversation at Junction 7 in early July, which members were encouraged to attend.

It was **RESOLVED** 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.

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

Proposed stag sculpture; Site Location Plan; Block Plan;

2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

3 The external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.

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

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

INFORMATIVE

1 Public Information on Planning Applications

Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

2 Community Infrastructure Levy

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

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

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

3 Building Regulations

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

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

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- Excavation for foundations
- Damp proof course
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- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

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4 Party Wall etc. Act 1996

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

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

5 Biodiversity Net Gain

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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>

6 **26/00305/FP - LAND TO THE NORTH OF FAIRLANDS VALLEY CAR PARK**

The Committee considered the planning application for a Flight Trace sculpture, next to the Millennium Path and Monks Wood at Fairlands Valley Park.

Officers advised that the stainless-steel artwork, designed to trace the natural flight paths of local birds, was policy compliant and would not result in the loss of principal open space or harm neighbouring amenities. It was noted that it would have a reflective finish, and would produce no light or noise emissions.

Members questioned the abstract form, dimensions, and materials, and officers confirmed the structure's height range and its steel construction intended to integrate with the surrounding landscape.

To allow proceedings to move to a debate a proposer and seconder was required. Councillor Williams moved, and Councillor Arceno seconded the report, and the motion was declared **CARRIED**.

It was **RESOLVED** 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.

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

Site Location Plan; 001 Block Plan; 001 Design Dimensions;

2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

3 The external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying

planning submission documents unless otherwise agreed in writing by the local planning authority.

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

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

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- 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
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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.

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

7 21/01283/FPM - NORTH CAR PARK

The Senior Planning Officer reported that the application was for a 10-storey residential block of flats proposed on the former car park site to the north of Six Hills House. The application had originally been received in 2021 and was previously considered by the Committee in December 2022, when Members resolved to grant planning permission subject to the completion of a Section 106 agreement securing financial contributions and a review mechanism to capture any uplift in profits for affordable housing.

It was noted that the matter had returned to Committee because the Section 106 process had stalled. The Officer confirmed that the development proposal itself had not changed since the 2022 resolution; only the financial contribution levels had been updated.

Officers provided photographs showing the current condition of the site, surrounding views, and the relationship with nearby features.

Officers also outlined the parking arrangements, including undercroft and two basement levels providing a total of 48 parking spaces.

The Chair introduced Gigi Dinut, a local resident to address the Committee.

The objector explained that the application contained unsafe defects, including drainage infrastructure located outside the red-line boundary, unenforceable off-site engineering works, and disabled parking bays that failed Equality Act safety requirements.

The speaker reported that the scheme caused heritage harm with no public benefit, offered no affordable housing, and relied on unconfirmed financial contributions despite County Council objections. It was further stated that determining the application shortly before adoption of the updated Local Plan and revised CIL risked shifting infrastructure costs onto local taxpayers.

The Chair thanked the speaker and invited the Senior Planning Officer to respond.

The Planning Officer explained that the drainage strategy for the application had originally been independently assessed and approved, with updated conditions later agreed following a late objection from the Lead Local Flood Authority.

Members were advised that the Education Authority had also withdrawn its objection after further legal advice confirmed that a review clause could be secured within the Section 106 agreement to capture any future uplift in profit for education contributions.

It was highlighted that the scheme before the committee was materially identical to that already approved in 2022, with the only change being the removal of financial contributions due to viability constraints. Officers reported that all technical matters including drainage, highways, amenity, ecology and archaeology had been fully assessed and found acceptable. It was noted that Historic England's current heritage objection conflicted with their previous acceptance of an implemented 2016 permission on the same site.

Members noted that the Council's housing delivery stood at 38% on target, triggering the presumption in favour of sustainable development. Officers concluded that although the development would cause less than substantial harm to the setting of the Six Hills Barrows, this harm was outweighed by the significant public benefits of delivering 94 new homes on a well-connected brownfield site.

Overall, the committee was advised that refusal on grounds not previously identified could be considered unreasonable, and that the established principle of development, combined with pressing housing need and policy support, weighed strongly in favour of granting permission.

Members questioned why an earlier permission granted a decade prior had not progressed, and officers explained that although initial works had begun, the site had subsequently changed ownership and a revised, taller scheme was later submitted, with delays arising from Section 106 negotiations.

Questions were raised regarding the absence of an updated heritage impact assessment, and officers advised that the applicant relied on the previously accepted assessment from the earlier permission.

Further discussion covered whether determination should wait for the adoption of the local plan, with officers cautioning that deliberate delay would conflict with national policy requiring timely decisions.

Members also sought clarification on viability deficits and Section 106 review mechanisms, and officers confirmed that viability reviews were standard practice and could secure future financial uplifts for both borough and county contributions if market conditions improved.

Questions were raised about existing traffic congestion near a key roundabout, and officers reported that the highway authority had reviewed the submitted transport assessment and concluded that any increase in trip generation would remain within acceptable limits and would not compromise highway safety.

At this juncture Councillor Ashley-Wren moved, and Councillor Hollywell seconded the report.

To allow proceedings to move to a debate a proposer and seconder was required. Councillor Ashley-Wren moved, and Councillor Hollywell seconded the report, and the motion was declared **CARRIED**.

It was **RESOLVED** 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;
- 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;

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 9 At least 50% of the residential units are to meet Category 2: Accessible and Adaptable dwellings.
- 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.

- 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 Iceni Projects Ltd dated January 2022 unless otherwise agreed in writing by the Local Planning Authority.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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).
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.

- 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.
- 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.
- 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.

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 Rail's 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 (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), 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>

8 INFORMATION REPORT - DELEGATED DECISIONS

It was **RESOLVED** that the Information Report – Delegated Decisions be noted.

9 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

It was **RESOLVED** that the Information Report – Appeals / Called In Decisions be noted.

10 URGENT PART I BUSINESS

There was no Urgent Part I Business.

11 EXCLUSION OF THE PRESS AND PUBLIC

It was **RESOLVED**:

1. That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.

2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

12 URGENT PART II BUSINESS

There was no Urgent Part II Business.

CHAIR