



**PLANNING AND DEVELOPMENT COMMITTEE**

**Date: Tuesday, 11 September 2018**

**Time: 6.30pm,**

**Location: Council Chamber**

**Contact: Lisa Jerome 01438 242203**

Members: Councillors: D Cullen (Chair), M McKay (Vice-Chair), D Bainbridge, L Briscoe, M Downing, J Fraser, ME Gardner, J Hanafin, L Harrington, L Kelly, G Lawrence, J Lloyd and G Snell

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**AGENDA**

**PART 1**

**1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

**2. MINUTES - 14 AUGUST 2018**

To approve as a correct record the Minutes of the previous meeting held on 14 August 2018.

Pages 3 – 24

**3. 18/00045/FP - 18B BOULTON ROAD, STEVENAGE**

To consider retrospective change of use from D1 (Training Centre) to D2 (Gymnasium).

Pages 25 – 42

**4. 17/00826/FPM - PLOT 2000, ARLINGTON BUSINESS PARK, STEVENAGE**

To consider the erection of a four storey office building (Use Class B1a), petrol filling station with ancillary convenience store and coffee drive-thru outlet with associated access, parking and circulation arrangements, landscaping and associated works.

Pages 43 – 80

**5. 18/00427/FP - 38C QUEENSWAY, STEVENAGE**

To consider the installation of new extract ductwork on the rear elevation and flat roof area.

Pages 81 – 88

**6. 18/00473/FP - SILKIN COURT, CAMPKIN MEAD, STEVENAGE**

To consider an application for a two storey infill extension, internal alterations and remodelling of main entrance to facilitate the creation of 5no. one bed flats.

Pages 89 – 96

**7. INFORMATION REPORT - DELEGATED DECISIONS**

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

Pages 97 – 110

**8. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

Pages 111 – 112

**9. URGENT PART I BUSINESS**

To consider any Part I Business accepted by the Chair as urgent.

**10. EXCLUSION OF THE PRESS AND PUBLIC**

To consider the following motions that:

1. Under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved 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 (if any) 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.

**11. URGENT PART II BUSINESS**

To consider any Part II Business accepted by the Chair as urgent.

## STEVENAGE BOROUGH COUNCIL

### PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 14 August 2018

Time: 6.30pm

Place: Council Chamber

**Present:** Councillors: David Cullen (Chair), Maureen McKay (Vice-Chair), Doug Bainbridge, Lloyd Briscoe, Michael Downing, Michelle Gardner, Jody Hanafin, Liz Harrington, Lizzy Kelly, Graham Lawrence, John Lloyd and Graham Snell.

**Start / End Time:** Start Time: 6.30pm  
End Time: 8.54pm

#### 1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were submitted on behalf of Councillor J Fraser.

There were no declarations of interest.

#### 2 MINUTES - 24 MAY 2018

It was **RESOLVED** that the minutes of the Planning & Development Committee held on 24 May 2018 are approved as a correct record and signed by the Chair.

#### 3 17/00543/FP - 4 FISHERS GREEN, STEVENAGE

The Committee considered an application for the demolition of the existing dwelling and the erection of 4 no. three bedroom dwellings and relocation of vehicular access.

The Development Manager gave an introduction and visual presentation to the Committee.

The Chair then invited Ms Juliet Simpson, objector, to address the Committee.

Ms Simpson raised the following issues:

- the building was an example of one the few remaining 17<sup>th</sup> Century cottages in Stevenage;
- one of the structures on the site and some hedges had already been removed (ie. prior to any grant of planning permission);
- an ecological survey had revealed the possibility of bats roosting in the building;
- the building should have been listed as, despite the internal alteration and changes to the rear of the property, the authentic frontage largely remained unchanged;

- there had been over 190 objections to the application;
- BEAMS (SBC's Conservation Advisor) had supported the retention of the building, considering it a "non-designated heritage asset"; and
- the plot could be developed leaving the existing building in situ.

The Chair thanked Ms Simpson for her presentation and then invited Mr C Scudder, applicant and owner of the site, to address the Committee.

Mr Scudder considered that the officer report came to a reasonable conclusion that planning permission should be granted based on the responses received from consultees. In particular, he drew attention to the comments of Historic England and Albion Archaeology that the existing building was not worthy of retention.

Mr Scudder stated that the proposal was for redevelopment of brownfield land, and would provide 3 additional dwellings towards the Council's housing targets. There would be no loss of local facilities and the site was in a sustainable location. There would be no harm to the amenity of adjacent properties and no highway safety issues had been raised. He felt that the proposal made a positive contribution to the area and therefore asked the Committee to support the recommendation to grant planning permission.

The Chair thanked Mr Scudder for his presentation and invited the Development Manager to continue.

The Development Manager advised that the main issues for consideration in the consideration of this application were the acceptability of the proposal in land use policy terms; impact upon the character and appearance of the area; impact upon the amenities of neighbouring properties; suitability of the residential environment; impact on the highway network; and car parking provision.

The Development Manager explained that the site was not included in the Local Plan and was therefore a "windfall" site. The proposal was to build the new dwellings largely on the footprint of the existing dwelling. The net gain of 3 dwellings would go towards the 5 Year Land Supply that the Council was expected to identify. The site had good access to alternative modes of transport and was close to local facilities.

In terms of character and appearance, the Development Manager stated that the 4 proposed new dwellings were of modern design and would blend in with the existing street scene. In terms of the existing cottage, Historic England had commented that a significant proportion of its historic fabric had been eroded by successive alteration and extension. Accordingly, Historic England had not recommended it for listing.

With regard to residential amenity, given the angle between the proposed new properties and their existing neighbours and the use of obscure glazing where appropriate, the Development Manager considered that there would be no issues of overdominance or loss of light sufficient to warrant a refusal of permission.

The Committee noted that the County Council was content with the relocated access to the site and that the 8 proposed parking spaces accorded with SBC's adopted

Supplementary Planning Document. In respect of ecological issues, a condition was recommended to require the installation of bat access units in two of the new dwellings.

The Development Manager confirmed that BEAMS had submitted objections to the application before Historic England had surveyed the property and concluded that it was not worthy of listing. Both the interim and final report from Historic England had been supplied to BEAMS who had not provided any further written comments on either report.

The Committee debated the application. A number of Members expressed concern that BEAMS had not confirmed in writing that they were no longer objecting to the proposed demolition of the cottage. They felt that the fact that Historic England had not listed the building did not mean that it was appropriate to demolish this historic property.

Accordingly, it was moved and seconded that planning permission be refused on the grounds that the proposed demolition of the cottage would result in the loss of an historic property to the detriment of the character and visual amenities of the area and the benefit of the residential development would not compensate for the loss of this property.

Following a vote,

It was **RESOLVED:**

That planning permission be refused for the following reason:

The proposed demolition of the cottage would result in the loss of an historic property to the detriment of the character and visual amenities of the area and the benefit of the residential development would not compensate for the loss of this property. The development is, therefore, contrary to policy TW9 of the Stevenage District Plan Second Review 1991 - 2011 (adopted 2004), Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 - 2031, Publication Draft (2016), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).

#### **4 18/00305/FP - COREYS MILL LANE, STEVENAGE**

The Committee considered an application for the conversion of existing parking lay-bys and amenity land into end on parking bays with additional footpaths adjacent to the kerbs. This would enable the number of parking spaces to be increased from 12 to 24.

The application was before the Committee for determination as the applicant was Stevenage Borough Council and the works were proposed on behalf of the Council by the Engineering Services Section.

The Development Manager gave an introduction and visual presentation to the Committee. He advised that the main issues for consideration in the determination

of the application were the impact of the loss of this area of amenity land on the character and appearance of the area; and the acceptability of the new parking in highway safety terms.

The Development Manager explained that whilst the creation of additional parking in lieu of open space (including the removal of 3 trees) would alter the character and appearance of the area, the proposal would accord with Policy IT8 of the Emerging Local Plan in providing additional parking in an area where there was currently severe parking problems.

Although the County Council had raised no objections on highway safety grounds, they had raised an objection on sustainability grounds, citing that the proposal significantly undermined the objectives of the newly adopted Hertfordshire Local Transport Plan 4 (LTP4) which aimed to promote sustainable modes of transport over the use of the private car. The Development Manager commented that the Engineering Services Section had confirmed that, whilst supporting the principles of LTP4, it was felt that the Hospital site was a special case due to its under-provision of on-site parking.

For the above reasons, the Development Manager recommended that planning permission be granted.

The Development Manager undertook to refer back to the Engineering Services Section requests by Members for some of the proposed spaces to be disabled bays and for litter bins to be provided in the area adjacent to the Old Walled Garden.

It was **RESOLVED**:

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed location plan, R/153/1 and R/153/3.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The materials to be used in the construction of the new parking spaces and footpath areas hereby permitted shall be as specified on the drawings and application details forming part of this application.
4. Prior to the first use of the parking spaces hereby permitted, details shall be submitted to and agreed in writing by the Local Planning Authority of the replacement trees and their locations in order to offset the loss of the existing trees at the site. The replacement planting shall be undertaken as agreed in the first available planting season following the completion of the works.
5. If within a period of five years from the completion of the development the replacement landscaping and trees die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species, unless otherwise agreed in writing by the

Local Planning Authority.

6. No removal of trees shall be carried out on site between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless searched beforehand by a suitably qualified ornithologist.

**5 18/00268/FPM - 85-103 QUEENSWAY, STEVENAGE**

The Committee considered an application for the partial demolition of existing buildings to facilitate the erection of a new residential building comprising 39no. studio, 54no. one bed and 1no. two bed flats with under-croft car parking; retention of existing office use (Use Class B1) on upper floors; change of use of existing retail units (Use Class A1) to a mixed use development of Use Classes A1 (Shops), A2 (Professional & Financial Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments) and D2 (Gym) with associated enhancements to shop frontages; replacement canopies; public realm improvements and associated car parking and highway works.

The Principal Planning Officer gave an introduction and visual presentation to the Committee. He advised that the main issues for consideration in the determination of the application were its acceptability in land use policy terms; the impact on the character and appearance of the area; the impact on both existing neighbouring amenities and future residential amenity; the effect of the proposals on the highway network; and the adequacy of parking provision and flood risk.

The Principal Planning Officer explained that the principle of residential development had been established as being acceptable in this town centre site, which did not conflict with the Council's vision and strategy for the town centre. Whilst the application site was not allocated for residential development within the adopted District Plan, a proposed mixed use development of retail and residential was considered to be acceptable. Although a high-density scheme, the location close to the town centre, bus and rail stations and cycle and pedestrian facilities represented a sustainable location, which was able to accommodate a high-density proposal. In view of this, the proposal was considered to accord with the Council's adopted District Plan policies which related to developments in the town centre. Furthermore, the town centre was allocated for residential development in the emerging Local Plan.

The Committee was informed that the design and layout of the development would not significantly harm the amenities of the occupiers of neighbouring residential properties, and the residents of the proposed apartments would enjoy an acceptable level of amenity. In design terms it would represent a high quality development resulting in an attractive gateway to the town centre, which would assist in the wider aspirations of redeveloping the town centre and provide an enhancement of the public realm at and adjacent to the application site. In addition, through the modernisation of the Queensway shopping parade, this would help to enhance the overall visual landscape of this part of the town centre.

The Principal Planning Officer commented that the proposal contained adequate off-street parking in line with the Council's adopted standards, as well as an appropriate

level of cycle parking provision in a convenient location. Issues relating to construction management, materials, public realm improvements, affordable housing and developer contributions could be satisfactorily addressed through the use of conditions or the proposed Section 106 legal agreement.

In respect of various queries raised by Members, the Principal Planning Officer responded as follows:

- there would be brand new bin stores for both the residential and retail elements of the scheme.
- the existing concrete panels on the Queensway frontage would either be deep cleaned or replaced.
- the 25% affordable housing to be provided would be private rented units (with rents capped up to 80% of market value).

The Committee requested that the parking survey referred to in the report should also include data relating to on-street parking after 5pm, as the potential impact of the housing element of the scheme on residential streets in the Bedwell area would not necessarily be confined to daytime hours.

It was **RESOLVED:**

That planning permission be granted subject to the applicant having first entered into and completed a Section 106 legal agreement to secure/provide financial contributions towards:

- Libraries and Youth Facilities;
- The improvement of outdoor sports facilities and children's play space;
- Contributions towards a car parking study, TROs and replacement of Pay and Display Machine Signage and Road Markings;
- The cost of evaluating, assessing the residential Travel Plan;
- A financial contribution towards sustainable transport infrastructure in Stevenage Town Centre;
- To secure the on-site provision of affordable housing; and
- To secure the provision of 1 no. CCTV System,

the detail of which be delegated to the Assistant Director of Planning and Regulation, in liaison with the Council's appointed Solicitor, and subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
P1.1; P1.2; P4.1b; P4.2; P4.2.1, P4.3a; P4.4a; P4.4.1 P4.5; P5.1; P5.2; P5.3; P5.4; P5.5, P5.6; P5.7a.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. No development, other than works of demolition, shall commence until a



schedule and sample of the materials to be used in the construction of the external surfaces of the 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.

4. Notwithstanding details specified in the application submission, no public realm landscaping works shall commence until a scheme of soft and hard landscaping and details of the treatment of all hard surfaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all new planting to take place including species, size and method of planting. The approved landscaping scheme shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner.
5. 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.
6. Prior to the first occupation of the ground floor mixed Use Class A1 (Shop) to A3 (Restaurants and Cafes) and Use Class A1 (Shop) to A4 (Bars and Public Houses) units as detailed on drawing number P4.1b, a scheme for the installation of equipment to control the emission of fumes and smell from these premises shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first occupation of these units. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
7. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
8. No development, including site clearance or demolition works, shall commence until a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highways authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Management/Method Statement shall address the following matters:-

- (i) Details of a construction phasing program (including any pre-construction, demolition or enabling works);

- (ii) Hours of construction operations including times of deliveries and removal of waste;
  - (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning area;
  - (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
  - (v) Details of provisions for temporary public car parking during construction;
  - (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
  - (vii) Screening and hoarding details;
  - (viii) End of day tidying up procedures;
  - (ix) Construction and storage compounds (including areas designated for car parking);
  - (x) Siting and details of wheel washing facilities;
  - (xi) Cleaning of site entrances, site tracks and the adjacent public highway;
  - (xii) Disposal of surplus materials and;
  - (xiii) Post construction restoration/reinstatement of the working areas, reinstate construction access.
9. Within 6 months of implementing the permission hereby approved, the applicant shall submit a final Travel Plan with the object of reducing residents travelling to the development by private car which shall be implemented after its approval in writing by the Local Planning Authority in consultation with the Highways Authority.
10. No residential dwellings in the development hereby permitted shall be occupied until the relevant access and car parking areas have been fully constructed, surfaced and permanently marked out. The car parking areas so provided shall be maintained and retained permanently and shall be used for no other purpose at any time.
11. The development permitted by this planning permission shall be carried out in accordance with the letter Ref: 18021/QueenswayStevenage/PG, carried out by GDP Limited dated 26/06/2018, and the following mitigation measures detailed within the drainage strategy:
1. Providing a minimum attenuation of 313m<sup>3</sup> to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
  2. Implementing appropriate drainage strategy based on attenuation by using sub-base lined permeable pavement, attenuation tank and green roofs as indicated on drawing no. 18021-200 – Surface Water Drainage Strategy – General Arrangement dated 29/06/2018, and discharged into Thames Water surface water sewer system.
  3. Limiting surface water discharge off the southern and eastern site at a maximum allowable discharge rate of 4.9 l/s for any rainfall event up to the 1 in 100 year plus 40% for climate change event.

The mitigation measures shall be fully implemented prior to occupation and

subsequently in accordance with the timing/phasing arrangements embodied with the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

12. No development shall take place until the final design of the drainage scheme is completed and agreed by Thames Water and sent to the Local Planning Authority for written approval. The scheme shall also include:-
  - Confirmation on the final discharge rate for the whole site with contribution of each sub-catchment (western, eastern and southern) with figures supported by drainage calculations presented in a manner that the link can be made with specific locations on drawings.
  - Formal permission to continue using the existing connection to the public surface water sewer from the water company that must include figures;
  - Engineering details of all SuDS features should be provided in line with the SuDS Manual (CIRIA C-753).
13. Upon completion of the development a final management and maintenance plan must be supported by a full set of as-built drawings, a post construction location plan of the SuDS components cross-referenced with a maintenance diagram to secure the operation of the scheme throughout its lifetime.
14. No development, including site clearance or demolition works, shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for ensuring that internal noise levels do not exceed those specified in BS8233:2014 in so far as to the living rooms, dining rooms and bedrooms in the residential development. In addition, details shall also be provided with respect to ventilation and thermal comfort arrangements which would be utilised within the residential development. The development shall thereafter be implemented in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
15. No development, including site clearance or demolition works, shall commence until a scheme of dust control measures has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Health Department and shall be adhered to throughout the construction period. Dust and airborne particulates from operations on site shall be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust.
16. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to first occupation of the development. Any external lighting shall accord with the details so approved.
17. No development, including site clearance or demolition works, shall commence until a methodology for the screening or enclosure of plant and machinery to be used during the construction period shall be submitted to and approved by the Local Planning authority before works are commenced. The

siting of plant and machinery shall be away from noise sensitive areas wherever possible. Vehicles and machines in intermittent use shall be shut down in the intervening periods between works.

18. No development shall take place until a detailed Site Waste Management Plan (SWMP) to detail how waste materials generated as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level and type of soil to be imported to the site as part of the development has been submitted to and approved in writing by the Local Planning Authority.
19. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before the properties are occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

20. 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 prepared in accordance with the requirements of condition 21, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 22.
21. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
22. The approved remediation scheme must be carried out in accordance with its

terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

23. Prior to the first occupation/use of the dwellings and development hereby permitted the approved secure cycle parking areas and public cycle parking shall be constructed in accordance with the details submitted with this planning application and shall be permanently retained in that form.
24. Prior to the first occupation/use of the dwellings and development hereby permitted the approved refuse/recycle stores shall be constructed in accordance with the details submitted with this planning application and shall be permanently retained in that form.
25. No development, including site clearance or demolition works, shall commence until a detailed Demolition and Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall detail and advise of the measures in accordance with the best practicable means to be used to minimise construction noise and vibration likely to affect adjacent residential premises. The approved Statement shall be adhered to throughout the construction period.

## **6 18/00279/FPM - 85-103 QUEENSWAY, STEVENAGE**

The Committee considered an application for the partial demolition of existing buildings and provision of car parking; retention of existing office use (Use Class B1) on upper floors; change of use of existing retail units (Use Class A1) to a mixed use development of Use Classes A1 (Shops), A2 (Professional & Financial Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments) and D2 (Gym) with associated enhancements to shop frontages; replacement canopies; public realm improvements and associated car parking and highway works.

The Principal Planning Officer gave an introduction and visual presentation to the Committee. He commented that the application was identical to the previous item, but excluding the residential element. It also contained different parking requirements, as the 31 spaces to be provided all related to the proposed gymnasium.

In response to a Member's question regarding why two applications had been submitted, the Principal Planning Officer clarified that approval of this application would enable the developer to commence and progress the retail element of the scheme whilst work was being finalised on the Section 106 Agreement in respect of the residential element of application 18/00268/FPM approved earlier in the meeting (see Minute 5 above).

It was **RESOLVED:**

That planning permission be granted subject to the applicant having first entered into and completed a Section 106 legal agreement to secure/provide financial contributions towards:

- Contributions towards TROs and replacement of Pay and Display Machine Signage and Road Markings; and
- Secure provision of a CCTV camera,

the detail of which be delegated to the Assistant Director of Planning and Regulation, in liaison with the Council's appointed Solicitor, and subject to the following conditions:

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

P1.1; P1.2; P4.1a; P4.2; P4.3; P5.1; P5.2; P5.3; P5.4; P5.6.

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

3. No development, other than works of demolition, shall commence until a schedule and sample of the materials to be used in the construction of the external surfaces of the 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.

4. Notwithstanding details specified in the application submission, no public realm landscaping works shall commence until a scheme of soft and hard landscaping and details of the treatment of all hard surfaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all new planting to take place including species, size and method of planting. The approved landscaping scheme shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner.

5. 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.

6. Prior to the first occupation of the ground floor mixed Use Class A1 (Shop) to A3 (Restaurants and Cafes) and Use Class A1 (Shop) to A4 (Bars and Public Houses) units as detailed on drawing number P4.1a, a scheme for the installation of equipment to control the emission of fumes and smell from these premises shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to

the first occupation of these units. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

7. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
8. No development, including site clearance or demolition works, shall commence until a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highways authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Management/Method Statement shall address the following matters:-

- (i) Details of a construction phasing program (including any pre-construction, demolition or enabling works);
  - (ii) Hours of construction operations including times of deliveries and removal of waste;
  - (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning area;
  - (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
  - (v) Details of provisions for temporary public car parking during construction;
  - (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
  - (vii) Screening and hoarding details;
  - (viii) End of day tidying up procedures;
  - (ix) Construction and storage compounds (including areas designated for car parking);
  - (x) Siting and details of wheel washing facilities;
  - (xi) Cleaning of site entrances, site tracks and the adjacent public highway;
  - (xii) Disposal of surplus materials and;
  - (xiii) Post construction restoration/reinstatement of the working areas, reinstate construction access.
9. Prior to the first use of the gym hereby permitted the relevant access and car parking areas shall have been fully constructed, surfaced and permanently marked out. The car parking areas so provided shall be maintained and retained permanently and shall be used for no other purpose at any time.
  10. The development permitted by this planning permission shall be carried out in accordance with the letter Ref: 18021/QueenswayStevenage/PG, carried out

by GDP Limited dated 26/06/2018, and the following mitigation measures detailed within the drainage strategy:

1. Providing a minimum attenuation of 313m<sup>3</sup> to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Implementing appropriate drainage strategy based on attenuation by using sub-base lined permeable pavement, attenuation tank and green roofs as indicated on drawing no. 18021-200 – Surface Water Drainage Strategy – General Arrangement dated 29/06/2018, and discharged into Thames Water surface water sewer system.
3. Limiting surface water discharge off the southern and eastern site at a maximum allowable discharge rate of 4.9 l/s for any rainfall event up to the 1 in 100 year plus 40% for climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied with the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

11. No development shall take place until the final design of the drainage scheme is completed and agreed by Thames Water and sent to the Local Planning Authority for written approval. The scheme shall also include:-
  - Confirmation on the final discharge rate for the whole site with contribution of each sub-catchment (western, eastern and southern) with figures supported by drainage calculations presented in a manner that the link can be made with specific locations on drawings.
  - Formal permission to continue using the existing connection to the public surface water sewer from the water company that must include figures;
  - Engineering details of all SuDS features should be provided in line with the SuDS Manual (CIRIA C-753).
12. Upon completion of the development a final management and maintenance plan must be supported by a full set of as-built drawings, a post construction location plan of the SuDS components cross-referenced with a maintenance diagram to secure the operation of the scheme throughout its lifetime.
13. No development, including site clearance or demolition works, shall commence until a scheme of dust control measures has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Health Department and shall be adhered to throughout the construction period. Dust and airborne particulates from operations on site shall be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust.
14. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to first occupation of the development. Any external lighting shall accord with



the details so approved.

15. No development, including site clearance or demolition works, shall commence until a methodology for the screening or enclosure of plant and machinery to be used during the construction period shall be submitted to and approved by the Local Planning authority before works are commenced. The siting of plant and machinery shall be away from noise sensitive areas wherever possible. Vehicles and machines in intermittent use shall be shut down in the intervening periods between works.
16. No development shall take place until a detailed Site Waste Management Plan (SWMP) to detail how waste materials generated as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level and type of soil to be imported to the site as part of the development has been submitted to and approved in writing by the Local Planning Authority.
17. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before the properties are occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

18. 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 prepared in accordance with the requirements of condition 19, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 20.
19. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation

objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

20. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
21. Prior to the first occupation of the development hereby permitted the approved secure cycle parking areas and public cycle parking shall be constructed in accordance with the details submitted with this planning application and shall be permanently retained in that form.
22. Prior to the use of the development hereby permitted the approved refuse/recycle stores shall be constructed in accordance with the details submitted with this planning application and shall be permanently retained in that form.
23. No development, including site clearance or demolition works, shall commence until a detailed Demolition and Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall detail and advise of the measures in accordance with the best practicable means to be used to minimise construction noise and vibration likely to affect adjacent residential premises. The approved Statement shall be adhered to throughout the construction period.

7 **18/00153/FPM - MBDA UK, SIX HILLS WAY, STEVENAGE**

The Committee considered an application for the erection of a two storey modular office building with associated boundary treatments, hard landscaping and services.

The Principal Planning Officer gave an introduction and visual presentation to the Committee. He advised that the main issues for consideration in the determination of the application were its acceptability in land use policy terms; impact on visual amenity; impact on residential amenities; parking provision; means of access and highway safety; and impact on the environment and flood risk.

The Principal Planning Officer considered that, in principle, the proposed development would be acceptable within the established employment area of Gunnels Wood Road. Although the proposed development was of a sub-standard design in this visually important gateway site on Gunnels Wood Road, it was felt that, as a compromise, and in view of the commercial and business requirements of the applicant, a temporary permission should be granted. This would ensure that

there was not a permanent impact on the visual amenities on the area whilst allowing the applicant, in conjunction with the Council, to look to secure a comprehensive, high quality form of development on the application site in the longer term.

In terms of impact on residential amenity, the Principal Planning Officer explained that, due to the development's siting, position and separation distance to the nearest residential properties in Norton Green, the proposal would not harm the amenities of those properties. In addition, the proposed development, subject to conditions, would not prejudice the safety and operation of the highway network. Appropriate conditions were also recommended to control land contamination and flood risk mitigation measures.

In response to a Member's question, the Principal Planning Officer confirmed that the commencement of the proposed two year temporary permission would be on completion of the new modular building.

It was **RESOLVED**:

That temporary planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
919 A000 B; 919 A001 B; 919 A002 K; 919 A010 B; 919 A020 B; 919 A040; 919 CM01-01; S170283-111B; S170283-112B; S170283-311A; P2484-01-01 C; P2484-04 C; P2484-08-01 C; P2484-08-02 B; P2484-09-01 A; P2484-09-02 A.
2. Following a period 2 years from the completion of the development, in which confirmation of completion of the development shall be submitted to the Local Planning Authority in writing, the building hereby permitted shall be removed and the land restored to its former condition in accordance with a scheme of works to be submitted to and approved in writing by the Local Planning Authority.
3. The proposed development hereby permitted shall be constructed in accordance with the details as specified in the application submission unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to the first use of the modular offices hereby permitted, the proposed secure cycle parking area as detailed on drawing numbers 919L A 010 B and 919 L 002 J shall be erected and thereafter retained during the lifetime of the development and shall not be used for any other purpose.
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 in accordance with the requirements of this condition which are as follows:-

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems.

Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

6. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
7. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
8. No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any weekdays, nor on any Saturday before 09.00 hours or after 13.00 hours. The hours specified relate to works which are audible at the site boundary.
9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Rev. A dated 20/04/2018, produced by AVIE Consulting Ltd, and in accordance with the Drawing No. P2484-01-01 Rev C – Proposed drainage layout, date 20.04.2018, and the following mitigation measures detailed within the FRA:
  1. Limiting the surface water run off generated by the critical storm events so that it will not exceed the greenfield run off rate during the 1 in 100 year

event plus 30% climate change event.

2. Providing storage to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + climate change event of total storage volume in underground cellular attenuation tank.
3. Discharge of surface water from the private drain at greenfield run off rate into the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

10. The surface water drainage strategy hereby permitted shall be managed and maintained in accordance with the "Attenuation Management Plan for Building 1400 MBDA Systems" prepared by Elliott dated 18 May 2018 (document reference: S170283 Rev A – 18/05/18).
11. The security fencing which will enclose the modular office building shall be constructed in accordance with approved drawing 919L A 040 and retained for the duration of the building being in place.
12. Prior to the first use of the development hereby permitted, details shall be submitted to and agreed in writing by the Local Planning Authority of the lighting improvements to be proposed to the underpass to Six Hills Way which adjoins the application site. The lighting details and any maintenance shall be carried out in accordance with the approved scheme.
13. All hard surfacing comprised in the approved details of landscaping shall be carried out within three months of the first occupation of the building(s) or the completion of the development, whichever is the sooner.
14. Prior to the commencement of the development, a Construction Management Plan shall be 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 statement. The Construction Management Plan/Method Statement shall address the following matters:-
  - (i) Details of a construction phasing programme (including any pre-construction, demolition or enabling works);
  - (ii) Hours of construction operations including times of deliveries and removal of waste;
  - (iii) Site set up and general arrangements for storing plan including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;

- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (v) Details of provisions for temporary car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding details;
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;
- (xi) Cleaning of site entrances, site tracks and the adjacent public highway, and
- (xii) Disposal of surplus materials.

8 **18/00000/ENF - 4 OAKDELL, STEVENAGE**

The Committee considered a report seeking authorisation to serve an enforcement notice requiring the removal of the timber bridge structure and to reinstate the land where necessary to its original state, and re-instate the fencing along the boundary of the residential curtilage.

The Development Manager advised that, should the Committee approve the recommended enforcement action, the period for compliance would be within six months of the date of the issue of any Enforcement Notice.

It was **RESOLVED:**

1. That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation, and subject to an appointed solicitor by the Council being satisfied as to the evidence, requiring the removal of the timber bridge structure and to reinstate the land where necessary to its original state, and re-instate the fencing along the rear boundary of the residential curtilage. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
2. That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
3. That in the event of any appeal against the Enforcement Notice, the Assistant

Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

9 **18/00000/ENF - BRICKDALE HOUSE, SWINGATE, STEVENAGE**

The Committee considered a report seeking authorisation to serve an enforcement notice requiring the removal of the unauthorised refuse store.

The Development Manager advised that, should the Committee approve the recommended enforcement action, the period for compliance would be within three months of the date of the issue of any Enforcement Notice.

It was **RESOLVED**:

1. That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation, and subject to an appointed solicitor by the Council being satisfied as to the evidence, requiring the removal of the unauthorised refuse store. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
2. That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
3. That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice.

10 **COMMUNITY INFRASTRUCTURE LEVY**

The Planning Policy Manager gave a presentation updating Members on the next steps regarding the Community Infrastructure Levy (CIL).

The Planning Policy Manager advised that CIL had been introduced by the Planning Act 2008 and would be a £ per square metre charge on new floorspace to help fund infrastructure required to support growth. It would be applicable on all developments of at least 1 dwelling or that created over 100m<sup>2</sup> gain in floorspace were required to pay CIL (subject to some exceptions). CIL replaced Section 106 agreements in part, but some Section 106 contributions would still be required.

The Planning Policy Manager stated that CIL would not be subject to Section 106 pooling restrictions, meaning that there would be more flexibility on how the money was spent. It was hoped that CIL would help to reduce the existing infrastructure funding gap of £89.4m.

The Committee noted that, subject to approval by the Executive, consultation on the CIL Preliminary Draft Charging Schedule and Draft Charging Schedule (DCS) would take place over the coming months. The DCS would need to be subject to an

Examination in Public, prior to its final adoption by Council (anticipated to be in Mid 2019).

In reply to a Member's question regarding the County Council's involvement in CIL, the Planning Policy Manager confirmed that it would be entirely up to SBC as to how the CIL money was spent.

It was **RESOLVED** that the presentation and update be noted.

11 **INFORMATION REPORT - DELEGATED DECISIONS**

It was **RESOLVED** that the report is noted.

12 **INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

It was **RESOLVED** that the report is noted.

13 **URGENT PART I BUSINESS**

None.

14 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

15 **URGENT PART II BUSINESS**

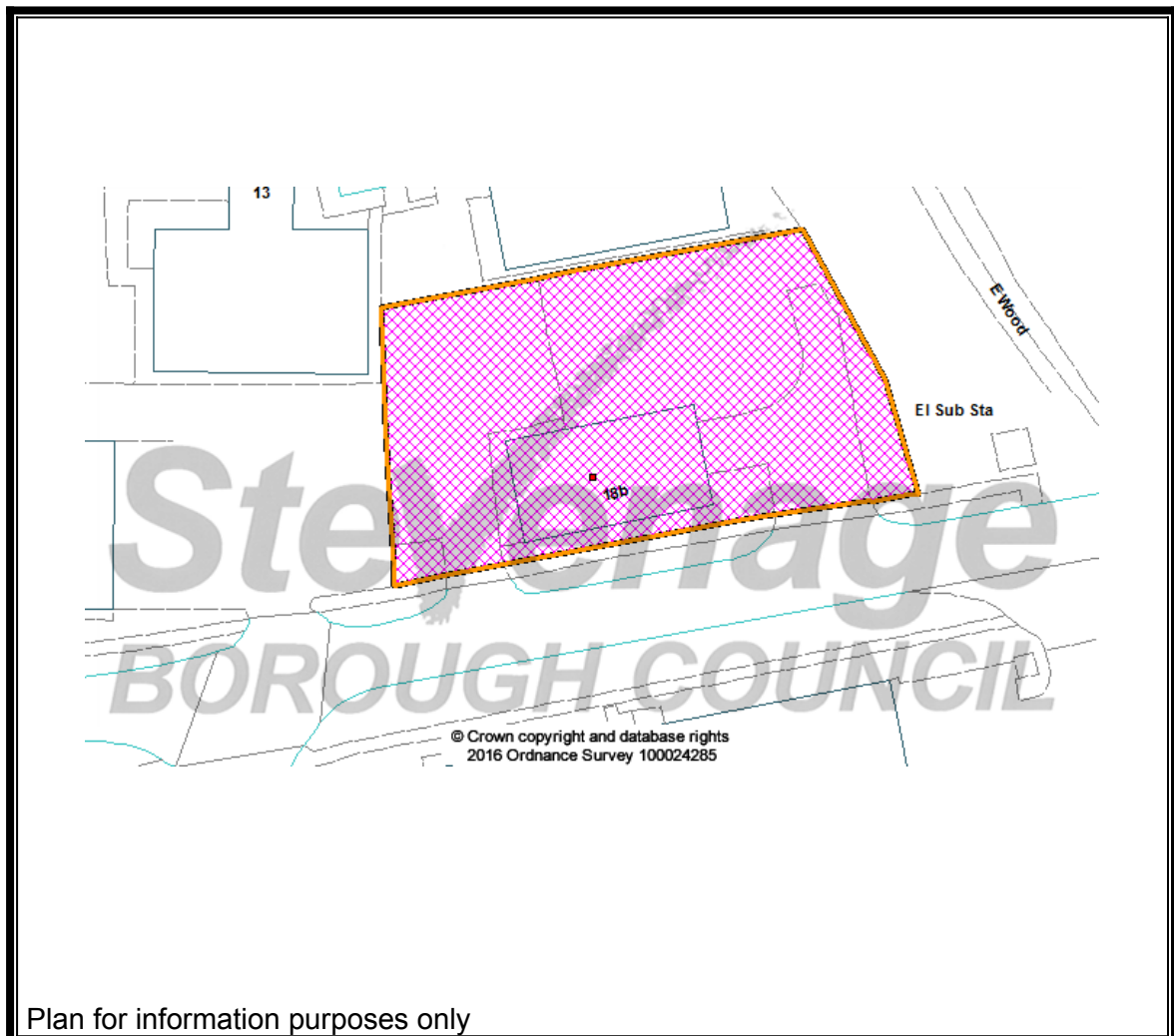
None.

**CHAIR**



**Meeting:** Planning and Development Committee      **Agenda Item:**  
**Date:** 11 September 2018  
**Author:** James Chettleburgh      01438 242266  
**Lead Officer:** Chris Berry      01438 242257  
**Contact Officer:** James Chettleburgh      01438 242266

Application Nos:	18/00045/FP
Location:	18B Boulton Road, Stevenage
Proposal:	Retrospective change of use from D1 (Training Centre) to D2 (Gymnasium).
Drawing Nos.	Site Location Plan
Applicant:	Mr Alex Game
Date Valid:	8 February 2018
Recommendation:	REFUSE PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site is located on the northern side of Boulton Road which is within the Pin Green Employment Area. The site comprises a two-storey, utilitarian style office building which is constructed of sheet metal cladding with aluminium framed windows and a roller shutter to the rear. The site also comprises a surface car park, area of informal open space, shipping container and service yard. The surrounding area comprises a mixture of offices, warehousing and light industrial units. The buildings in the area are generally utilitarian in design.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Planning application 2/0275/86 sought permission for a warehouse with ancillary offices. This application was granted planning permission in September 1986.
- 2.2 Planning application 05/00019/FP sought permission for the erection of two containers. This application was granted planning permission in March 2005.
- 2.3 Planning application 17/00194/FP sought permission for the creation of 23 no. additional parking spaces. This application was granted planning permission in May 2017.
- 2.4 Planning application 17/00334/FP sought permission for the change of use from non-residential training centre (Use Class D1) to Gym/Fitness Centre (Use Class D2). This application was withdrawn in June 2017.

## **3. THE CURRENT APPLICATION**

- 3.1 This application seeks retrospective planning permission for the change of use of the training centre (Use Class D1) to a gymnasium (Use Class D2).

## **4. PUBLIC REPRESENTATIONS**

- 4.1 This planning application has been publicised by way of a site notice and neighbouring properties have been notified about the application via a letter. Ten representations in support of the application were received from the following addresses:-

- Formula One Autocentres, Pin Green;
- 23 Bragbury Lane;
- 10 Petworth Close;
- 5 Aspen Close;
- 2 Aspen Close;
- 29 Saxon Avenue, Stotfold;
- 8 Papillian Court, Admiral Drive;
- 52 Bury Road, Shillington;
- Shillinton, Hitchin; and
- 182 Chertsey Rise.

- 4.2 A summary of the representations received are as follows:-

- Formula One Auto Centres have a corporate membership at the gym and is utilised by their staff throughout the day;
- The developments benefits staff of local businesses to keep fit and healthy and is considered to be a net benefit in terms of staff retention;
- The gym is also a benefit to the local area more generally for nearby residents who reside in close proximity to the site;

- The property was vacant for a number of years and was in a poor condition internally;
- The offices were not attractive;
- The gym has transformed by the entrepreneurial spirit of the new leaseholder into a decent gym facility that is appreciated by over 150 members;
- The particular specialisation of the gym is unique for the local area and even attracts some national level athletes as well as nearby business users and residents;
- The facilities provided at the gym are above and beyond existing local gyms;
- The gym does not overburden local parking;
- Support for small businesses;
- There are a number of properties in the estate which are up for let in Pin Green and businesses will not take these properties up under their current use class as advised by commercial agents;
- The business brings money into the local area;
- The applicant has worked closely with the Council throughout the process in order to achieve an acceptable decision including the costs of covering a sequential test and impact assessment which have all been done at the request of the Council;
- It is costly starting up small businesses and very risky but the business has been very successful and is continuing to grow with 4 personal trainers, a sport therapist, receptionist and cleaners which provides more employment to the area;
- The gym is open to all businesses in the area;
- The gym is unique and specialised that no other gym can offer in the area or outside of Stevenage, therefore bringing more businesses to the area;
- The sequential test clearly shows that there are no other available properties in the town centre to let or in the surrounding areas for a gym;
- If the application was refused it would result in a loss of employment, a loss of a local facility and huge costs to be borne by the owners of the business;
- Local residents would be disappointed to see the loss of this facility;
- The gym is in a suitable location which means there is no need to travel to the town centre;
- The Council should be supporting small and local businesses;
- Brings a number of local people together;
- The gyms has helped to massively improved peoples lifestyles as well improve people's health and fitness generally.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council as Highways Authority**

5.1.1 The development does not generate any highways related issues.

### **5.2 Environmental Health Department**

5.2.1 There are no comments to make on the retrospective application.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the Development Plan**

6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing, Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

- 6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
- 6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

## **6.2 Central Government Advice**

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

## **6.3 Adopted District Plan**

TW1: Sustainable Development;  
 TW2: Environmental Safeguards;  
 E2: Employment Areas;  
 E4: Acceptable Uses in Employment Areas;  
 E5: Retail and Leisure Proposals in Employment Areas;

T12: Bus provision;  
T13: Cycleways;  
T14: Pedestrians;  
T15: Car Parking Strategy;  
EN27: Noise pollution.

#### **6.4 Stevenage Borough Local Plan 2011-2031 Publication Draft (Emerging Local Plan)**

SP1: Presumption in favour of sustainable development;  
SP2: Sustainable development in Stevenage;  
SP3: A strong, competitive economy;  
SP9: Healthy communities;  
EC6: Pin Green Employment Area;  
TC13: Retail impact assessments;  
IT5: Parking and Access;  
FP7: Pollution.

#### **6.5 Supplementary Planning Documents**

Parking Provision SPD (2012)

### **APPRAISAL**

7.1 The main issues for consideration in the determination of the application are its acceptability in land use policy terms, impact on visual amenity; Impact on residential amenities; parking provision; means of access and highway safety.

#### **7.2 Land use policy considerations**

##### Employment

7.2.1 The application site is designated within the Pin Green Employment Area where policies E2 and E4 of the Stevenage District Plan Second Review 1991-2011 adopted 2004 apply. Policy E2 seeks to protect the Pin Green area for employment uses and Policy E4 sets out acceptable uses in employment areas and specifically states “in the employment areas already designated a range of employment uses within the B1, B2 and B8 use classes will be encouraged. However, this policy also states that proposals for employment generating uses that do not fall within the use classes order will be considered on their merits. Policy E5 of the District Plan (2004) states that development or use of land for, in the case of this application, leisure uses in employment areas, will not be permitted unless the following criteria are met:

- a. a local need for a facility, in terms of supporting the operation of an employment area can be demonstrated; and
- b. the proposal does not have an unacceptable traffic or environmental impact.

7.2.2 Policy EC6 of the Stevenage Borough Local Plan 2011 – 2031 Publication Draft – January 2016 states that planning permission within this area will be granted where:

- a. Development (including changes of use) is for use classes:
  - B1(b) research and development;
  - B1(c) light industry;
  - B2 general industry and/or;

- B8 storage and distribution; and
- b. Any individual new unit(s) for B1(a) offices will only be granted where
- i. it is ancillary to an acceptable B1(b), B1(c), B2 or B8 use;
  - ii. essential to the continued operation of an established B1(a) use; or
  - iii. a sequential test clearly demonstrates that no suitable sites are available in more accessible locations.
- 7.2.3 The National Planning Policy Framework 2018 (NPPF) states that significant weight should be placed on both the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development.
- 7.2.4 Dealing first with the existing use of the premises, according to Council records, the use of the premises is currently established as B1a (Offices). This is because the building which is the subject of this application was originally an ancillary office building to a warehouse as detailed under planning permission 2/0275/86. In addition, the Council's Business Rates Section confirmed by email in June 2017 in relation to withdrawn planning application 17/00334/FP that the premises were registered as a 'workshop and premises' since 21<sup>st</sup> July 2006. Furthermore, the site was advertised on the commercial website "Movehut" as suitable for storage, workshop or additional office space as well as being advertised by Brown and Lee as of July 2016 (Google Street Car, July 2016) as a Business Unit. Therefore, the use of the premises as a training centre (Use Class D1) was never granted planning permission from the Council. Consequently, a potential breach in planning control has occurred in this instance.
- 7.2.5 Given the above, in order to overcome the breach in planning, the applicant submitted a Lawful Development Certificate (18/00045/CLED) under Section 191 of the Town and Country Planning Act 1990 (as amended) (hereby referred to as The Act (1990)) to demonstrate that on the balance of probability, the premises had been used as a training centre for more than 10 years (Section 171B – Time limits of The Act (1990)) and therefore, would be immune from enforcement action under Section 172 of The Act (1990). However, upon receipt of the aforementioned application, it had been established at that point, that the gym (which is the subject of this application) was already operating from the property. Given this, the 10 year rule as set out under The Act (1990) had been broken by the unauthorised use of the premises as a gym. This is because the 10 years is worked back from the date of receipt of the Lawful Development Certificate as established under The Act (1990).
- 7.2.6 Notwithstanding the above, the evidence provided by the applicant under the Lawful Development Certificate in the form of affidavits, photographs of signage, copy of directories, invoices, Ofsted Report, Education Certificates can demonstrate to a fact and degree, that the premises was potentially operating before its use as a gym as a training centre for a period of around 10 years. However, as this use has been broken by the unauthorised operation of the gym from the date the Lawful Development Certificate was received by the Council, it cannot be established that the last legal use of the premises was a training centre (Use Class D1). Therefore, the default position would be that the premises legal status would be that of a B1(a) Office use.
- 7.2.7 Taking into consideration the above, it can be concluded that the existing development and previous unauthorised use has resulted in a loss of an established employment premises contrary to both the District Plan (2004) and the Emerging Local Plan (2016).

Consequently, the applicant will be required to demonstrate why the existing development is considered to be acceptable within the designated employment area.

- 7.2.8 In the applicant's submission, they state that the lawful use of the premises as Use Class D1 (training centre) has been established and therefore, the proposal does not result in the loss of employment space. However, as set out above, it can be established that the previous use of the property as a training centre cannot be lawfully established and therefore, the proposal does involve the loss of an employment property in this instance. To further support the Local Planning Authorities case, under planning application 17/00334/FP which was for the creation of additional car parking spaces at the application site, the applicant (Formula One) in the Design and Access Statement states "*The premises at 18B Boulton Road were acquired to cope with the expansion of the business....The office premises at 18B are larger than we need for just our own use, and are let out on commercial terms*". This application submission makes no mention of the premises i.e. 18b Boulton Road being used as a training centre.
- 7.2.9 In regards to the gym itself, they set out in the original application submission that there are around 120 members from the Stevenage area in which they intend to grow to 300. In terms of employment, they have 3 personal trainers who lease the premises and 3 other personal trainers also conduct personal training sessions from the site. In addition, whilst no marketing evidence has been provided, it is noted that prior to the premises being occupied by the gym it had been vacant and was being advertised on the market via commercial websites and by Brown and Lee as a Business Premises. Therefore, it can be argued that the existing development has brought a previously vacant premise back into use. In addition, there is a potential argument, based on the correspondence in support of the application, the existing use helps to support employers in the area and therefore, is an established need for the facility. This is because one of the gyms along Wedgwood Way (Dominate Fitness) is a women only gym and the other is martial arts. In addition, it is argued that the gym offers a unique facility and is the only one in Stevenage.
- 7.2.10 Notwithstanding the above, the existing use as a gym (Use Class D2) is not an acceptable use in the employment area. This is because it is not a traditional B-class use as established under Case Law. Furthermore, whilst it is noted that there is a women's only gym along Wedgwood Way, there is also a gym, which does have a martial arts studio, located at Unit 6 Senate Place which also lies within the Pin Green Employment Area. Therefore, the case that this gym is essential to support the ongoing operation of the employment is weakened by the presence of two nearby gyms and the fact they all fall within the same use Class i.e. D2. Therefore, as the use runs with the land these premises could become traditional fitness and leisure facilities in the near future. Moreover, the overall density an office development would generate (based on the Homes and Communities Agency Employment Density Guide 3<sup>rd</sup> Edition, 2015), would be 1 job for every 8 (call centres) to 13 (corporate) sq.m of floorspace based on who would occupy the office building. Based on this information, the existing premises could generate an employment density of between 36 to 57 jobs. However, with regards, to gymnasiums, this has an employment density of 1 job per 65 (family) to 100 (budget) sq.m. With this in mind, the employment density for the site would be between 5 and 7 jobs which is significantly lower than what is generated by a B1(a) Office Use. Taking this into consideration, the existing gymnasium would be classed as having a low employment density being that there is a total of 6 persons working at the gym (3 are the partners operating the gym and 3 are personal trainers who rent the space). However, the applicant has recently stated that the gym now currently has 4 personal trainers, a receptionist, sports therapist and cleaners leading to additional employment. Notwithstanding this growth, it can be deduced that the existing use of the premises as a gymnasium still has a significantly lower employment density than its lawful use as an office.

- 7.2.11 Turning to the emerging Local Plan (2016), although having a holding direction in place by the Ministry of Housing, Communities and Local Government, it has been through public examination in which the Planning Inspectorate found the Local Plan to be sound. Therefore, in accordance with paragraph 48 of the NPPF (2018), the Local Planning Authority can give weight to the policies in the emerging local plan. Taking this into consideration, emphasis will be placed on the evidence base which supports the emerging Local Plan policies. Looking at the evidence base, the Council's Employment Technical Paper dated December 2015, outlines that it is forecasted, as set out under paragraph 2.54 that there will be a requirement to provide 30 hectares of employment land over the plan period between 2011-2031. However, through the undertaking of the SLAA it can be seen that a total of 19.4 hectares of land has been identified on the supply side. Therefore, the opportunities identified will therefore deliver 56% of the required quantum employment (paragraphs 3.40 to 3.42). The aforementioned Employment Technical Paper was updated in December 2016. A synthesis of the supply-side and demand-side data suggests that there is insufficient land available to meet the trend-based requirement for at least 30ha. The opportunities identified will deliver approximately 62% of the required quantum of employment land, resulting in a shortfall of approximately 11.5ha (paragraphs 3.10 and 4.4).
- 7.2.12 Given the above evidence base, it has been established that Stevenage can only accommodate about half of its predicted employment growth over the Local Plan period (this has included the release of Green Belt land in order to meet the necessary demand). Therefore, the Council has had to rely on neighbouring authorities to support the necessary employment growth which would be generated over the local plan period. Emerging Local Plan Policy SP3 criterion e. identifies that we as the Council will work with Central Bedfordshire and North Hertfordshire District Council and paragraph 5.23 sets out that the shortfall of employment land of 11.5ha. Consequently, whilst the existing development results in a limited loss of employment floorspace, if retrospective planning permission were to be granted it could set a precedent to allow further non-traditional B-class employment developments into the employment which could undermine the employment area if further proposals came forward. This would in effect result in a reduction in B-class employment space, which is in short supply as identified in the Council's Technical Paper (2015) over the plan period. Therefore, it can be argued that any reduction in employment floorspace, whether it is argued as being Office or Business floorspace (both which fall under Use Class B1) would undermine the local plan in that, there would be increasing pressure on the limited supply of employment space to accommodate any future growth (Employment Technical Paper 2015 and Functioning Economic Market Area Study 2015).
- 7.2.13 Taking into consideration the aforementioned, it is considered that the benefits the existing use generates do not outweigh the loss of this premises which is considered to have a lawful B1(a) office use. This combined with the fact that there is likely to be demand for office and commercial floorspace over the emerging local plan period would put increasing pressure on a limited supply of employment space to accommodate any future growth for the town over the local plan period. Therefore, the existing development fails to accord with Policies E2 and E4 of the Stevenage District Plan Second Review 1991 – 2011 (2004), Policies EC6 of the Stevenage Borough Local Plan 2011 – 2031 Publication Draft – January 2016, the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).

#### Impact assessment and the Sequential Test

- 7.2.14 The NPPF reaffirms the Government's objectives for ensuring the vitality and viability of town centres. For proposals that are not in an existing centre, the NPPF states that a sequential test must be undertaken giving preference to town centre sites and then



edge of centre sites before consideration is given to out of centre sites. For reference, under Annex 2: Glossary of the NPPF, health and fitness centres are identified as main town centre uses. Additional to this, the NPPF states that for proposals of this scale (above the default threshold of 2,500m<sup>2</sup> - If there is no locally set threshold) an impact assessment must be undertaken which has to consider the following:-

a) the impact of the development on existing, committed and planned public investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the development on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.

7.2.15 The Planning Practice Guidance (PPG) (2014) reaffirms the 'town centre first' principle, that compliance with the sequential and impact tests does not guarantee that permission will be granted and that the Local Planning Authority will have to take into account all material considerations in reaching a decision. With regards to the sequential test, the NPPG states that the applicant must demonstrate flexibility. A town centre site does not have to accommodate precisely the scale and form of the proposed development and consideration should be given to the contribution that more central sites are able to make.

7.2.16 The relevant adopted Local Plan Policies TR5 and TR6 of the Stevenage District Plan Second Review 1991-2011 adopted 2004, which relate to retail development, were not saved from September 2007. However, emerging Policy TC13: Retail impact assessments states that for main town centre uses, an impact assessment is required for any proposal in excess of 300m<sup>2</sup> for main town centre uses located outside the Town Centre. This policy goes on to state that this should include an assessment of:

i. The impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area; and

ii. The impact of the proposal on town centre vitality and viability, including consumer choice and trade in the town centre and wider area, up to five years from the time that the application is made.

7.2.17 The existing development constitutes a 'main town centre' use for the purposes of the Emerging Local Plan and the Framework. The application site is outside of the town centre for the purposes of the development plan and is not an edge of centre site for the purposes of the Framework. To address the two tests, the applicant has submitted a Sequential Assessment and Impact on Design Centres dated May 2018. This document and its associated appendices contain a significant amount of technical information and judgements on the suitability and availability of alternative sites and the likely impacts from the proposed development. These have been carefully assessed in the following sections of this report.

#### Sequential Assessment

7.2.18 To properly consider the sequential assessment, it is necessary to be clear that the existing gym comprises of 450 sq.m located in an out-of-centre site in terms of retail policy.

7.2.19 In considering the suitability of alternative sites, it is necessary to have regard to the characteristics of any site that must be met in order to satisfy the applicant's business model. Legal decisions such as the Supreme Court Decision of Tesco Stores Ltd v Dundee City Council (2012) and appeal decisions (Rushden Lakes decision – APP/G2815/V/12/2190175) have confirmed that the sequential test is directed at what the developer is proposing, not some other proposal which the planning authority may

seek to substitute for it which is something less than that is sought by the developer. What this means is that when applying the sequential test, neither the NPPF nor the NPPG refers to disaggregation, thus, a development cannot be altered or reduced in order to fit into an alternative site.

- 7.2.20 It is noted that under paragraph 87 of the NPPF (2018) in so far as both applicants and the local planning authority should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre sites or edge of centre sites are fully explored. Dealing with the application before the Council, the minimum floorspace that the applicant advises is 4000 sq.ft to a maximum of 6,000 sq.ft (372 sq.m to 557 sq.m). They state they require at least 15 dedicated free parking spaces as a minimum and have a budget of £36,000 with regards to rent. The applicant argues that public parking in the town centre is £3/£4 an hour, which would act as a deterrent to persons who use the gym. They also argue that only places which do not rely on the car are metropolitan locations such as central London where there is good public transport and a substantial walk-in catchment of residents. Therefore, they argue that the application site they currently operate from is the only suitable site for the existing gymnasium. However, it is important to note that the existing gym is split over two floors so there is an opportunity to utilise sites in the town centre which have two floors.
- 7.2.21 The sequential test submitted by the applicant focuses on the district of Stevenage and generally draws upon on sites/premises which generally meet the applicant's business requirements. The assessment provides a list of premises in the town centre, vacant employment premises, edge of centre and out of centre sites as well as the neighbourhood centres across the town. This sequential test concluded that there are no sequentially preferable sites for the development and therefore, the application site i.e. 18b Boulton Road is the only preferable site for the existing gymnasium to operate from.
- 7.2.22 Following a review of the Sequential Test, it fails to consider the proposed development at 85 to 103 Queensway (planning applications 18/00268/FPM and 18/00279/FPM) which included the provision of a new gymnasium within the former M&S store. It is important to note that the aforementioned applications were granted planning permission at the Planning and Development Committee on the 14<sup>th</sup> August 2018 subject to the completion of a S106 agreement. In addition, the Council's Property Development Manager advises that the former Barclay's Bank (2 Town Square) and number 4 Town Square are available to let. Furthermore, the BHS store, whilst generally considered by the applicant, is available with an opportunity to look at whether the unit could be subdivided to accommodate the development. Moreover, the premises within Park Place are available to let and there are no restrictions on the original planning permission (16/00511/FPM) which controls the usage of the ground floor premises. There is also the recent permission for residential development with ground floor premises at 12 Park Place (17/00846/FP).
- 7.2.23 Further to the above, the Sequential Test does not consider any of the vacant units at Roaring Meg Retail Park, Roebuck Retail or Oakland's which are classed as edge of centre sites. In addition, the Sequential Test has ruled out a number of sites, including vacant premises in the town centre, based on assertions that they are too expensive, too large, too small, not enough parking, adjacency to residential properties, transport links, the impacts on town centre footfall and not an appropriate use for a town centre frontage.
- 7.2.24 In order to address the above, the applicant was approached to try and address some of the points raised with respect to the sequential test. However, they argue this request to be unreasonable as the assessment in their opinion is proportionate and comprehensive to the proposal. They states that the NPPF emphasises proportionality, and sets a default of 2,500 sq.m and the proposal is significantly below that. They note

the Council's policy is substantially lower, but the NPPF envisages a significantly higher threshold to that in the current application. They point out they have undertaken a flexible approach to the assessment and that the existing gym has no impact on the town centre. They also argue the Council needs to be flexible in its approach and argue that the existing facility is not a main centre use and an inspection of the property would reveal it is different in scale and nature to traditional 'health and fitness' centres. They also point out that an alternative location must be comparable in terms of size and characteristics.

- 7.2.25 Further to the above, the applicant considers sequential assessments which have been undertaken are at a fixed time and cannot constantly be updated taking into account new properties or proposal which have come on the market. In addition, they state all sites flagged up as "potentially" being available is no basis for a further "sequential assessment", they argue that a site has to be suitable, available and viable. The applicant also states that sites which have been flagged up in primary retail frontages are reserved for A1 retail and therefore, do not agree that these sites should be considered. In addition, they do not consider the proposal being located in secondary frontage would be acceptable and not an appropriate use within this frontage either.
- 7.2.26 They also advise the BHS unit, is larger than required and so is not suitable for the development. They also do not agree with the argument with respect to consideration of commercial rents and that the costs of fittings out units would be expensive and a matter of common sense that gyms should not be located close to residential units. They emphasise that the current site is not located in close proximity to any residential units and consider that the site is accessible with over 40% of clients walking or cycling to the facility and therefore, argue it is conveniently located to homes of residents who would have to drive to the town centre. In addition, they argue the town centre already has a number of existing leisure facilities.
- 7.2.27 Following a review of the applicants addendum to the originally submitted sequential test, it is considered that the sequential test (including the additional information provide) does not cover the extent of any investigations as to whether any of the issues raised could be overcome. This is because the applicant has not provided any evidence of discussions about reducing rents, whether noise mitigation measures could be installed in the premises, consideration as to whether or not the development would actually generate linked trips, demonstrate how the gym in terms of layout does not create an active frontage, whether units could be amalgamated or subdivided, demonstrate how the layout of the existing gym would not work in smaller premises. The sequential test also focuses on a number of employment premises which do not really carry any weight when assessing proposals for "main town centre" uses. Furthermore, the sites which have been identified by Officers and put forward to the applicant for their consideration have not been comprehensively assessed as to whether or not they are available within a reasonable timeframe to accommodate the existing gym.
- 7.2.28 Further to the aforementioned, it is acknowledged that the rental levels of some properties may be seen as unfeasible for the applicant's business and some information has been provided as to what the applicants budget is. However, despite what has been argued by the applicant, this information is limited and in any event this is essentially a commercial matter that has only limited bearing on the planning merits of the planning application. Furthermore, the argument that the business can only operate where there is free dedicated parking for its members is a commercial matter and therefore; this argument has limited bearing on the planning merits of the application.
- 7.2.29 With respect to the applicant's argument that the existing gym cannot be defined as a main town centre use due to the way it operates is not correct. This is because the

gym, despite how it operates, falls within Use Class D2 (Assembly and Leisure) of the Use Classed Order 1987 (As amended) and the NPPF (2018) is very clear that assembly and leisure facilities are “Main Town Centre” uses. Therefore, the NPPF is very clear in that these types of uses should be located in the town centre and if there are no sequentially preferable sites available consideration can be made to edge of centre and then out of centre site. With this in mind, despite the applicants arguments as to why they consider it unreasonable to assess out-of-centre sites, they have to properly and comprehensively consider edge of centre locations such as the Roaring Meg and Leisure Park as part of the sequential test because their site is classed as an out of centre site. In regards to existing facilities which currently operate in the town centre and therefore, the argument an additional gym is not required, is not material planning consideration as this is a commercial matter and the Council cannot consider competition under the planning process. With respect to some of the available premises being located in primary and secondary frontages, the applicant argues these premises are not suitable locations due to the Council’s policy and the requirement to provide an active frontage. However, the applicant has failed to fully consider these sites in more detail. This is because firstly, with regards to primary retail frontages, there is flexibility in the Council’s policies that if these sites have been vacant and the proposal can generate footfall, which a gym would as you would have linked trips, then a gym could potentially be located within the town centre as identified with the planning applications for 85 to 103 Queensway which include the provision of a gym within a primary retail frontage (see paragraph 7.2.22). In addition, within secondary retail frontages, the Council’s Policies do allow for a mixture of uses which does include D2 (Policy TC8 of the emerging local Plan).

7.2.30 Taking the aforementioned matters together leads to a view that it has not been demonstrated that a sequential test to clearly demonstrate that there is no sequentially preferable sites in the town centre or edge of centre which can accommodate the development and for this reason the application conflicts with Policy TC13 of the Emerging Local Plan and the Framework.

#### Impact Assessment

7.2.31 The NPPF advises that when assessing applications for *inter alia* retail outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if a development is over a proportionate, locally set floorspace threshold. As set out under paragraph 7.2.16 Stevenage Borough Council has a locally set threshold of 300m<sup>2</sup> under Policy TC13 of the emerging Local Plan (2016). Given, as mentioned under paragraph 7.2.11, the Local Plan has been through examination, this policy is material in the determination of this application.

7.2.32 An assessment of impact is essentially determined by the projected turnover of the proposed development, where this trade will be drawn from and the ability of the existing centres to absorb the predicted impact. The assessment should include the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area and the impact of the proposal on a town centre’s vitality and viability.

7.2.33 In respect to the first test, the applicant has undertaken health checks in each of the centres of the study area. The applicant assessment focuses on the existing, committed and planned public and private investment scheme within the centres outlined in the study area. Where schemes have been committed (developments with planning permission), these have been assessed as part of the impact assessment as well.

- 7.2.34 With regard to the second test, the town centre health checks are important to set a baseline so that the relative value of any impact can be fully assessed. In addition, an assessment has to be made as to whether a development would generate a significant trade draw which could detrimentally impact upon the vitality and viability of the town centre. Looking at the matter around trade draw, No Bull Fitness (The applicant) has 120 members and the Business Plan aims to have 300 in the next 5 years. Membership at the gym is £360 (annual) and £35 (monthly). Income in the business is generated by the 3 trainers, who are partners and they charge £35 an hour for personal training sessions. The gym is also rented out to 3 other personal trainers, each who pay £400 a month to conduct personal training to their own clients. Therefore, the existing gym generates a turnover of approximately £60,000. This would potentially increase to approximately £125,000. Taking this into consideration, due to the limited turnover of the business it is considered that from this perspective, it would have a negligible impact on the town centre. Therefore, it was agreed with the applicant they did not have to undertake a quantitative assessment. However, they have undertaken a qualitative assessment undertaken in order to ascertain what impact the development has on the town centre. This looks at the town centre's health and whether or not the development impacts upon the health of the town centre.
- 7.2.35 Taking into consideration the above, the ability of a centre to absorb impacts depends on the underlying health of that centre. The PPG advises that a judgement as to whether the likely impacts are significant and adverse can only be reached in light of local circumstances. It is also the case that a healthy, buoyant centre will be more capable of absorbing impact than a centre which is fragile. The applicant's Town Centre Health Check on Stevenage Town Centre was undertaken in 2018. The retail study identifies that footfall has decreased in the town centre and there appears to be some vacancies along Queensway and The Forum. In addition, the study identifies weaknesses of Stevenage Town Centre, mainly its dated appearance and its ability to provide a good retail offer to its natural catchment area. Furthermore, it identifies that there is a need to invest and improve in the public realm along with maintenance and enhancements to the centre generally. However, it does identify the centre to be reasonably healthy, it generally meets the needs of the town's population, it is performing better than the regional average and has a low vacancy rate.
- 7.2.36 Taking the aforementioned assessment into consideration, combined with the fact that the existing gym is limited in its overall size and scale, it would have a negligible impact on Stevenage Town Centre. As such the proposal is not considered to have a significant adverse impact on the town centre.

#### Impact on investment

- 7.2.37 Paragraph 89 of the NPPF states that, in assessing impact, account should be taken of the impact the proposal would have on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. This is reflected in Policy TC13 in the Emerging Local Plan (2016).
- 7.2.38 Taking into consideration the above, it is noted that there was a resolution to grant planning permission in January 2012, subject to the completion of a S106 agreement, which to date, has not been signed for the regeneration of the town centre. The proposal sought to redevelop the bus station and the surrounding underutilised sites. Approximately 45,000m<sup>2</sup> floorspace was proposed, including a department store, a hotel and residential units. The regeneration scheme also included the provision of fitness and leisure facilities. However, the proposed development partnership has withdrawn their interest in the scheme. Whilst a scheme based on the major redevelopment of the town centre could be resurrected, it is likely that the delivery of such a scheme may be many years away. Given this position, it cannot be argued that there is a committed scheme.

7.2.39 Turning to the emerging Local Plan (2016), under Policy SP3 it sets out that the Council will promote comprehensive and co-ordinated regeneration of Stevenage Town Centre. This will include for in the order of 4,600m<sup>2</sup> of additional comparison retail floorspace, 3,000 new homes and an improved range of shopping, bars, restaurants, leisure, community, civic and cultural facilities. A new train station will be the focus of the enlarged Stevenage Central Area, within which Six Major Opportunity Areas (MOAs) will be designated to promote distinct mixed-use redevelopment schemes. The MOAs which comprise of Use Class D2 (fitness and leisure) floorspace and therefore, relevant to this application (including associated Policy) is as follows:-

- Policy TC3: Centre West MOA;
- Policy TC5: Central Core MOA;
- Policy TC7: Marshgate MOA.

7.2.40 Taking into consideration of the above, there is the potential that the existing gym could potentially have an impact on these allocations. However, it is important to note that the gym is currently in operation with a limited floorspace of 450 sq.m and is over 3km from the Town Centre. In addition, there are currently no applications in with the Council to deliver the outlined MOAs set out in the emerging Local Plan. Furthermore, Use Class D2 covers not just active leisure, but also cinemas, music and concert halls, dance halls, swimming centres, indoor or outdoor sport and recreation facilities. In this regard, as these aforementioned Policies do not specify exactly what will operate within the MOAs, it cannot be assumed the existing development would affect the delivery of these sites. Furthermore, due to the nature of the development, a scheme would have to be designed to ensure that any noise generated by the gym is mitigated against as well.

7.2.41 Given the status of the Stevenage Town Centre Regeneration Proposals and the allocations in the emerging Local Plan have not yet been brought forward, it must be concluded that there would no adverse impact on the planned investment in Stevenage Town Centre. Additionally, there is no other planned investment which the proposed development could frustrate.

#### Other Retail Policy Issues

7.2.42 The NPPG states that compliance with the sequential test and impact tests does not guarantee that permission will be granted and that the local authority will have to take into account all material considerations in reaching a decision. Additionally, paragraph 87 of the NPPF (2018) states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

7.2.43 Taking this into consideration, despite the argument put forward by the applicant, the site would be classed as out of centre and it cannot be classed as being well connected or easily accessible from the town centre. This is because firstly, the site is over 3.4km north-east from the town centre. Additionally there is limited public transport connection from the Pin Green Employment Area to the town centre. Furthermore, whilst the applicant sets out that 40% of their clients walk or cycle to the premises, no evidence has been provided to support this. In addition, the character of the surrounding area is industrial in scale and nature offering little natural surveillance on the footway and the movements of large vehicles along the immediate highway network could be uninviting to pedestrians and cyclists for a considerable portion of the day and the submission document clearly emphasises the need for free dedicated car parking which encourages private vehicular movements. Therefore, it is evident that from this site, the town centre would more than likely be visited by customers via a private vehicle and due to the separation distance, it is highly unlikely there would be any linked trips between persons utilising the gym and visiting the town centre.

7.2.44 To conclude this section on retail planning policy, the applicant has failed to demonstrate that there is no sequentially preferable sites in the town centre or edge of centre which can accommodate the development combined with the fact that the site is not classed as accessible to the town, and for these reasons the application conflicts with Policy TC13 of the Emerging Local Plan and the Framework.

### **7.3 Impact on visual amenity**

7.3.1 The existing development does not comprise of any external alterations to the existing building. Therefore, the development does not have a detrimental impact on the character and appearance of the building or the visual amenities of the area.

### **7.4 Impact on residential amenity**

7.4.1 The application site is located within the established employment area of Pin Green. Given this, combined with the fact that the nearest residential properties in Great Ashby Way within North Hertfordshire is over 214m to the east of the site, the existing development does not have a detrimental impact on the residential amenities of the nearest residential properties. Consequently, the Council's Environmental Health Section has raised no concerns with the development as there are no nearby residential premises which can be affected in this instance.

### **7.5 Parking Provision**

7.5.1 The Council's Parking Standards SPD (2012) sets out the maximum level of parking requirements for Class D2 (assembly and leisure) developments. The car parking standards which are required for such development is 1 space per 15m<sup>2</sup> of gross floor area. In this regard, a maximum of 30 spaces would be required to serve the existing development. However, given the application site is located within a non-residential accessibility zone, the requirement can be reduced to between 75% and 100% of the maximum giving a requirement of between 23 spaces to 30 spaces.

7.5.2 Under planning application 17/00194/FP permission was sought to create 23 additional parking spaces on the site which also comprised of 2 disabled bays. In total, there would be 42 parking spaces. Following a site visit to the application site, these parking spaces have been implemented and currently being utilised by the existing development. Consequently, there is more than sufficient off-street parking to serve the development.

7.5.3 In terms of cycle parking, the Parking Standards SPD requires 1 short-term space per 25m<sup>2</sup> of gross floor area plus 1 long-term space per 10 full time staff. Taking this into consideration, there would be a requirement of 19 cycle spaces. At this current time, no secure cycle parking has been provided on-site. However, if members were minded to grant planning permission a condition could be imposed to require the applicant to provide details of secure cycle parking which would be installed in accordance with any approved details.

### **7.6 Means of access and highway safety**

7.6.1 The application site would be served by the existing access road off Boulton Road which is a spur road off Wedgwood Way. The existing access and egress arrangement off Boulton Road is of an industrial standard so it is currently of sufficient width to accommodate the traffic generated from the site. In terms of traffic generation, due to the limited size of the gym combined with some linked trips between the site and existing employment premises, this would be of a level which would not prejudice

highway safety. In addition, there would be sufficient off-street parking to ensure that vehicles do not park on the highway which would have a detrimental impact on highway safety,

- 7.6.2 Given the aforementioned assessment, Hertfordshire County Council as Highways Authority have raised no objection to the existing development.

## **8 CONCLUSIONS**

- 8.1 In conclusion, it is considered that the benefits that the existing use generates do not outweigh the loss of this premises which is considered to have a lawful B1(a) office use. This combined with the fact that there is likely to be demand for office and commercial floorspace over the emerging local plan period would put increasing pressure on a limited supply of employment space to accommodate any future growth for the town over the local plan period. In addition, it has not been demonstrated through the sequential test that the existing use could not be accommodated in available premises within the town centre sites, edge of centre sites or other sequentially preferable sites.
- 8.2 Given the above, the development fails to accord with Policies E2 and E4 of the Stevenage District Plan Second Review 1991 – 2011 (2004), Policies EC6 and TC13 of the Stevenage Borough Local Plan 2011 – 2031 Publication Draft – January 2016, the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).

## **9 RECOMMENDATIONS**

- 9.1 That planning application be REFUSED subject to the following reasons:
1. The benefits that the existing use generates do not outweigh the loss of this premises which is considered to have a lawful B1(a) office use. This combined with the fact that there is likely to be demand for office and commercial floorspace over the emerging local plan period would put increasing pressure on a limited supply of employment space to accommodate any future growth for the town over the local plan period. Therefore, the existing development fails to accord with Policies E2 and E4 of the Stevenage District Plan Second Review 1991 – 2011 (2004), Policies EC6 of the Stevenage Borough Local Plan 2011 – 2031 Publication Draft – January 2016, the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).
  2. The existing gym is contrary to paragraphs 86, 87 and 90 of the National Planning Policy Framework July 2018, the Planning Practice Guidance (2014) and Policy TC13 of the Stevenage Borough Local Plan 2011 – 2031 publication draft, 2016 in that it has not been demonstrated through the sequential test that the existing use could not be accommodated in available premises within the town centre sites, edge of centre sites or other sequentially preferable sites.

### **Pro-active statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



## **10 FURTHER CONSIDERATIONS**

- 10.1 Having recommended refusal of the retrospective planning application, a decision needs to be made as to whether the Council should undertake enforcement action against the breach of planning control which has occurred in this instance.
- 10.2 As set out previously in this report, it is considered that the benefits that the existing use generates do not outweigh the loss of this premises which is considered to have a lawful B1(a) office use. This combined with the fact that there is likely to be demand for office and commercial floorspace over the emerging local plan period would put increasing pressure on a limited supply of employment space to accommodate any future growth for the town over the local plan period. In addition, it has not been demonstrated through the sequential test that the existing use could not be accommodated in available premises within the town centre sites, edge of centre sites or other sequentially preferable sites.
- 10.3 Given the aforementioned comments, should the Committee agree with the recommendations set out in section 9 of this report to refuse planning permission, authorisation is sought to take enforcement action to secure the cessation of the use of 18b Boulton Road as a gymnasium (Use Class D2). It is considered that a period of six months from the date of the decision is deemed reasonable in line with the Government's Planning Practice Guidance (2014).

## **11 FURTHER RECOMMENDATION**

- 11.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation, subject to the Council's appointed solicitor being satisfied as to the evidence requiring the cessation of the use of 18b Boulton Road as a gymnasium. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- 11.2 That subject to the Council's appointed solicitor being satisfied with the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the enforcement notice.
- 11.3 That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

## **12 REMEDY REQUIRED**

- 12.1 Within six months of the date of refusal of planning permission, to cease the use of 18b Boulton Road as a gymnasium and to return the premises back to its original form.

## **13 BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Local Plan 2011 – 2031 Publication Draft 2016
4. Central Government advice contained in the National Planning Policy Framework July 2018 and National Planning Policy Guidance 2014.

5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

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

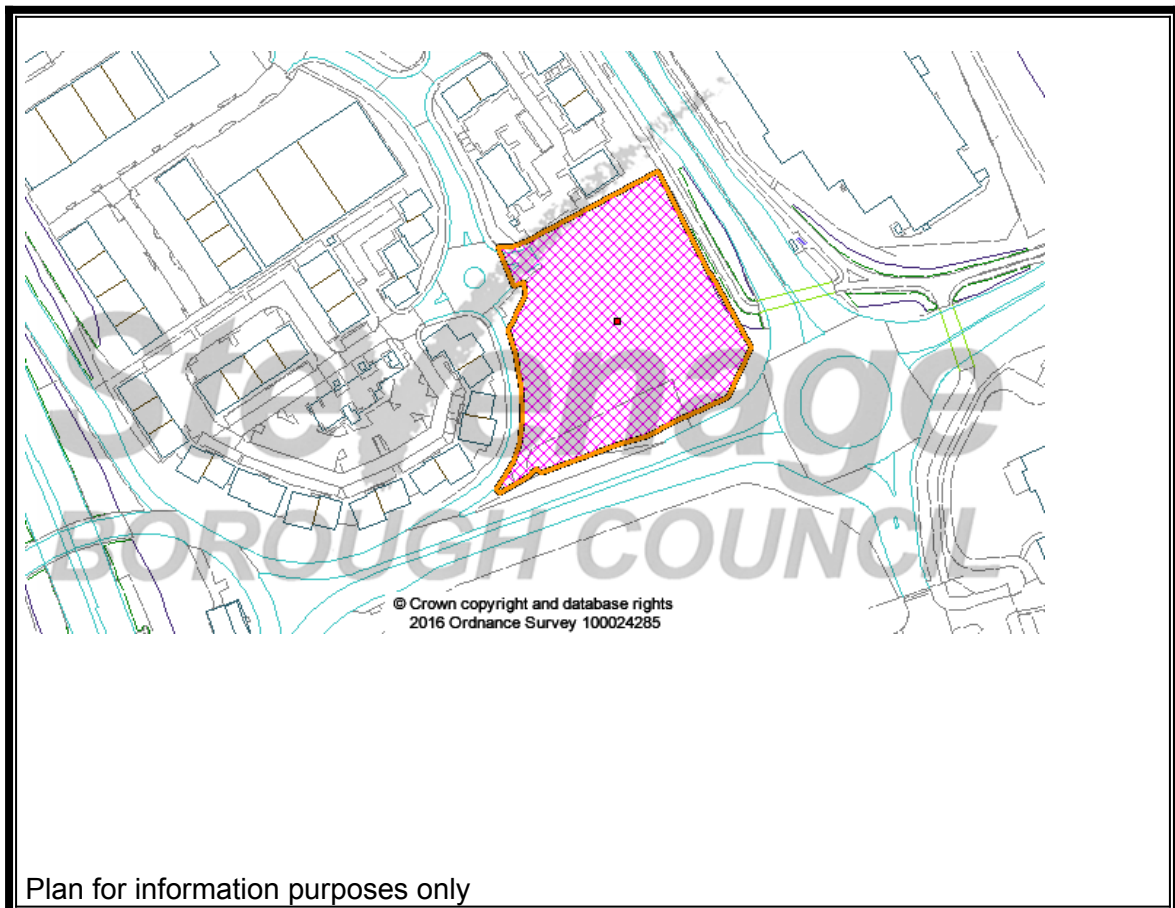
**Date:** 11 September 2018

**Author:** James Chettleburgh 01438 242266

**Lead Officer:** Chris Berry 01438 242257

**Contact Officer:** James Chettleburgh 01438 242266

Application Nos:	17/00826/FPM
Location:	Plot 2000, Arlington Business Park, Gunnels Wood Road, Stevenage
Proposal:	Erection of four storey office building (Use Class B1a), petrol filling station with ancillary convenience store and coffee drive-thru outlet with associated access, parking and circulation arrangements, landscaping and associated works.
Drawing Nos.	16.139 001; 16.139 002 O; 16.139 007 B; 16.139 009; 16.139 012; 16.139 013; 16.139 014; 16.139 015; 16.139 016; 3358 01 D; 3358 02 D; 0066804-CUR-00-XX-DR-D-72001-P01.
Applicant:	Monte Blackburn Ltd
Date Valid:	11 July 2018
Recommendation:	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site is located within the Gunnels Wood Road Employment Area. The site is bordered by Gunnels Wood Road (A1072) which is located to the east, Broadhall Way (A602) to the south and Whittle Way to the west with Arlington Court to the north. The site, which was previously occupied by BAE manufacturing before the buildings were demolished and cleared, is a 0.95 hectare plot of open land comprising of self-seeded trees and overgrown vegetation. The site itself is positioned in the south eastern corner of Arlington Business Park.
- 1.2 To the north of the site lies Arlington Court which comprises of two-storey brick built offices with a mono-pitched metal roof. To the west of the site is Arlington Business Park (also known as Gateway 1000) which comprises part single-storey, part two-storey and part three-storey offices, trade units and commercial premises. The buildings are generally constructed from metal cladding with full height curtain wall glazing along metal mono-pitched roofs.
- 1.3 To the south of the site beyond Broadhall Way is the Glaxo SmithKline (GSK) campus and to the east beyond Gunnels Wood Road is Leyden Road. This road comprises a number of commercial and industrial premises which are generally single-storey in height. To the west beyond Arlington Business Park lies Junction 7 of the A1(M) motorway which connects to Broadhall Way.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Under outline planning application 02/00098/OP permission was sought for the erection of a business park comprising of Use Class B1, B2 and B8 uses with food store (Use Class A1), day nursery (Use Class D1) and car showroom. This application was granted planning permission in October 2002.
- 2.2 Planning application 04/00243/FP sought a variation of condition 7 of outline planning permission reference 02/00098/OP to omit the proposed new egress onto Gunnels Wood Road. This application was granted permission in July 2004.
- 2.3 Reserved matters application 04/00247/RM related to Phase 2 construction of access with associated landscaping, pursuant to outline permission 02/00098/OP. This application was granted In July 2004.
- 2.4 Reserved matters application 05/00428/RM was for the construction of 2991 square metres of Class B1(a) (Office) floorspace to be accommodate in 5 two storey buildings with ancillary car parking and landscaping pursuant to outline permission 02/00098/OP. This application was granted in October 2005.
- 2.5 Planning application 11/00701/FPM sought permission for the erection of a 3,770 sqm office, a 2,622 sq.m hotel and a 511 sq.m restaurant with associated car parking and vehicle and pedestrian accesses. This application was granted planning permission in September 2012.
- 2.6 Planning application 17/00183/FPM sought permission for the erection of 1 no. 83 bed hotel, petrol filling station with ancillary convenience store and coffee drive-thru outlet with associated access, parking and circulation arrangements, landscaping and associated works. This application was withdrawn in August 2017.

### **3. THE CURRENT APPLICATION**

- 3.1 This application seeks planning permission for a four storey, 3,900 sq.m office building (Use Class B1a). The building itself would span approximately 54m in width, 19m in depth with an overall height of approximately 15m. The internal floorspace of the office would be open plan with the external elevations of the building constructed from a mixture of contrasting materials which includes brick, vertical bronze cladding and polished concrete columns. The windows which would be installed within the fenestration would be polyester powder coated aluminium double glazed windows. The building has been designed as dual aspect with frontages onto both Broadhall Way and Gunnels Wood Road.
- 3.2 The proposal also seeks permission for the erection of a petrol filling station (Use Class Sui Generis). The filling station would measure approximately 35m in width, 15m in depth with a height of between 4m to 5m due to the mono-pitched roof. The building itself would be constructed from grey composite cladding with a lower brick course with the roof finished in grey composite panelling. On the front elevation of the building would be double glazed curtain walling forming the main entrance along with ATMs. The petrol filling station would itself comprise a convenience store and food to go.
- 3.3 Further to the above, the proposal also consists the erection of a coffee drive-thru. The drive-thru building would measure approximately 17m in width, 10m in depth with a height of between 6.38m to 8.70m due to the sloping mono-pitched roof. To the side of the building would an attached timber enclosure refuse store. The building itself would be constructed from Kingspan metal panelling with interspersed areas of vertical timber panelling. The main frontage of the building would comprise of polyester powder coated aluminium framed shop front with a clay brick facing feature which would be utilised to advertise the premises. The roof of the drive-thru would be finished in a grey single-ply membrane.
- 3.4 In addition to the above, proposal also comprises areas of new landscaping, parking, circulation areas and ancillary works. This application comes before the Planning and Development Committee is because it is a major.

### **4. PUBLIC REPRESENTATIONS**

- 4.1 Following notification of the application via letter, the erection of a site notice and the issuing of a press notice, one comment was received from 13 Church Lane. In their comments, they state that the development would be positive for the area and will provide future job prospects. However, the only issue of concern is traffic and how vehicles will exit the site. This is because there are two possible entry points, one from Broadhall Way and one from Gunnels Wood Road. There is already a large amount of traffic during peak periods, especially between 16:00 to 18:00 where it can be heavily congested.
- 4.2 Further to the above, they ask whether it would be possible to put either a roundabout or junction with traffic lights on Whittle Way/Gunnels Wood road allowing cars to go across Gunnels Wood Road instead of going north and then back south around the underpass roundabout.

### **5. CONSULTATIONS**

#### **5.1 Hertfordshire County Council as Highways Authority**

- 5.1.1 It is considered that the proposed access and egress points have been designed to industrial standards and are of sufficient width to accommodate the traffic generated by the proposal. The application submission establishes that vehicles, including petrol

tankers, waste collection and emergency vehicles can safely manoeuvre in and around the site. In addition, the accesses have acceptable visibility splays in accordance with Manual for Streets.

- 5.1.2 Turning to traffic generation, the traffic modelling undertaken identifies that there would be a nominal increase in trips to the development, but not at a level which is significant to impact on the surrounding highway network. The existing bus service is considered to be viable to meet the needs of the business but recommend a financial contribution of £48,000 to improve transport infrastructure such as the need for the introduction of Automatic Vehicle Location (ALV) departure screens.
- 5.1.3 The proposal also comprises new pedestrian footway connections to enable pedestrian access from Arlington Business Park itself. The proposal also seeks to create a new pedestrian access onto the shared use pathway adjacent to the western carriageway of Gunnels Wood Road. There also appears to be an acceptable level of cycle parking being provided in the development site as well.
- 5.1.4 The County Council as Highways Authority therefore considers, subject to a condition on construction traffic and to secure parking across the site before the development is occupies and a financial contribution towards sustainable transport infrastructure, the proposed development would not prejudice the safety and operation of the highway network.

## **5.2 Council's Arboricultural Officer**

- 5.2.1 There are no concerns with the proposed development from an arboricultural point of view.

## **5.3 Lead Local Flood Authority**

- 5.3.1 The drainage strategy which has been submitted to the Council is considered to be acceptable. It is considered that the proposed development site can be adequately drained and mitigate any potential surface water flood risk. The applicant has also demonstrated that an appropriate sustainable drainage scheme can be implemented in accordance with best practice.
- 5.3.2 If the Council is minded to grant planning permission, it is recommended a condition be imposed requiring that the drainage scheme provided should be implemented in accordance with the approved details.

## **5.4 Herts and Middlesex Wildlife Trust**

- 5.4.1 No comments to make on the application.

## **5.5 Council's Environmental Health Officer**

- 5.5.1 The Environmental Health Section agrees with the Environment Agency recommended conditions 2 and 3. In addition, the recommendation in the developer's preliminary site assessment is acceptable. In regards to conditions, if planning permission were to be granted the standard condition of hours of work should be imposed.

## **5.6 Thames Water**

- 5.6.1 Thames Water has been unable to determine the waste water infrastructure of the development, however, if the Council is minded to grant permission, a condition should be imposed with respect to a drainage strategy detailing how any on and/or off site drainage works would be delivered. Separately, a Trade Effluent Consent will be

required for any Effluent discharge other than 'Domestic Discharge'. Any discharge without Thames Water consent is illegal. In addition, Thames Water recommends that petrol/oil interceptors should be fitted in all car parking areas. This is because failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local water courses.

5.6.2 In addition to the above, Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. They also recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. If this is not enforced the sewer system could become blocked, create sewage flooding and pollution to local watercourses.

5.6.3 It is also noted that there are public sewers crossing or close to the development. Consequently, in order to protect public sewers and to ensure Thames Water can gain access to these sewers for repairs and maintenance, approval will need to be sought from Thames Water where the erection of a building would come within 3 metres of a public sewer. In addition, the developer needs to demonstrate what measures they will take to minimise groundwater discharges into the public sewer. This can occur from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal. Therefore, an informative should be attached to any permission issued requiring the applicant to seek a Groundwater Risk Management Permit from Thames Water.

## **5.7 Hertfordshire County Council Development Unit**

5.7.1 Following a review of the application, it is recommended an obligation be secured for the provision of fire hydrants. However, no other financial contributions would be sought.

## **5.8 Hertfordshire County Council Minerals and Waste**

5.8.1 The Council needs to be aware of the Policies in regards to waste management of the site, including the re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction.

## **5.9 Police Crime Prevention Design Advisor**

5.9.1 Only issue with the proposal is the potential for person(s) to drive off without payment at the service station. But, this can be mitigated by making pumps Pay at Pump along with the use of an automatic number plate recording camera at the site entrance. Other than, no objection is raised to the proposed development.

## **5.10 Highways England**

5.10.1 No objection.

## **5.11 Environment Agency**

5.11.1 The documentation submitted by the applicant provides confidence that it will be possible to suitably manage the risks posed to groundwater resources by the development. However, if planning permission were to be granted a number of conditions should be imposed with respect to contamination, remediation, infiltration of surface water, borehole management, underground storage tanks and piling.

## **5.12 North Hertfordshire District Council**

5.12.1 No comment.

## **5.13 UK Power Network**

5.13.1 No comment.

# **6. RELEVANT PLANNING POLICIES**

## **6.1 Background to the Development Plan**

6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.

6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

## **6.2 Central Government Advice**

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.

6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application



to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

- 6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

### **6.3 Adopted District Plan**

TW1: Sustainable Development;  
TW8: Environmental Safeguards;  
TW9: Quality in Design;  
TW10: Crime Prevention;  
TW11: Planning Requirements;  
E2: Employment Areas;  
E3: Employment Sites;  
E4: Acceptable Uses in Employment Areas;  
E5: Retail and Leisure Proposals in Employment Areas;  
T6: Design Standards;  
T12: Bus Provision;  
T13: Cycleways;  
T14: Pedestrians;  
T15: Car parking strategy;  
EN13: Trees in New Developments;  
EN18: Natural Habitats in Adjoining Local Authorities;  
EN27: Noise Pollution;  
EN29: Light Pollution;  
EN31: Hazardous installations;  
EN36: Water Conservation;  
EN38: Energy Conservation and Supply.

### **6.4 Stevenage Borough Local Plan 2011-2031 Publication Draft (Emerging Local Plan)**

Policy SP1: Presumption in favour of sustainable development;  
Policy SP2: Sustainable Development in Stevenage;  
Policy SP3: A strong, competitive economy;  
Policy SP4: A Vital Town Centre;  
Policy SP5: Infrastructure;  
Policy SP6: Sustainable Transport;  
Policy SP8: Good Design;  
Policy SP11: Climate Change, Flooding and Pollution;  
Policy EC2a: Gunnels Wood Employment Area;  
Policy EC4: Remainder of Gunnels Wood;  
Policy EC5: Active frontages and gateways;  
Policy TC13: Retail Impact Assessments;  
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 GD1: High Quality Design;  
Policy FP1: Climate Change;  
Policy FP2: Flood risk in Flood Zone 1;  
Policy FP5: Contaminated land;  
Policy FP6: Hazardous installations;

Policy FP7: Pollution;  
Policy NH2: Wildlife Sites;  
Policy NH5: Trees and woodland.

## 6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2012.  
Stevenage Design Guide Supplementary Planning Document January 2009.

## APPRAISAL

7.1 The main issues for consideration in the determination of the application are its acceptability in land use policy terms, Impact on visual amenity, Impact on amenities, parking provision, means of access and highway safety, trees and landscaping, impact on the environment, ecological impacts and development and flood risk.

## 7.2 Land Use Policy Considerations

### Employment

7.2.1 The application site is located within the Gunnels Wood employment area as defined by Policy E2 of the Stevenage District Plan Second Review 1991 – 2011 (adopted 2004). Policy E4 sets out acceptable uses in employment areas and specifically states “in the employment areas already designated a range of employment uses within the B1, B2 and B8 use classes will be encouraged. A mix of uses within a development site will also be encouraged.” Policy EC2a of the Stevenage Borough Local Plan 2011 – 2031, Publication Draft January 2016 also defines the site as falling within the Gunnels Wood employment area. Emerging Policy EC4: Remainder of Gunnels Wood stipulates that for sites outside of the Edge-of-Centre and Industrial Zones and allocated sites for employment, planning permission will be granted where:-

- a. Development (including changes of use) is for use classes B1(b) research and development, B1(c) light industry, B2 General Industry and / or B8 storage and distribution;
- b. (Re-) development of the site would not prejudice the provision of an appropriate number and range of jobs across the Employment Area as a whole; and
- c. On sites over two hectares in size, any proposals for B8 development are either part of a mixed use scheme providing a range of acceptable uses or essential to the continued operation of an existing use.

The above policy goes onto state that planning permission for B1(a) offices will only be granted as an exception to criteria a where it is ancillary to the specified uses, is essential to the continued operation of an established B1(a) use or a sequential test clearly demonstrates that no suitable sites are available in more accessible locations.

7.2.2 The proposed development seeks to provide a petrol filling station with shop which is defined as ‘Sui Generis’ under the Town and Country Planning (Use Classes) Order 1987 (As amended). The proposal would also comprises of a coffee shop drive-thru (Use Class A3) and offices (Use Class B1(a)). Given this, the development would be contrary to the policies contained in the adopted Local Plan (2004) and Emerging Local Plan (2016). However, Policy E4 of the adopted Local Plan (2004) does also state “*proposals for employment generating uses that do not fall within the use classes order will be considered on their own merits*”. In this regard, an assessment has to be made regarding the individual merits of the proposed development which is dealt with in more detail in the following sections of this report. Furthermore, paragraph 6.18 of the Emerging Local Plan states that the Council would support a broad range of uses and unit sizes in Gunnels Wood. In addition, an assessment has to be made as to overall

job density the development will generate and how the proposal supports the continuing operation of the employment area.

- 7.2.3 Policy E5 of the adopted Local Plan stipulates that the development of land for retail or leisure uses will not be permitted unless the following criteria are met a) a local need for a facility in terms of supporting the operation of an employment area; and b) the proposal does not have an unacceptable traffic or environmental impact. Dealing with the application site specifically, the site falls within the former BAE site, therefore, Policy E3 of the Local Plan (2004) is of relevance. This policy indicates that the site, which forms part of the wider Arlington Business Park comprises of some 26 hectares of land which could provide an estimated 120,000 sq.m of floorspace with the most suitable uses being B1(offices) and B2 (general industry). However, as noted above, Policy E4 also allows for other B-class uses. Given this, the adopted Local Plan allows for the provision for office development on this application site. This is material in the determination of this planning application which weighs in favour to the provision of offices on this site.
- 7.2.4 Looking at the history of the application site in more detail, it has been vacant for a number of years since the former BAE manufacturing buildings were demolished in the 1990's. In 2002, planning permission (02/00098/OP) which covered the whole of the former BAE site had been granted for a business park comprising of Use Class B1 (Business), B2 (General Industry) and B8 (Warehouse and Distribution) along with a foodstore (Class A1), Restaurant (Class A3), day nursery (Class D1) and Showroom. The masterplan associated with the aforementioned permission identifying the application site (Plot 2000) as B1(a) offices with Plot 4000, which is to the north of the site, being allocated for a car showroom, nursery, foodstore and restaurant.
- 7.2.5 Under planning application 05/00428/RM, permission was granted for the erection of 2,991 sq.m of Class B1(a) floor space to be accommodated in 5 two-storey office buildings. These offices, which are located to the north of the site, have been constructed and currently make up Arlington Court. In regards to Plot 1000, reserved matters application 05/00369/RM sought permission for 7,600 sq.m of Class B1(a) (office) floorspace, 2,435 sq.m of Class B1(c) (light industrial) and Class B8 (storage and distribution) floorspace. This permission has also been carried and currently forms the rest of Arlington Business Park. In relation to plot 1500 Arlington Business Park, reserved matters application 03/00487/RM was for the erection of 16 units for B1c and B8 use. This development has also been constructed out and forms part of Arlington Business Park. The remainder of the area has been constructed out for the two car dealerships, which is BMW and Ford.
- 7.2.6 Given the aforementioned, it is evident that as part of the outline planning permission for the former BAE site as a whole (including the application site), the foodstore, nursery and restaurant were never implemented. This is of relevance as the idea behind these parts of the outline permission is to help to support the ongoing operation of Arlington Business Park as a whole and to help it be sustainable i.e. encourages linked trips between the employments areas of the site and the restaurant, nursery and foodstore. In addition, the original outline permission identified the application site to be brought forward for office development.
- 7.2.7 Under planning application 11/00701/FPM, permission was granted for the erection of 3,770 sq.m of office floorspace, 2,662 sq.m hotel and a 511 sq.m restaurant. This application was granted planning permission by the Council in 2012. This application was approved because despite the hotel and restaurant not considered to be employment uses as defined by the Local Plan, it was concluded that they would, however, support the wider needs of Gunnels Wood Employment Area. This is because it was recognised that there was an absence of support services which were originally envisioned for the Arlington Business Park as a whole. However, whilst this

application was never implemented, it is a material consideration in the determination of this planning application. This is because firstly, it has established the principle of commercial development on this site, including the development of non B class development. Furthermore, this application was determined under the current District Plan (2004) which is also material in the determination of this application. Moreover, it can be argued that the proposed development also helps to provide an element of support services. This is because the petrol filling station would comprise of a small food store which can be used by future staff at the offices and established surrounding businesses. In addition, the coffee-shop drive-thru would also be accessible surrounding business who are within walking distance to the development site.

- 7.2.8 Focusing on the employment aspects of the development, it is noted that historically the unemployment levels in Stevenage have been low, albeit higher than the rest of Hertfordshire with approximately 4% of the population in Stevenage being unemployed with 1.5% of the population on Job Seekers Allowance (Office for National Statistics April 2017 to March 2018). Data also shows that between 2010 and 2013 Stevenage experienced a loss of 2,600 jobs (6% decline) whereas over the same period, there has been a 2% increase in jobs nationally. The job losses in Stevenage were around manufacturing, accommodation and food services, ICT, administrative and support services. Currently, employment numbers, according to recent data, in Stevenage are still below pre-recession figures and this is reflected in the evidence base for the emerging Local Plan (2016).
- 7.2.9 With regards to assessing the potential amount of employment a development would generate, the Homes and Community Agency Employment Density Guide, 3<sup>rd</sup> Edition (2015) provides a benchmark for employment densities. In regards to general offices (Use Class B1a), 1 job is created for every 8 (call centre) to 13 (corporate) sq.m of floorspace. For research and development (Use Class B1b), 1 job is created for every 40 to 60 sq.m of floorspace. For light industrial (Use Class B1c) 1 job is created for every 47 sq.m of floorspace and for Industrial and Manufacturing (Use Class B2) its 1 job for every 47 sq.m of floorspace. Turning to storage and distribution (Use Class B8), 1 job is created for every 70 ('Final Mile' Distribution Centre) to 95 (National Distribution Centre) sq.m of floorspace created. Given this, it is evident that office developments create a higher level of employment compared to the uses specified under Policy EC4 of the emerging Local Plan (2016) i.e. B1(b), B1(c), B2 and B8. Turning to the other proposed uses within the development scheme, the Density Guide sets out that for food stores and restaurants/cafes, 1 job is created for every 15-20 sq.m of floorspace which is constructed. In regards to petrol filling stations specifically, these will be down to the relevant business model of the filling station in question. In this regard, the applicant states that this would generate around 26 full time equivalent jobs.
- 7.2.10 Taking the established employment densities into consideration combined with the business model for the petrol filling station, the Socio-Economic report submitted by the applicant estimates that the development would generate 315 new jobs. This is considered to be a reasonable assumption. In terms of the jobs themselves, there would be a mixture of higher and lower skilled occupations which will provide opportunities for all segments of Stevenage's population. In addition, the development would generate an estimated 70 construction jobs over an 18 month build period as well as create an additional 95 jobs off-site within the corporate supply chain. Furthermore, it is estimated that the development itself would also generate an additional £407,800 of business rates which can be collected by Stevenage Borough Council. Therefore, it can be argued that the development, specifically the offices, which would generate around 279 jobs, would help to increase the level of employment numbers to near pre-recession levels. In addition, due to the overall density of employment the development would generate, it falls in line with the requirements of the Emerging Local Plan.

7.2.11 A further consideration is the existing use of the site which has been vacant for approximately 16 years since the 2002 masterplan. The site was previously owned by The Howard Group back in 2008 and prior to this the site was marketed for redevelopment by Strutt and Parker for a period of 10 years. Brown and Lee and CBRE/Juniper Real Estates had marketed the site since 2008 through the use of site boards, marketing particulars, details of the site mailed to London agents and local occupiers in main commercial centres within a 15 mile radius of the site, details on both agents websites and also on the EG Property Link website, however, it has not been possible to secure an agreement to build a pre-let. Following the granting of planning permission in 2011, the site was further marketed for the offices, hotel and restaurant with no interest in building out the permission prior to the acquisition of the site by the applicant. Finally, looking at the sites allocation specifically, due to the nature of uses such as warehouses (Use Class B8) and general industrial developments (Use Class B2), they would not be suitable for this gateway location as it would be difficult to deliver high quality, landmark buildings as for example warehouses require large high bay sheds and industrial development generally require large amounts of plant and equipment which would be readily visible from the public realm.

7.2.12 Given the aforementioned assessment, it is evident that there is no reasonable prospect of the site being used for the allocated employment use and therefore, this application for a mixture of uses needs to be considered on its own merits taking into account market signals and how the development helps to support the ongoing operation of the employment area. Consequently, it has been clearly demonstrated that whilst the provision of a petrol filling station with associated retail and drive-thru coffee shop are not considered to be employment uses as defined in the District Local Plan (2004) and Emerging Local Plan (2016), it has been demonstrated that these uses would be acceptable as they will help to support the wider needs of the Gunnels Wood Employment Area. In addition, the proposed petrol filling station and drive-thru combined with the provision of high quality offices would generate an acceptable level of employment on this key gateway site as well as generate additional income for the Council. Therefore, on balance, it is considered that the proposed development is acceptable in employment policy terms.

#### Retail impact and the Sequential Test

7.2.13 The NPPF reaffirms the Government's objectives for ensuring the vitality and viability of town centres. For proposals that are not in an existing centre, the NPPF states that a sequential test must be undertaken giving preference to town centre sites and then edge of centre sites before consideration is given to out of centre sites. For reference, under Annex 2: Glossary of the NPPF, drive-thru restaurants, offices and retail development are identified as main town centre uses. Additional to this, the NPPF states that for proposals of this nature (above the default threshold of 2,500m<sup>2</sup> – if there is no locally set threshold) an impact assessment must be undertaken which has to consider the following:-

a) the impact of the development on existing, committed and planning public investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the development on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.

7.2.14 The Planning Practice Guidance (PPG) (2014) reaffirms the 'town centre first' principle, that compliance with the sequential and impact tests does not guarantee that permission will be granted and that the Local Planning Authority will have to take into account all material considerations in reaching a decision. With regards to the sequential test, the PPG states that the applicant must demonstrate flexibility. A town

centre site does not have to accommodate precisely the scale and form of the proposed development and consideration should be given to the contribution that more central sites are able to make.

7.2.15 The relevant adopted Local Plan Policies TR5 and TR6 of the Stevenage District Plan Second Review 1991 – 2011 adopted 2004, which relate to retail development, were not saved from September 2007. However, emerging Policy TC13: Retail impact assessments states that for main town centre uses, an impact assessment is required for any proposal in excess of 300m<sup>2</sup> for main town centre uses located outside of the town centre. This policy goes on to state that this should include an assessment of:

i. The impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area; and

ii. The impact of the proposal on town centre vitality and viability, including consumer choice and trade in the Town Centre and wider area, up to five years from the time that the application is made. For major schemes, where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time that the application is made.

7.2.16 To address the two tests, the applicant has submitted a Planning and Retail Statement dated November 2017. This document contains a significant amount of technical information and judgements on the suitability and availability of alternative sites and the likely impacts from the proposed development. These have been carefully assessed in the following sections of this report.

#### Sequential Assessment

7.2.17 To properly consider the sequential assessment, it is necessary to be clear that the proposal is to create a 599 sq.m petrol filling station (including convenience store) with a 223 sq.m sales area, 167 sq.m drive-thru coffee shop with a sales area of 134 sq.m and a 3,900 sq.m office development located in an out-of-centre site in terms of retail policy.

7.2.18 In considering the suitability of alternative sites, it is necessary to have regard to the characteristics of any site that must be met in order to satisfy the applicant's business model. Legal decisions such as the Supreme Court Decision of *Tesco Stores Ltd v Dundee City Council* (2012) and appeal decisions (*Rushden Lakes decision – APP/G2815/V/12/2190175*) have confirmed that the sequential test is directed at what the developer is proposing, not some other proposal which the planning authority may seek to substitute for it which is something less than that is sought by the developer. The *Zurich Assurance Ltd Judgement (R(oao Zurich Assurance) v North Lincolnshire [2012] EWHC 3708 (Admin)* recognised the Dundee judgment, particularly with the real concept stating 'it is also important to mark that developers....work in the real world'. The developer under this decision had assessed the only available town centre alternative to the site, and had concluded that a development that was smaller than that proposed, or one with a more restricted range of goods, was neither commercially viable nor suitable for their commercial requirements. Consequently, what these judgements mean is that when applying the sequential test, neither the NPPF nor the PPG which have taken into account these court decisions, refers to disaggregation, thus, a development cannot be altered or reduced in order to fit into an alternative site.

7.2.19 The applicant has confirmed that the requirements of the applicant is for a 0.95 hectare site which includes a petrol filling station with associated equipment, a convenience store and food and beverage offer, a drive-thru coffee-shop and office accommodation. The site has been chosen by the applicant for the following reasons:-

- High volume of passing trade as a gateway site into Stevenage;
- Relative lack of Petrol Filling Station facility in the area;
- Potential for the Petrol Filling Station and other facilities to serve both passing trade and traffic associated with the surrounding employment area.

7.2.20 The applicant, Monte Blackburn, work currently with the operator Euro Garages, state that Euro Garages operate nationally petrol filling stations, motorway service areas and food and beverage franchises. In the sequential assessment, the report sets out that customer demand has moved towards a comprehensive requirement from just the supply of fuel to a requirement of retail provision, takeaway food, coffee and other ancillary offerings. Therefore, the scheme put forward to the Council is a more comprehensive form of development and thus, for the petrol filling station, as a minimum they require sites of 0.4 hectares. In addition, the development also includes the drive-thru coffee shop and offices which also need to be considered and should not be disaggregated from the petrol filling station as they form part of the wider planning application proposal. This is also relevant to the potential filling station itself i.e. the retail and food and beverage elements as they form part of the business model of Euro Garages.

7.2.21 In line with the requirements of the NPPF, the applicant has undertaken a sequential test. The applicant states that the assessment looks at all neighbourhood centre and the town centre itself which fall within a 5 minute drive time and 5 minute walk time. In addition, in order to operate a petrol filling station, the site needs to be close proximity to a road in order to capture passing traffic as well as be adjacent to a road with an appropriate number of daily vehicle movements. The assessment focused on sites with a minimum site threshold, for flexibility, 0.30 hectares to a maximum site area of 1.14 hectares in order to represent the size of the site plus 20%. Furthermore, for flexibility, they have included buildings within the catchment of between 613 sq.m and 919 sq.m representing 20% of the proposed floorspace of the petrol filling station for the retail elements and drive-thru coffee shop. The assessment undertaken by the applicant takes into account the following:-

- Proximity and linkages;
- Accessibility to the road network and accessibility to businesses in the catchment area;
- Land ownership and site assembly issues;
- Site constraints, including availability, site size, topography, planning policy objective etc;
- The need for flexibility in determining the format of the design and scale of development;
- Development plan allocation and impact on Development Plan strategy.

7.2.22 The following sites have been considered by the applicant as part of the sequential test:

- Stevenage Town Centre;
- Old Town High Street;
- Popple Way Neighbourhood Centre;
- Roebuck Local Centre;
- Bedwell Local Centre;
- Filey Close Centre;
- Hydean Way Neighbourhood Centre;
- Rockingham Way Neighbourhood Centre;
- Stevenage Leisure Park;
- Roaring Meg Retail Park;
- Other Sites adjacent to Arterial Routes;

- Other Sites within Stevenage.

7.2.23 Taking into consideration the advice in the PPG and associated Case Law, the Local Planning Authority has considered the above sites in detail. Looking at Stevenage Town Centre North, this site was allocated under Policy TR2 of the adopted Local Plan (2004). Under this policy, it was identified that the site would be suitable for redevelopment for retail (principally A1 with ancillary A3) and car parking, and optionally ancillary D1 Community Centre and/or D2 Leisure. However, Policy TR2 was not saved by way of direction in 2007 and no other saved policies within the Local Plan are specifically concerned with the Town Centre Redevelopment Proposals. Furthermore, a number of the units are not owned by Stevenage Borough Council and with part of the site being designated a conservation area, the site is not considered to be readily available or suitable. Therefore, this site cannot be considered to be a sequentially preferable site.

7.2.24 In regards to the former BHS store, this is now currently available for retail purposes on a leasehold. However, the store occupies a prominent area within the town centre and is integrated into the wider purpose built town centre. Therefore, this site would not be suitable for a petrol filling station and drive thru coffee shop. In addition, due to its location, it is not directly accessible to car traffic. Consequently, this site does not represent a sequentially preferable site. With respect to the former Marks and Spencer Store, this is located in a prominent location of the pedestrianised town centre with a store offer of 7,100 sq.m where the ground floor is 2,400 sq.m which exceeds the threshold of 919 sq.m. In addition, this site has also recently been granted permission, subject to the completion of a S106 legal agreement, for retail, a new gym and residential premises. Furthermore, the site would have to be redeveloped to provide a drive-thru and petrol filling station and as such, the former M&S store is not sequentially suitable for the application development.

7.2.25 With respect to the Park Place development, the ground floor units provide approximately 2,018 sq.m of retail floorspace across six units. However, the site is located in a pedestrianised part of the town centre with no direct access to an arterial road or be able to accommodate vehicular access with circulation space which is required to serve the drive-thru coffee shop. Therefore, the Park Place development is not considered to be sequentially preferable site in this instance.

7.2.26 In regards to the former post office units at 22-23 Westgate Shopping Centre, this premises is now occupied and no longer available so must be discounted from the sequential assessment. Turning to the Stevenage Town Centre Regeneration Proposal, this achieved a resolution to grant planning permission in January 2012, subject to the completion of a S106 agreement, which to date, has not been signed. The proposal sought to redevelop the bus station and the surrounding underutilised sites. Approximately 45,000m<sup>2</sup> floorspace was proposed, including a department store, a hotel and residential units. The regeneration scheme does not include the provision of a petrol filling station or a drive thru coffee shop as part of the wider redevelopment of Stevenage Town Centre. However, it did include an element of office development. Notwithstanding this, the proposed development partnership has withdrawn their interest in the scheme. Given this, it is considered that this proposal is neither available within the necessary timeframe required by the developer, nor is it viable in terms of the costs of implementing the scheme. Accordingly, this scheme does not represent a sequentially preferable site.

7.2.27 In assessing the Matalan site, there is a resolution to grant planning permission under planning application reference 14/00559/OPM for a mixed residential of 526 residential apartments and commercial units Class A1 (Retail), Class A2 (Professional and Financial), Class A3 (Restaurant) and A4 (Drinking Establishment) and A5 (Hot Food Take-away) with associated landscaping following demolition of the existing building.



The site itself, is 1.34 hectares in size, therefore, it could accommodate the proposed development. However, the approved scheme does not include the provision of a petrol filling station or the creation of a drive-thru coffee shop. In addition, the development would have to be completely reconfigured to deliver the proposed uses. Furthermore, the application is in outline and not in detail form and no development has commenced on this site. Given this, the site would not be readily available within a reasonable timeframe. Accordingly, the site identified does not represent a sequentially preferable site for the proposed development.

7.2.28 The Sequential Assessment undertaken by the applicant has also reviewed the Major Opportunity Areas (MOAs) which have been identified in the Emerging Local Plan (2016). In regards to Policy TC3: Centre West Major Opportunity Area, this seeks to provide a mixture of development which includes offices, small scale retail and café uses. However, the Leisure Park is not currently on the market as a whole or in part and there are no commitments in planning terms to deliver any form of development within a reasonable timeframe. In terms of suitability, the site is centred on the Leisure Park which is accessed by minor road which are not prominent on the public highway and do not provide the quantum of passing trade. As such, the site would not provide a viable alternative and therefore is not suitable. Furthermore, the aspirations of this site which is for general residential, commercial and leisure uses and improved links to the train station and as such, vehicular traffic through the site would be expected to decrease should the aspirations of the site be met. Therefore, this area is not a sequentially preferable site for the development.

7.2.29 In regards to Policy TC4: Station Gateway Major Opportunity Area, this focuses on the train station, arts and leisure complex and a number of car park facilities. The allocation seeks the provision for the wider scale regeneration of the bus and train stations, car parking, residential development, town centre uses and new offices. The site is still operating as a railway station with the car parks in the area well used to service the station. In addition, there are no known plans or commitments as to the planned works in order to deliver this part of the regeneration of the town centre. Furthermore, redevelopment of the area would need to be designed in a way to not prejudice the operation of key transport infrastructure. In addition, the proposed development in its form would not integrate well with this part of the regeneration as it would be piecemeal and could undermine the deliverability of the overall regeneration scheme. Therefore, this site is not available or suitable for the development and as such, would not be sequentially preferable site.

7.2.30 In regards to Policies TC5 (Central Core Major Opportunity Area), TC6 (Northgate Major Opportunity Area) and TC7 (Marshgate Major Opportunity Area), whilst these have allocations for retail, cafes and offices, these sites would not be suitable for a coffee drive-thru or petrol filling station. In addition, no formal planning applications have been submitted for these areas of the town centre so they would not be available in a reasonable timeframe and the overall nature of the development does not fit in to the overall regeneration programmes for these areas. Therefore, these parts of the town centre are not considered to be sequentially preferable for the proposed development.

7.2.31 In regards to Stevenage Old Town, it has not been included in the Stevenage Central Framework and has not been identified for retail expansion in Stevenage. The only site which is identified in the adopted Local Plan is Pond Close, which is only 0.9 hectares in area and allocated for residential development. The Old Town is also protected for its high architectural and historic qualities. Consequently, there are no sites which are of an appropriate size for the proposal. Turning to the other sites identified in the sequential assessment which includes the Roaring Meg and Neighbourhood Centres, it has been identified that there are no sequentially preferable sites to accommodate the proposal at these locations.

7.2.32 Given the aforementioned assessments of the alternative sites, it is considered that there are no sequentially preferable sites other than the application land and accordingly, it can be concluded that the application passes the sequential test.

#### Impact Assessment

7.2.33 The NPPF advises that when assessing applications for *inter alia* retail outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if a development is over a proportionate, locally set floorspace threshold. As set out under paragraph 7.2.15 Stevenage Borough Council has a locally set threshold set threshold of 300m<sup>2</sup> under Policy TC13 of the emerging Local Plan (2016). Given this, as the emerging Local Plan has been through public examination, this policy is material in the determination of this application.

7.2.34 An assessment of impact is essentially determined by the projected turnover of the proposed development, where this trade will be drawn from and the ability of the existing centres to absorb the predicted impact. The assessment should include the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area and the impact of the proposal on a town centre's vitality and viability.

7.2.35 In respect to the first test, the applicant has undertaken health checks in each of the centres of the study area. The applicant's assessment focuses on the existing, committed and planned public and private investment scheme within the centres outlined in the study area. Where schemes have been committed (developments with planning permission), these have been assessed as part of the impact assessment as well. With regard to the second test, the town centre health checks are important to set a baseline so that the relative value of any impact can be fully assessed.

7.2.36 Due to the nature of the proposed development, its location and the business case developed by the applicant, it is considered that a high proportion of turnover of the convenience store and drive-thru coffee shop will be derived from passing trade. This is anticipated to exceed 80% of turnover of both units. As such, it is not considered appropriate for the applicant to undertake a detailed quantitative assessment of the impact of the proposed development on the centres listed in paragraph 7.2.22 of this report. This is in line with Planning Practice Guidance where Retail Assessments should be proportionate and appropriate for the proposal. Therefore, it is considered that any trade which arises from residents would be limited to trips associated with visits to purchase fuel or from residents passing the site. In addition, the proposed convenience store would have a limited range of goods available due to its overall size and at most, would be classed as a top up shop.

7.2.37 Further to the above, due to the location of the site, it makes it unlikely that local residents would visit the site specifically to purchase coffee. In addition, the convenience store on the site, due to its limited size and range of products available, it cannot be classed as a main shopping destination compared to the larger format stores which are located in the town such as Tesco, Asda or Aldi. Furthermore, most residents travelling through Stevenage would pass a larger retail store for convenience goods and thus, are unlikely to travel to the site in order to purchase groceries. Therefore, the applicant's case that 80% of turnover would derive from passing trade is a reasonable assumption to make.

- 7.2.38 Separate to the above, in order for a centre's ability to absorb impacts is dependent on the underlying health of the centre in question. The PPG advises that judgement as to whether the likely impacts are significant and adverse can only be reached in light of local circumstances. It is also the case that a healthy, buoyant centre will be more capable of absorbing impact than a centre which is fragile. The most recent Town Centre Health Check identifies that there are some weaknesses within the town centre with some vacancies, dated appearance and its ability to provide a good retail offer to its natural catchment area. Furthermore, there is a need to invest into public realm improvement works along with other maintenance and enhancements to the town centre in order to improve its attractiveness as a shopping destination. However, the town centre as a whole is reasonably healthy, it generally meets the town's needs and it is performing better than the regional average.
- 7.2.39 In addition to the above, the town centre does also offer a wide range of convenience, comparison and food and beverage premises. The town centre also includes large format convenience stores such as Tesco, Asda and Aldi and there is a wide variety of coffee shop provision in the town centre which includes Starbucks, Costa, Esquires and other independent outlets in the town centre.
- 7.2.40 Taking into consideration of the above, it is considered that the proposed development would not result in a significant trade diversion from the town centre which would undermine its vitality and viability. In addition, the town centre is also healthy and any impact the development does generate, which is considered to be almost negligible, can be absorbed due to the variety of convenience and coffee outlets in the town centre.

#### Impact on Investment

- 7.2.41 Paragraph 89 of the NPPF states that, in assessing impact, account should be taken of the impact the proposal would have on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. This is reflected in Policy TC13 in the Emerging Local Plan (2016).
- 7.2.42 Taking into consideration of the above, it is noted that there was a resolution to grant planning permission, subject to the completion of a S106 agreement, which to date, has not been signed for the regeneration of the town centre. The proposal sought to redevelop the bus station and the underutilised sites. Approximately 45,000m<sup>2</sup> floorspace was proposed, including a department store, a hotel and residential units. The regeneration scheme also included the provision of office, retail and cafés. However, the proposed development partnership has withdrawn their interest in the scheme. Whilst a scheme based on the major redevelopment of the town centre could be resurrected, it is likely that the delivery of such scheme would be many years away. Given this, it cannot be argued that there is a committed scheme.
- 7.2.43 Turning to the emerging Local Plan (2016), under Policy SP3 it is set out that the Council will promote a comprehensive and co-ordinated regeneration of Stevenage Town Centre. This will include for in the order of 4,600m<sup>2</sup> of additional comparison floorspace, 3000 new homes and an improved range of shopping, bars, restaurants, cafes, leisure, community, civic and cultural facilities. A new train station will be the focus of the enlarged Stevenage Central Area, within which six MOAs will be designed to promote distinct mixed-use redevelopment schemes.

7.2.44 Taking into consideration of the above, whilst there is the potential that the development could potentially impact upon these allocations, there are currently no applications in place to deliver the regeneration of Stevenage Town Centre in line with the MOA policies. In addition, due to the nature of the proposal, there is no provision for a coffee drive-thru or petrol filling station within the outlined policies in the Emerging Local Plan. Furthermore, a scheme would have to be designed to accommodate the development and due to the nature of the proposal, a large amount of land would be required for the petrol station and associated pump islands and fuel lanes combined with the circulation space for the drive-thru. So the development would also been unfeasible within the town centre. Moreover, due to its nature, there would be a limited offer on the site which is unlikely to undermine the Council's abilities to deliver on these sites. Moreover, the office development would tie in with the existing office development within Arlington Business Park and does not restrict the Council's abilities to deliver further offices in the future.

7.2.45 Given the status of the Stevenage Town Centre Regeneration proposal and the allocations in the emerging Local Plan have not yet been brought forward, it must be concluded that there would be no adverse impact on the planned investment in Stevenage Town Centre. Additionally, there is no other planned investment which the proposed development could frustrate.

#### Other Retail Policy Issues

7.2.46 The NPPG states that compliance with the sequential test and impact tests does not guarantee that permission will be granted and that the local authority will have to take into account all material considerations in reaching a decision. Additionally, paragraph 87 of the NPPF (2018) states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

7.2.47 It is agreed that the application site is out of centre and the site is 1km to the south-east of the town centre. However, the site is considered fairly accessible by modes of transport other than the private car as there are bus stops in close proximity on Gunnels Wood Road which connect to the town centre. There are also good footpath and cycleway links to the site from the town centre, taking approximately 20 minutes to walk to the site from the town centre and approximately 10 minutes to cycle.

7.2.48 The proposed development also seeks to redevelop a vacant site and helps to deliver a mixture of offices and supporting uses which complies with the principle of sustainable development. In addition, the development would secure significant levels of investment into the site and also provide additional employment opportunities for local people as well providing benefits for local businesses. Finally, it would make efficient use of this brownfield site.

7.2.49 To conclude this section on retail planning policy, it has been demonstrated that the application passes both the sequential test and the retail impact test. It has been shown that the proposal would not have a negative impact on town centre turnover and it is considered that the town centre is reasonably healthy to absorb any potential impact. Finally, there are no sequentially preferable sites within the town centre framework area which would be able to support the proposed development. Therefore, the conclusion has been reached that the proposal is acceptable in retail planning policy terms.

### **7.3 Impact on Visual Amenity**

- 7.3.1 This part of the Gunnels Wood Employment Area is dominated by three large sites, including the GSK complex and Arlington Business Park. The area immediately surrounding the site is characterised by two and three storey high modern office developments. In the wider area there is a range of single-storey industrial buildings as well as the car showrooms for BMW and Ford. Junction 7 of the A1(M) is a key gateway, not only entering the Gunnels Wood Road area, but also Stevenage as a town. In this location, a number of employment sites front onto Gunnels Wood Road, however, there is considered to be a poor sense of arrival into the area with few buildings providing an 'active frontage'.
- 7.3.2 Paragraph 127 of the NPPF 2018 stipulates that planning decisions should ensure developments function well and add to the overall quality of the area, not just in short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. In addition, the NPPF sets out that developments should establish or maintain a strong sense of place, using arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also stipulates that development should optimise the potential of the site to accommodate and sustain an appropriate mix of development and finally, create places that are safe, inclusive and accessible.
- 7.3.3 Paragraph 130 of the NPPF states that "permission should be refused for development of poor design that fail to make available opportunities available for improving the character and quality of an area and the way it functions".
- 7.3.4 Policy TW9 of the District Plan (2004) requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design as well. Policy GD1 of the emerging Local Plan (2016) generally reflects the above policy. Turning to Gunnels Wood Road specifically, emerging Policy EC5: Active frontages and gateways states that planning permission for the (re-) development of sites with a frontage along, in this case Gunnels Wood Road and Broadhall Way, will be granted where:-
- a. Proposals face directly onto the identified road and provide active frontages and natural surveillance;
  - b. Buildings are not set back significantly from the identified road;
  - c. Car parking and service areas are located away from the street frontage of the identified road;
  - d. On corner plots, where the roads intersect, schemes incorporate landmark architecture and gateway features wherever this would be compatible with the proposed use(s).
- 7.3.5 The proposed office building is to be the principal building on the site and, as such, it is to be positioned in the most prominent location in the south east corner of the site adjacent to the roundabout fronting GSK. The building is to be a maximum of four storeys high, which as detailed in paragraph 3.1 of this report, would span approximately 54m in width, 19m in depth with an overall height of approximately 15m. The building would be well modulated with projecting window features framed in

vertical bronze cladding with the southern part of the building at ground floor level recessed with the upper floors cantilevered over which are supported by concrete pillars. This part of the building would have full height modern glazing and positioned above on the above floors would be vertically aligned and symmetrically spaced window fenestration. The first three floors of the building would be constructed from brick with the upper floor level of the building, being recessed, clad in vertical bronze cladding. The contrasts in the use of materials along with a mixed window design, helps to not only provide visual interest but also gives the building a high quality appearance.

- 7.3.6 Further to the above, the building office would also comprise of a full height glazed lobby area and frontage which is orientated towards Gunnels Wood Road. The northern elevation of the building, which overlooks the application site itself, would also be well modulated with projecting and recessed features with a contrast in the use of materials and full height curtain wall glazing. Turning to the proposed coffee-drive thru shop, as set out in paragraph 3.2 of this report, the building would measure approximately 17m in width, 10m in depth with a height of between 6.38m to 8.70m due to the sloping mono-pitched roof. The building, which is located on the western part of the site, would have a modern appearance constructed from contrasting materials of metal and timber cladding. The main elevation would comprise of full height curtain wall glazing with the over-sailing mono-pitched roof consisting of exposed timber rafters. There would also be a clay brick facing feature which would be utilised for future advertisement signage. To the rear of the building the drive-thru booth would be timber clad with the main fabric of the building clad in flat metal cladding finished grey.
- 7.3.7 Turning to the petrol filling station, this would measure approximately 35m in width, 15m in depth with a height of between 4m to 5m due to the mono-pitched roof. The building itself would be constructed from grey composite cladding with a lower brick course with the roof finished in a grey composite panelling. On the front elevation of the building would be double glazed curtain walling forming the main entrance along with ATMs. The station would comprise internally a convenience store and food to go. The proposal also comprises the creation of a 10 bay filling area with associated canopy. This would measure 35m in width, 10m in length with an overall height of 5.5m. This has been positioned just to the north of the office building.
- 7.3.8 Taking into consideration of the above, it is noted that the site has a gateway status, therefore the scheme has been developed to ensure that a high quality office building is sited in the most prominent location adjacent to the roundabout front GSK. This building would be the tallest on the site and is taller than the existing office buildings in both Gateway 1000, Arlington Business Park and Arlington Court. The building would be of a high quality design that would create a landmark building on this prominent part of the site. The increase in height on the eastern side of the building adds interest to its built form with the main elevation orientated towards Gunnels Wood Road. The proposed drive-thru coffee shop and petrol filling station have been positioned to appear less prominent within the site being only single-storey. However, there are views of the site across the surface car park, therefore, the drive-thru has been positioned in a way to screen the petrol filling station when viewed from Broadhall Way. In addition, it has been designed to have a modern, high quality appearance in order to reflect the modern design of not only the proposed offices but the existing offices within the area.

- 7.3.9 With respect to the petrol filling station, this has been positioned in a way to ensure that it would be well screened by existing trees which are located outside of the application site. In addition, the applicant is also seeking to provide additional planting in order to further screen the fuelling station. Furthermore, the station is of a modern design in order to blend in with the wider modern development of Arlington Business Park. In addition, the petrol filling station has been positioned over 27m from Gunnels Wood Road, 36m from Whittle Way and 54m from Broadhall Way and being single-storey, has been designed to have as little impact on the visual amenities of the area. Moreover, it has been designed in such a way so as to not detract from the gateway building which would be the offices. Finally, the petrol filling station would also have a modern appearance to reflect the architectural composition of the modern offices in the area.
- 7.3.10 The applicant has indicated that this will be a phased development with the petrol filling station and coffee shop drive-thru first. The reason for this is because there is no end user already secured for the office development. However, the applicant is looking to provide a comprehensive landscaping scheme for the site to provide a high quality appearance. In addition, the applicant has also confirmed that they will also be constructed the new road up to the offices, provide the necessary services (including drainage) and the necessary remediation works. This will ensure that when an end user is secured there would be no delay in constructing out the offices. Furthermore, as mentioned in the employment section of this report, they are actively marketing the site to ensure they secure an end user for the officer the development. But, at the same time, through the imposition of a phased condition, the Council has an element of control (via enforcement powers) to ensure that the office development do come forward within a reasonable timeframe.

## **7.4 Impact on Amenities**

### Noise

- 7.4.1 Policy EN27 of the District Plan (2004) states that for noise generating uses, these will only be permitted if they do not result in unacceptable noise exposure for the users of existing or proposed noise sensitive uses nearby. Policy FP8 of the emerging Local Plan (2016) generally reflects this policy.
- 7.4.2 Taking the above policy into consideration, despite the proposed development comprising of noise generating uses, the nearest residential property lies within Norton Green which is approximately 932m to the north-west of the application site beyond the A1(M). Given this, the development would not harm the amenities of the nearest residential properties.
- 7.4.3 In terms of impact on neighbouring commercial properties, given the site is on the edge of Arlington Business Park, the closest development to the application site is the Gateway 1000 development which comprises of three-storey offices. This is located on the western side of the site and is separated by Whittle Way. Given this, the development i.e. the coffee shop drive-thru would be over 20m from these offices. Due to this separation distance, it would not have a detrimental impact on the operating conditions of the occupiers of these premises. Furthermore, these offices are of an open plan design with glazing on both the front and rear elevations.

- 7.4.4 In respect of other neighbouring properties, to the south of the site on the opposite side of Broadhall Way is the GSK site. There is a significant separation distance between the two sites and, as such, it is considered that the development would not have an impact on the operation of GSK. Immediately to the north is Arlington Court which is an office development of two and three storey buildings. The proposed petrol filling station being the closest building would be 45m away, but the proposed fuel lanes would be in close proximity to the boundary. However, given the location of the site adjacent to Gunnels Wood Road which is one of the main distributor roads through Stevenage, and the fact that these are commercial premises, it is considered that the proposed siting of the fuel lanes will not have a detrimental impact upon the operating conditions of the occupiers of these premises.

#### External lighting

- 7.4.5 Policy EN29 of the adopted Local Plan (2004) stipulates that proposals for external lighting would only be approved where the scheme is minimal to meet operational requirements and that light spillage is minimised so as to not to have an unacceptable impact on residential amenity. This is reflected in Policy FP7 of the emerging Local Plan (2016).
- 7.4.6 In regards to external lighting, the applicant has not submitted any details of lighting which would be installed on the development or around the application site. However, to ensure that any external lighting does not affect the operation of nearby business operators or prejudices highway safety, it is recommended a condition be imposed to any permission granted in order to deal with external lighting. This condition will require the applicant to submit details of any external lighting scheme prior to the commencement of the development on-site.

### **7.5 Parking Provision**

#### Office development

- 7.5.1 The Parking Provision Supplementary Planning Document (SPD) sets a base standard of 1 parking space per 30m<sup>2</sup> of gross floor area (gfa) which would equate to 130 parking spaces. However, the application is located in non-residential accessibility zone 4 (identified in the SPD), where car parking provision can be reduced to 75% to 100% of the base car parking standard which would equate to between 98 spaces to 130 spaces. In this instance, the proposed development would comprise of 73 spaces which is a shortfall of 25 spaces.

#### Drive-thru coffee shop

- 7.5.2 The Council's Parking Standards SPD sets out that there is a requirement of 1 space per 8 sq.m of gross floor area which would equate to 21 parking spaces. However, as the site is within non-residential accessibility zone 4, the car parking provision can be reduced to a minimum of 16 spaces. The proposed car park serving the drive-thru would have 12 spaces which would mean a shortfall of 4 parking spaces. However, the drive-thru, due to its nature, would have 6 operational spaces allowing a total provision of 18 spaces. This ensures that there would be more than sufficient car parking to accommodate the operation of the coffee shop drive-thru.

#### Petrol Filling Station and associated convenience

- 7.5.3 The parking provision SPD sets out a requirement of 3 spaces per 4 employees plus 3 waiting spaces per bay or run in to row of bays (additional parking is required where a shop is provided). In regards to small food shops (Use Class A1), there is a requirement to provide 1 space per 30m<sup>2</sup> of gross floor area. Taking these



requirements into consideration, as the petrol filling station has 10 filling bays plus 471.9m<sup>2</sup> of small food shop floorspace, a total of 46 spaces would be required. Notwithstanding, due to the site falling within a non-residential accessibility zone, the base car parking requirement can be reduced to 35 spaces.

- 7.5.4 The petrol filling station would comprise of 12 parking spaces to the front of site plus 6 spaces for staff. In addition, there would be 3 waiting spaces per bay. This would equate to a total of 51 parking spaces which is in accordance with the Council's Parking Standards.

#### Combined parking provision

- 7.5.5 Taking into consideration of the above, it is noted that there would be a shortfall in parking for the office development. However, because the overall development comprises a mixture of uses, then section 4 (page 25) of the Council's Parking Standards SPD (mixed use sites and town centre parking provision) needs to be taken into consideration. The Parking SPD states that parking standards are not provided for mixed use sites. Therefore, parking provision for such developments will be calculated on a site by site basis, and assessed via the Transport Assessment process.
- 7.5.6 Further to the above, paragraph 4.2 of the Parking Standards SPD states that mixed-use sites share parking and provision can be reduced below that required for each individual land use component. This takes into account linked trips on-site and the fact that time profiles of car parking demand will vary according to use. Therefore, over provision should be avoided. In addition, paragraph 4.3 of the same document sets out that research shows that linked trip making can reduce parking.
- 7.5.7 The applicant's Transport Assessment makes an allowance of 10% linked trips between the uses on site. Making this reduction to the maximum parking standards would reduce the requirement for the whole site from a required 141 spaces to 127 spaces, with the dedicated car parking spaces providing 80% of the maximum once linked trips are taken into consideration.
- 7.5.8 Further to the above, it is important to note that a large amount of the parking requirement, apart from the offices, is for the petrol filling station which has 10 filling bays combined with the coffee drive-thru that will never use a formal parking space due to their nature i.e. passing trade. Therefore, when an allowance is made for the operational spaces of the site, this would increase the provision of parking spaces on site, which would be 94% of the maximum once you take linked trips into consideration.
- 7.5.9 Given the aforementioned assessment combined with the fact that the site is located within non-residential accessibility zone four which allows for a parking requirement between 75% to 100% of the base car parking standard, when the mixed use nature of the site is taken into account for the parking provision, the parking which is being provided across the site would fall within the aforementioned values whilst the operational elements of the site accommodates the flow of vehicles without resulting to vehicles parking off-site.
- 7.5.10 Taking into consideration of the above, there would be sufficient off-street parking to serve the proposed development in accordance with the Council's Parking Standards. Turning to disabled parking, the number of disabled bays being provided across the development site would accord with the Council's Car Parking Standards.

## Cycle parking

- 7.5.11 With regard to cycle parking, the minimum standard for office development is 1 short term space per 500m<sup>2</sup> gross floor area plus 1 long term space per 10 full time staff. Taking this into consideration, whilst it is unknown what the overall staff numbers will be as there is no end user, the Socio-Economic Report submitted by the applicant outlines that approximately 279 office based jobs could be generated by the development. Taking the aforementioned into consideration, approximately 35 cycle spaces would be required to serve the development. The proposed development would comprise of 5 Sheffield stands plus secure cycle parking within the building. However, the floorplans submitted do not show any secure cycle parking being provided within the building fabric.
- 7.5.12 Turning to the coffee shop drive-thru, the Council's Standards set out that 1 short-term space per 100m<sup>2</sup> gross floor area plus 1 long-term space per 10 maximum staff on site at any one time. Taking this into consideration, whilst the applicant has not specified who the end user would be, this would likely generate around 10 staff as set out in the applicants Socio-Economic Report. Given this, around 2 cycle parking spaces should be provided as part of the development. As the proposal would provide 2 Sheffield stands, there would be sufficient cycle parking to serve this part of the development.
- 7.5.13 With respect to the petrol filling station and small food shop, the Council's Standards set out that 1 long-term space per 10 full time staff plus 5 short spaces for the shop. The proposed petrol filling station and shop would generate approximately 26 full time jobs. Given this, there would be a requirement to provide 7 cycle parking spaces. The proposal only seeks to provide 2 Sheffield stands which would be insufficient in line with the Council's standards.
- 7.5.14 Taking into consideration the above, whilst it is noted there would be a shortfall in cycle parking for the office and petrol filling station, a condition can be imposed to any permission issued. This condition will require the applicant to provide further details of secure cycle parking prior to the commencement of development. This is to ensure the sufficient and acceptable cycle parking is provided as part of the development.

## **7.6 Means of access and highway safety**

- 7.6.1 The application site currently has a single access point which is located on a roundabout off of Whittle Way. This road is accessed from two points, one is the slip road off Broadhall Way (A602) to the south and the second is via Gunnels Wood Road (A1072) to the north located adjacent to the BMW (Specialist Cars) and Ford (Gates of Stevenage) garages. The access point off Broadhall Way is a one way system with the two-way traffic coming off Gunnels Wood Road. However, there is no direct access to the site from either Gunnels Wood Road or Broadhall Way.
- 7.6.2 Given the above, all of the vehicular traffic to and from the site would be via Whittle Way. The access road off the roundabout would be 9.13m wide with the main internal road being 6.48m in width. With this in mind, the access and internal road have been designed to accommodate 10m rigid vehicles such as fuel tankers and emergency vehicles. The internal road also has three separate access points to serve the office, petrol filling station and the coffee shop drive-thru. This is in order to reduce conflict between the different uses within the site. With respect to the surface car park serving the office development, the internal road layout for the surface car park would be of a sufficient size to accommodate two-way traffic in line with the Department for Transport (Dft) Manual for Streets.

- 7.6.3 Turning to visibility splays, the proposed access point on Whittle Way, including the internal access/egress points would have adequate vehicle to vehicle and pedestrian inter-visibility splays in line with the Dft Manual for Streets and Hertfordshire County Council (HCC), Roads in Hertfordshire Design Guide. Therefore, vehicles entering and egressing should not prejudice the safety and operation of pedestrians, cyclists and vehicles utilising the highway network generally.
- 7.6.4 In assessing traffic generation, the applicant's transport consultant has produced a transport assessment which incorporates details of proposed traffic generation for weekdays. In order to identify a base traffic flow, traffic surveys were undertaken in December 2016. The assessment also comprises of a future year assessment of model in order to inform the potential future impact of the development on the surrounding highway network. This has been completed using TEMPRO (Trip End Model Presentation Program) with NTM (National Transport Model) adjustments. In addition, the applicant has utilised TRICS (Trip Rate Information Computer System) which is a National Traffic Generation Database in order to predict the amount of traffic that would be generated by each individual use.
- 7.6.5 Using TRICS, the model adopted looked at Petrol Filling Station (PFS) with retail with sites of between 8 and 14 filling bays which are located in suburban, edge of town and neighbourhood centres including industrial and employment based areas. The applicant also used the same database for the proposed coffee drive-thru and offices. The modelling generated by the applicant looked at the weekday AM peak (07.30 to 08.30) weekday PM peak (16.30 to 17.30). Through the modelling, the transport assessments sets out that the "PFS and retail" would generate at the AM peak, 90 arrivals and 87 departures and at the PM peak, 104 arrivals and 103 departures. This would equate to approximately 2 vehicles per minute. Turning to the coffee drive-thru, this would generate at the AM peak, 21 arrivals and 20 departures with a PM peak of 18 arrivals and 18 departures. This equates to a vehicle movement of one every three minutes.
- 7.6.6 With respect to the office part of the development, this would generate at the AM peak, 57 arrivals and 9 departure and in the PM peak, 4 arrivals and 51 departures. This demonstrates that there would be 66 two-way vehicle movements at the busiest peak hour, which is equivalent to one vehicle every minute departing or arriving. Taking into the aforementioned, the development would combined, generate at the AM Peak (including 5% cross visitation calculation) 162 arrivals and 109 departures and at the PM peak (including 5% cross visitation calculation), 120 arrivals and 166 departures. Given this, it is estimated that 168 vehicle movements either arriving or departing would occur in the busiest peak hour. This equates to three vehicles per minute either departing or arriving at the site.
- 7.6.7 In regards to trip distribution, it has to be considered that this would be split from Broadhall Way to the south and Gunnels Wood Road via Whittle Way to the north. However, for all trips leaving the site, the only way vehicles can travel will be via Whittle Way towards Gunnels Wood Road.
- 7.6.8 Taking into consideration of the above, the applicant undertook modelling via ARCADY (Assessment of Roundabout Capacity and Delay) which is a module from the JUNCTIONS programme. This model helps to generate a ratio to flow capacity of junctions along with potential traffic queues. The modelling demonstrates that there would be significant spare capacity on the highway network to cope with the traffic generated by the development.

7.6.9 Following consultation with Hertfordshire County Council (HCC) as Highways Authority, they consider the proposed access arrangement to be acceptable. This is because the Transport Assessment includes a swept path analysis for large vehicles such as articulated fuel tankers, waste collection vehicles and emergency vehicles. This analysis clearly demonstrates the development can safely accommodate these vehicles.

7.6.10 In regards to the traffic modelling generated within the Transport Assessment, the HCC Highways considers the data produced is a fair representation of the potential amount of traffic which would be generated by the development as a whole. Following a review of this, it is considered that the development would generate a nominal increase in vehicle trips to the development site, but this would not be significant, as advised by the Highways Authority to prejudice highway safety. In addition, the applicant has also provided accident data which demonstrates that there have been no serious accidents within the vicinity of the developments access. Turning to the impact on the A1(M) motorway and specifically junction 7, Highways England have confirmed that they have no objection to the proposed development. Therefore, it can be concluded that the proposal would also not have a detrimental impact on the safety and operation of the nearby motorway.

7.6.11 Notwithstanding the above, in order to help improve traffic conditions on the site and the immediately surrounding area, there would be an encouragement towards the use of local buses. This is in order to encourage a modal shift away for the private car. In addition, the County Council considers these services to be viable and would be able to support the development. Given this, the following financial contribution has been sought:-

- £48,000 to improve transport infrastructure such as the need for the introduction of Automatic Vehicle Location (ALV) departure screens.

The applicant has confirmed in writing that they are willing to pay the S106 monetary contributions which are being sought by HCC.

7.6.12 In summary, subject to a S106 Agreement securing the relevant monetary contributions, and, the imposition of conditions, the proposed development as advised by HCC as the Highways Authority would not have a detrimental impact on the safety and operation of the highway network.

## **7.7 Trees and landscaping**

7.7.1 Policy EN13 of the Local Plan (2004) states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate. This is reflected in Policy NH5 of the Draft Local Plan (2016).

7.7.2 The development site generally has a limited number of trees and these are self-seeded and are of limited visual amenity value in accordance with British Standards BS:5837 2012. Therefore, all of these trees are to be removed in order to facilitate the construction of the development. Therefore, whilst the proposal would clear the site of existing trees, the Council's Arboricultural Manager has not raised any concerns with respect to their removal in this instance. Furthermore, it is important to note that these trees are not protected so can be removed without permission from the Council. However, in order to compensate for the removal of these trees and in order to improve the biodiversity of the site the proposed landscaping scheme seeks to provide a number of amenity planting areas which would comprise of a mixture of shrubs and wildflowers. These amenity planting areas would be located in and around the surface car parking area and the edge of the development site generally. The applicant is also seeking to provide 52 trees as well as hedging and grass areas. Further to this, a number of mature trees fall outside the application boundary and to be retained as part of the development proposal.

7.7.3 In summary, it is considered that the proposal, despite the loss of some existing trees on site would help to soften the appearance of the application site which would improve the visual amenities of the wider area. However, to ensure that the landscaping scheme is implemented, it is recommended that a condition be imposed requiring the soft landscaping to be planted in accordance with the submitted plans. Furthermore, a condition would be imposed requiring any trees, shrubs or planting which is damaged, destroyed or dies to be replaced and to provide the necessary protection of those existing trees which are to be retained.

## **7.8 Impact on the Environment**

### Land contamination

7.8.1 The application site, as identified in the applicants Phase 1 Preliminary Site Assessment sets out that in the 1960's and 70's there were a number of buildings on site which made up the former BAE aircraft components factory with areas of hardstanding. These buildings have been demolished with the site open brownfield land. The assessment identifies a moderate to low risk of contaminants within the sites soil which may pose a risk to end users. In addition, the report identifies that there is potential contaminants within the Made Ground to mitigate into the underlying aquifer, therefore, it is considered there is a moderate to low risk to groundwater.

7.8.2 The report submitted by the applicants, based on their findings recommended the following:-

- Undertake an intrusive ground investigation;
- Undertake a GQRA (Generic Quantitative Risk Assessment) as part of the ground investigation including strategic groundwater monitoring locations around the proposed location of underground petroleum infrastructure;
- Undertake Ground Gas Monitoring; and
- All UST's (Underground Storage Tanks) constructed and installed according to the specifications provided in accordance with APEA Blue Book Guidance (2011).

7.8.3 Following consultation with the Council's Environmental Health Section, it is considered that whilst there are contaminants on this site, the recommendations set out in the applicant's Preliminary Risk Assessment is considered to be acceptable. Furthermore, the Environmental Health Section consider the conditions recommended by the Environment Agency are acceptable in regards to the requirements of a verification report which demonstrates the completion of works in relation to site remediation and in the event unidentified contaminants are found, a remediation strategy to be undertaken and submitted to the Council for its approval. These conditions ensure that underlying groundwater is not affected by contaminants and the health of future end users.

#### Groundwater

7.8.4 The application site is located upon Secondary A aquifer within the superficial glaciofluvial sand and gravel deposits and a Principal aquifer within the Chalk bedrock. Given this, as part of the development proposal seeks to install underground storage tanks, there is the potential that any leakage from these tanks could detrimentally affect these underground aquifers.

7.8.5 Given the above, the applicant has designed a tank vault to ensure that no leakage affects the aforementioned aquifers. The fuel tanks themselves would have a double skin with the tanks linked to an alarm in the event of a breach. There would also be a monitoring well installed which can be used for frequent physical monitoring or continuous vapour monitoring with an alarm linked to the kiosk.

7.8.6 Following consultation with the Environment Agency, they have removed their original objection to the scheme as the amended underground tank scheme is now acceptable. However, this is subject to conditions being imposed if permission were to be granted. Through these conditions, the development would not have a detrimental impact in terms of contamination of groundwater.

### **7.9 Ecological Impacts**

7.9.1 The application site is identified as previously developed land and currently comprises of a mosaic grassland, ruderal species and bare ground with a belt of trees which align Broadhall Way to the south. The wider environment is generally urban in nature where beyond the A1(M) to the west the environment becomes more rural. The applicant has undertaken a Phase 1 Habitats Survey to assess the potential for the site and adjoining habitats to have species that receive legal protection at either UK and/or European level. The survey comprised a desk top study of records from the multi-agency Geographic Information for the Countryside, Natural England and Hertfordshire Biological Records. A field survey was also undertaken along with a reptile survey.

7.9.2 The survey identified that there are no protected species such as birds, flora, invertebrates, mammals and reptiles within the application site. In terms of impact, as the development site is a considerable distance from any designated sites, it is considered that the proposed development would not have a detrimental impact on these sites. Consequently, it was concluded that the development site as a whole has a low ecological value.

7.9.3 In regards to birds, these are protected by the Wildlife and Countryside Act 1981. It is considered that there is a suitable foraging habitat on the site with breeding opportunities existing, particularly within the belt of trees. Notwithstanding this, as birds are protected, a condition would be imposed to protect nesting birds and for trees to only be removed at certain times of the year.

7.9.4 Given the above, it is considered that the proposed development would not have a detrimental impact on protected species, both flora and fauna. This is supported by Herts and Middlesex Wildlife Trust. However, the Ecology Report does recommend the installation of bat and bird boxes as part of the development; this would help to improve biodiversity of the application site. Given this, it is recommended that a condition be imposed requiring details of bat and bird boxes to be agreed in writing by the Council and thereafter, to be installed in accordance with the approved details.

## **7.10 Development and Flood Risk**

7.10.1 The application site is located within Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having less than 1 in 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, therefore, in line with the Town and Country Planning (General Development Procedure) (England) Order 2015, the applicant has provided a Sustainable Urban Drainage Strategy.

7.10.2 The sustainable drainage system which would be installed as part of the development proposal comprises of a 656m<sup>3</sup> cellular storage tank with an additional treatment provided by a full retention separator for the petrol filling station. Following consultation with Hertfordshire County Council as the Lead Local Flood Authority (LLFA), they have advised that the applicant has provided an appropriate sustainable drainage scheme in accordance with industry best practice. The LLFA has also recommended that a condition be imposed to require the development to be carried out in accordance with the detailed drainage strategy. In addition, a condition would be imposed to require the application to provide a more detailed drainage strategy (based on the adopted strategy for the whole site) with engineering drawings and sections of the attenuation system as well as to provide a detailed management plan. This is to ensure that the development does not result in surface water flooding both on and off the site.

## **7.11 Other matters**

### Sustainable construction and climate change

7.11.1 Policy EN36 of the District Plan states that development proposals will be encouraged to reduce water consumption and run-off by using suitable water conservation and storage measures such as the use of rainwater, water efficient devices and by recycling water. Policy EN38 of the same document states that development proposals will be expected to demonstrate that methods of maximising energy efficiency and supplying of energy in the development need to be considered. Policy FP1 of the Emerging Local Plan (2016) stipulates that development that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:

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

7.11.2 The applicant as set out in their application submission set out that all of the buildings are designed with roof mounted solar panels. These panels would generate around 10% of the energy required for the buildings in question. In addition, all of the buildings

will comply with current guidance on insulation levels and air tightness with SBEM (Simplified Building Energy Model) which identifies the buildings being 25% above the requirements set out under Building Regulations. This will mean the buildings would have a low CO2 footprint and be energy efficient. The buildings have also been designed to capture as much natural light as possible.

- 7.11.3 In addition to the above, the development would have an acceptable drainage system to ensure it does not contribute towards flooding. The development would also comprise of extensive landscaping to improve wildlife and biodiversity. In terms of water usage, again the buildings have been designed to ensure that water consumption is less than 110 litres per person per day.
- 7.11.4 Turning to sustainable construction, Hertfordshire County Council as Minerals and Waste Authority recommend the applicant submit a SWMP (Strategic Waste Management Plan). This is to ensure that materials used in construction consist of recycled materials and any materials generated from the construction of the development are also properly recycled where possible. It is recommended that if planning permission were to be granted, a condition could be imposed requiring the applicant to submit a SWMP prior to the commencement of development.
- 7.11.5 Given the above, and subject to condition, it is considered that the development has been designed in order to be adaptable to climate change through the use of sustainable technologies and construction.

## **8 CONCLUSIONS**

- 8.1 In principle, whilst the development is not strictly in accordance with the Council' District Plan (2004) and Emerging Local Plan (2016), the proposal would generate an acceptable level of additional employment on the site and would provide a high quality office building as well. The development would also help to support the ongoing operation of the employment area as well as bring back a vacant plot of land back into operation. In terms of retail impact, the development would not have a negative impact on the town centre and it has been adequately demonstrated that there are no sequentially preferable sites in the town centre.
- 8.2 In addition to the above, the proposed development would deliver a high quality, landmark office building and overall, the development would help to enhance the visual appearance of this part of the employment area. Furthermore, the proposal would not have a detrimental impact on residential amenity, biodiversity, ecology, the environment or contribute to flooding on or off the site through the provision of suitable SuDS. Moreover, it would have sufficient cycle parking and car parking, would not prejudice highway safety and it has been demonstrated that it would also be a sustainable form of development in terms of its construction. Further to this, the development would not have a detrimental impact on trees which are to be retained and would have an acceptable landscaping scheme. Finally, through appropriate conditions, the development would not have a detrimental impact on wildlife or ecology and the risk of contamination to groundwater and human health would be mitigated against.
- 8.3 Given the above, the proposed development is acceptable in planning terms subject to a number of conditions and the applicant entering into a Section 106 agreement. Therefore, the proposal is in accordance with the adopted Local Development Plan Policies, the Council's Supplementary Planning Documents, the NPPF (2018) and PPG (2014).



## 9 RECOMMENDATIONS

9.1 That planning application reference be GRANTED subject to:-

- A) no intervention from the Secretary of State for Communities and Local Government following reference of the application under the Town and Country Planning (Consultation) (England) Direction 2009;
- B) the applicant having first entered into and completed a S106 legal agreement to secure/provide financial contributions towards:-
  - HCC Automatic Vehicle Location Departure Screens (£48,000)

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor.

9.2 The proposal be subject to the following conditions:-

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

16.139 001; 16.139 002 O; 16.139 007 B; 16.139 009; 16.139 012; 16.139 013; 16.139 014; 16.139 015; 16.139 016; 3358 01 D; 3358 02 D; 0066804-CUR-00-XX-DR-D-72001-P01;

**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 development, including site clearance, shall take place until a phasing plan, identifying the areas of the site to be developed under each phase, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the phasing plan.

**REASON:-** To identify which areas of the site are to be developed at each stage and to ensure that the office development is delivered within an acceptable timeframe.

4 No development, including site clearance, shall take place until samples of the materials to be used in the construction of the external surfaces of the building and hardsurfacing areas, including roads, footpaths and car parking areas, hereby permitted have been submitted to and approved in writing by the local planning authority. The external surfaces of the development shall be carried out in accordance with the approved details. Furthermore, all hard surfacing comprised in the details of shall be carried out within three months of the first occupation of the building(s) or the completion of the development, whichever is the sooner.

**REASON:-** To ensure the development has an acceptable appearance and to protect the visual amenities of the area.

5 No development, including site clearance, shall take until details of the refuse store and area/facilities allocated for storing recyclable materials has been submitted to and approved in writing by the Local Planning Authority. The refuse and recycle stores shall be implemented in accordance the approved details and no refuse or recycling material shall be stored or placed for collection on the highway pavement, except of the day of collection.

**REASON:-** To safeguard the amenity of the occupiers, protect the general environment, prevent obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

- 6 No development, including site clearance, shall commence until a scheme of dust control measures as well as the methodology for the screening and enclosure of plant and machinery to be used during the construction period has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Health Department and shall be adhered to throughout the construction period. Dust and airborne particulates from operations on site shall be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. The siting of plant and machinery shall be away from noise sensitive areas wherever possible. Vehicles and machines in intermittent use shall be shut down in the intervening periods between works.

**REASON:-** To prevent harm to human health, to minimise the impact of construction and to maintain the amenity of neighbouring properties.

- 7 No development, including site clearance, shall commence until a Construction Management Plan/Method Statement shall be 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 statement. The Construction Management Plan/Method Statement shall address the following matters:-

- (i) Details of a construction phasing program (including any pre-construction, demolition or enabling works);
- (ii) Hours of construction operations including times of deliveries and removal of waste;
- (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (v) Details of provisions for temporary public car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding details;
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;
- (xi) Cleaning of site entrances, site tracks and the adjacent public highway;
- (xii) Disposal of surplus materials; and
- (xiii) Post construction restoration/reinstatement of the working areas, reinstate construction access.

**REASON:-** To minimise the impact on construction vehicles and to maintain the amenity of the local area.

- 8 No part of the development hereby permitted shall be occupied until the relevant access and car parking areas have been fully constructed, surfaced and permanently marked out. The car parking areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

**REASON:-** To ensure that adequate access and parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway.

- 9 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with

contamination of the site shall each be submitted to and approved, in writing by the local planning authority:

1. A preliminary risk assessment which has identified:
  - All previous and proposed uses;
  - Potential contaminants associated with those uses (e.g. historic and proposed fuel storage);
  - A conceptual model of the site indicating sources, pathways and receptors, and
  - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation or mitigation strategy giving full details of the remediation or mitigation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation or mitigation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**REASON:-** To ensure that the development is not put unacceptable risk from, or adversely affected by, unacceptable levels of water. Underground storage and polluting substances poses particular risks to groundwater because of the problems of leak detection. Groundwater is particularly sensitive in this location because the proposed development site formed part of an aircraft components factory and is located upon Secondary A aquifer within the Superficial glaciofluvial sand and gravel deposits and a Principal aquifer with the Chalk bedrock.

- 10 Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.  
**REASON:-** To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.
- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority.  
**REASON:-** To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.
- 12 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

**REASON:-** To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

- 13 Piling using penetrative methods shall not be carried other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

**REASON:-** To ensure that the proposed office building does not harm ground water resources. Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A piling risk assessment and appropriate mitigation measures should be submitted with consideration of the EA guidance.

- 14 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the permitted development.

**REASON:-** To ensure that redundant boreholes are safe and secure and does not cause pollution or loss of water supplies.

- 15 The development hereby permitted may not commence until such time as a scheme to install underground tanks has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surrounds, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

**REASON:-** To ensure that the underground storage tanks do not harm the water environment. Underground storage of polluting substances poses particular risks to groundwater because the proposed development site is located upon Secondary A aquifer within the Superficial glaciofluvial sand and gravel deposits and a Principal aquifer with the Chalk bedrock.

- 16 The development permitted by this planning permission shall be carried out in accordance with the approved Detailed Drainage Strategy dated 13 July 2018 produced by Curtins, including:

1. Discharge of surface water to the Thames Water Utilities Ltd surface water sewer at not more than 2l/s;
2. Provision of 656m<sup>3</sup> of storage sufficient to manage surface water up to the 1 in 100 plus 40% for climate change rainfall event.

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

- 17 No development shall place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will be exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet feature including any connecting pipe runs.

2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

**REASON:-** To prevent the increase risk of flooding both on and off site.

18 No development shall take place, including site clearance, until details for the maintenance and adoption plan for the underground surface water attenuation features for its lifetime shall be submitted to and approved in writing by the Local Planning Authority. The maintenance and adoption plan shall be implemented in accordance with the approved details.

**REASON:-** To prevent the increase risk of flooding both on and off site.

19 No development shall take place, including site clearance, until details of secure cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The secure cycle storage facilities shall be installed in accordance with the approved details.

**REASON: -** To ensure the suitable provision of cycle storage.

20 The soft landscaping shall be carried out in accordance with drawing numbers 3358 01 D; 3358 02 D unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To ensure the proper completion of the of the hard and soft landscaping and in the interests of the visual amenities of the area

21 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 the proper completion of the soft landscaping in the interests of visual amenity.

22 No tree shown on the approved soft landscaping plan 3358 01 D; 3358 02 D shall be cut down, uprooted or destroyed, nor shall any retained tree detailed on the aforementioned drawings be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.

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

23 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 the maintenance of the approved landscaping scheme in the interests of visual amenity.

24 No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any weekdays, nor on any Saturday before 09.00 hours or after 13.00 hours. These times apply to work which is audible at the site boundary.

**REASON:-** To protect the amenities of adjoining land users

- 25 No removal of trees, scrubs or hedges shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless searched before by a suitably qualified ornithologist.

**REASON:-** Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).

- 26 No development, including site clearance, shall take place until a detailed Site Waste Management Plan (SWMP) to detail how waste materials generated as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level and type of soil to be imported to the site as part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

- 27 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to first occupation of the development. Any external lighting shall accord with the details so approved.

**REASON:-** In order to protect the amenities and operations of neighbouring properties and to ensure any external lighting does not prejudice highway safety.

- 28 No development shall commence, including site clearance, until a scheme for the provision of bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the buildings, these boxes shall be installed in accordance with the approved scheme and retained thereafter.

**REASON:-** To increase roosting opportunities for bats and birds in the area and to compensate for lost opportunities for nesting birds.

### **Pro-active statement**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **INFORMATIVES**

#### Hertfordshire Highways

Prior to the commencement of development the applicant shall contact Hertfordshire County Council as Highways Authority on 0300 123 4047 in order to obtain the requirements to arrange a site visit to agree condition survey of the approach of the highway leading to the development likely to be used by large articulated and rigid vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Hertfordshire County Council as Highways Authority may also require an Officer presence during movements of larger loads.

The County Council also note that there are no electric vehicle charging points included in the scheme. Due to the absence of this facility being part of the 'Roads in Hertfordshire Design Guide' through the planning process, the developer will be encouraged to provide such facilities off the highway within their parking schemes, until such time as EVCP's are incorporated into the Highway Design Guide.

## Thames Water

A Trade Effluent Consent will be required for any Effluent Discharge, these include food preparation, vehicle washing and any other process which produces contaminated water. In addition, it is recommended a petrol/oil interceptor be fitted in all car parking/washing/repair facilities to ensure oil polluted discharges do not enter local watercourses.

Further, it is recommended that a fat trap be installed and properly maintained on all catering establishments. Also, in line with best practice the disposal of fats, oils and grease, the collection of these waste oils by a contractor, particularly to recycle for the production of bio diesel.

There are also public sewers crossing or close to the development, therefore, in order to protect the public sewers and to ensure Thames Water can gain access for future repair and maintenance, approval should be sought from Thames Water where the erection of a building would be over the line of, or would come within 3m of a public sewer.

A Groundwater Risk Management Permit from Thames Water will be required for discharging ground water 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 expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203 577 9483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

## Environment Agency

The developer should follow the risk management framework provided in CLR11, Model Procedures of Land Contamination, when dealing with land affected by contamination. Refer to the Environment Agency Guiding principles for land contamination that are required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk receptors such as human health. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

Refer to the contaminated land pages on GOV.UK for more information. It is expected the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination, for example British Standards, when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS5930:2015 Code of practice for site investigations;
- BS10175:2011 A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality, sampling, Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality, sampling, Guidance on sampling of groundwater's (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality, more monitoring locations may be required to establish the conceptual model);
- Use MCERTS accredited methods for testing contaminated soils at the site.
- A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree or any existing groundwater and surface water pollution should be carried out.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment. GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRA's.

The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works. For example, monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9 month period. Where SUDs are proposed, infiltration SUDs should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SUDs are to be used for surface water run-off from roads, car parking and public or amenity area, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking and turning areas, infiltration SUDs are not permitted with an environmental permit.

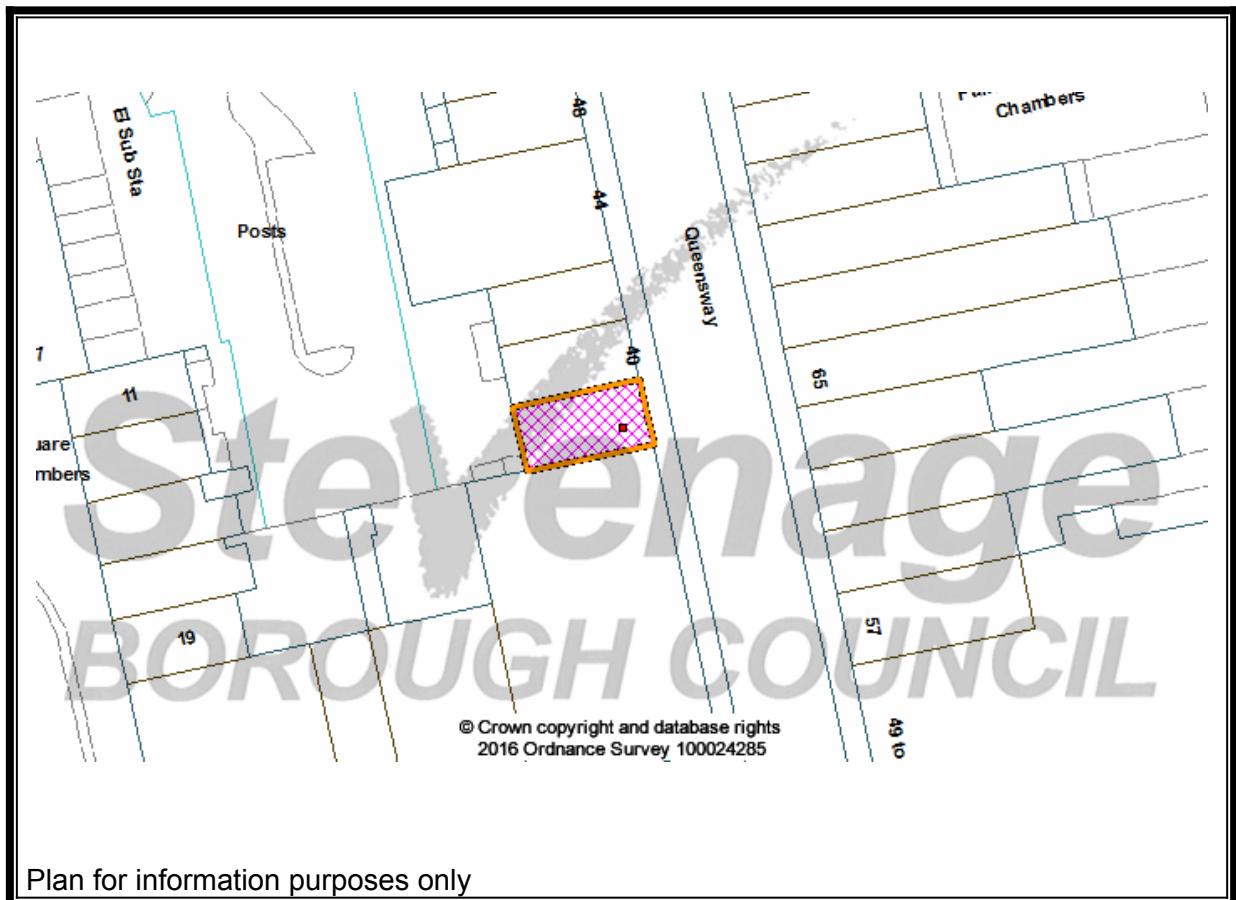
### **13 BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Local Plan 2011 – 2031 Publication Draft 2016
4. Central Government advice contained in the National Planning Policy Framework July 2018 and National Planning Policy Guidance 2014.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.



<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>11 September 2018</b>	
<b>Author:</b>	<b>James Chettleburgh</b>	01438 242266
<b>Lead Officer:</b>	<b>Chris Berry</b>	01438 242257
<b>Contact Officer:</b>	<b>James Chettleburgh</b>	01438 242266

Application No:	18/00427/FP
Location:	38C Queensway, Stevenage, Hertfordshire, SG1 1EB.
Proposal:	Installation of new extract ductwork on the rear elevation and flat roof area.
Drawing Nos.:	BS13007-U5-01A; BS13007-U5-02; BS13005-U5-03
Applicant:	Stevenage Borough Council
Date Valid:	2018
Recommendation:	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site is located within the designated Stevenage Town Centre and Conservation Area. The site comprises part of the former QD building which is located on the corner of Town Square and Queensway. The site comprises a three-storey building with storage and ancillary offices above with shops at ground floor level. The building is constructed from pre-formed concrete with the fenestration at first and second floor level comprising of single-glazed crittall windows. The property comprises a flat roof finished in a felt style membrane. At ground floor level is Starbucks, Warren James and Subway which comprise of full height aluminium framed windows with low level stall risers. There are also two units at ground floor level which are vacant, one of which is the application premises.
- 1.2 To the south of the application site is the main Town Square which comprises the Grade II Listed Clock Tower and Surrounding pool. The buildings which the application site forms part of, as well as the building along the Queensway are generally uniform in design, being three-storeys in height with shops at ground floor level with the fenestration at first and second floor level comprising single-glazed crittall windows.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Planning application 16/00271/FP sought permission for a shop fit out including new shopfront and security shutter at 29 Town Square. This application was granted planning permission in June 2016.
- 2.2 Advertisement consent application 16/00272/AD sought permission for the installation of 1no internally illuminated fascia sign and 1no internally illuminated projecting sign at 29 Town Square. Advertisement consent was granted in June 2016.
- 2.3 Advertisement consent application 16/00314/AD sought permission for the Installation of 1no internally illuminated fascia sign, 2no internally illuminated hanging signs and 1no internally illuminated projecting sign at 29 Town Square. Advertisement consent was granted in July 2016
- 2.4 Planning application 16/00315/FP sought permission for shop fit out including new shopfront at 29 Town Square. This application was granted planning permission in June 2016.
- 2.5 Planning application 16/00370/FP sought permission for a change of use from Use Class A1 (Shop) to Mixed Use A1/A3 (Coffee Shop) at 29 Town Square. This application was granted planning permission in July 2016.
- 2.6 Planning application 17/00669/FP sought permission for the installation of new shop front at 29 Town Square. This application was granted planning permission in October 2017.
- 2.7 Advertisement consent application 17/00686/AD sought permission for the installation of 2no internally illuminated hanging signs at 29 Town Square. This application was granted advertisement consent in October 2017.
- 2.8 Planning application 18/00048/FP sought retrospective permission for the installation of 4 no. external refrigeration and air conditioning units at 29 Town Square. This application was granted planning permission in April 2018.
- 2.9 Planning application 18/00198/FP sought permission for a change of use from A1 to A3 and new shop front and change of use of public highway to outdoor seating area at 38B Queensway. This application was granted permission in May 2018.

- 2.10 Advertisement consent application 18/00199/AD sought consent for the installation of 2 no. internally illuminated fascia signs and 1 no. internally illuminated projecting sign at 38B Queensway. This application was granted consent in May 2018

### **3. THE CURRENT APPLICATION**

- 3.1 The current application seeks planning permission to install new extract ducting to the rear of the building and on the flat roof area. The extract ducting would be to serve a takeaway and/or restaurant. The proposed future usage of the premises as either a restaurant (Use Class A3) and/or Takeaway (Use Class A5) would be subject to separate planning permission, i.e. a change of use, as the premises is currently an established Use Class A1 (shop). Consequently, the potential future usage of the premises cannot be considered as part of this planning application.
- 3.2 This application comes before the planning committee for consideration as it was submitted by Stevenage Borough Council.

### **4. PUBLIC REPRESENTATIONS**

- 4.1 As a planning application within the designated conservation area, the proposal has been publicised by way of letters to adjoining premises, site notices and a press notice. At the time of drafting this report no comments or representations have been received.

### **5. CONSULTATIONS**

#### **5.1 Council's Environmental Health Section**

- 5.1.1 The proposal is considered to be acceptable but recommend that the extraction system be conditioned to ensure humidity, heat, cooking odours and airborne particles in the kitchen environment are controlled so as to not cause an impact on neighbouring properties through noise, odour or vibration. In addition, the hours of construction should also be controlled in order to reduce any potential noise disturbance.

#### **5.2 Council's Conservation Advisor (BEAMS)**

- 5.2.1 The proposed extraction system is relatively modest and sited on the flat roof area to the rear. There are a number of ducting/air condition units as well as flues to this rear elevation and elsewhere in the access yard, therefore, the proposal would not appear out of place. Consequently, the proposal will preserve the special interest of the Stevenage New Town Conservation Area.

### **6. RELEVANT PLANNING POLICIES**

#### **6.1 Background to the Development Plan**

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.

6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

## **6.2 Central Government Advice**

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.

6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

## **6.3 Adopted Local Plan**

Policy TW1: Sustainable Development;  
Policy TR1: Town Centre;  
Policy TR3: Retail Frontages;  
Policy EN27: Noise Pollution.

## **6.4 Stevenage Borough Local Plan 2011-2031 Publication Draft (Emerging Local Plan)**

Policy SP1: Presumption in favour of sustainable development;  
Policy SP2: Sustainable Development in Stevenage;  
Policy SP4: A Vital Town Centre;  
Policy SP8: Good Design;  
Policy SP11: Climate Change, Flooding and Pollution;  
Policy SP13: The historic environment;

Policy TC8: Town Centre Shopping Area;  
Policy FP7: Pollution;  
Policy NH10: Conservation Areas.

## **6.5 Supplementary Planning Documents**

Stevenage Town Centre Conservation Area Management Plan SPD (2012)

## **7. APPRAISAL**

7.1 The main issues for consideration in the determination of this application are the visual impacts on the conservation area and the impact on the environment and amenity.

### **7.2 Visual impact on the conservation area**

7.2.1 Paragraph 127 of the National Planning Policy Framework (NPPF) 2018 stipulates that planning decisions should ensure developments function well and add to the overall quality of the area, not just in short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fail to make available opportunities available for improving the character and quality of an area and the way it functions”.

7.2.2 Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fails to make available opportunities available for improving the character and quality of an area and the way it functions”. Paragraph 193 of the same document stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Paragraph 195 of the NPPF goes on to state that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent.

7.2.3 Policy TW9 of the District Plan (2004) requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design. Policy GD1 of the emerging Local Plan (2016) generally reflects the above policy. Policy NH10 of the same document states that development proposals affecting a conservation area should have regard to the relevant Conservation Area Management Plan SPD. The Town Square Conservation Area Management Plan SPD (2012) sets out that alterations and extensions to a building should not dominate an existing building’s scale or alter the composition of its main elevations.

7.2.4 The proposed development comprises the installation of external ducting to the rear of the existing building. The proposed ducting system would comprise of an extraction fan measuring 0.5m by 0.5m set 3.23m above ground level above the service doors. Attached to the extraction fan would be a 5.23m long steel ducting system with a circumference of 315mm and this would run above the service doors and then sit on top of the flat roof rear wing. The extraction system itself would be connected to an external Louvre supply grill.

- 7.2.5 The proposed system has been design so as to appear proportionate on the existing building so as to not dominate its scale. In addition, as the system would be located to the rear it would not alter the composition of its main elevations. Furthermore, the extraction system would not be out of character as viewed from the car park/service area. This is because there are a number of properties in the immediate vicinity of the site with extraction systems such as Mc Donalds and the hot food takeaway premises. There is also a large amount of plant and air conditioning systems which have been installed to the rear of properties on both Queensway and the Town Square.
- 7.2.6 Given the above, the Council's Conservation Advisor considers the proposed development would not appear out of place and therefore, it would preserve the historic character of the Town Centre Conservation Area.

### **7.3 Impact on the environment and amenity**

- 7.3.1 In regards to noise, Policy EN27 of the District Plan (2004) states that for noise sensitive uses, these will only be permitted if they are located where they will not be subjected to unacceptably high levels of noise generating uses. Policy FP7 of the emerging Local Plan (2016) stipulates that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution.
- 7.3.2 As part of the application submission the applicant has submitted a Noise Assessment in accordance with British Standards BS 4142:2014 (Methods for rating and assessing industrial and commercial sound) which details the noise output of the proposed extraction system. The report sets out that the flue termination point will be at the rear of the site at 2 metres below the windows of the vacant commercial offices. In terms of the noise itself, this would be generated by the fan and air exiting the flue. The report concludes that the level of noise generated during the day and night would not exceed background noise levels.
- 7.3.3 Following consultation with the Council's Environmental Health Section, they did not raise any concerns with regards to the proposed extraction system in terms of noise. However, they recommend a condition which controls the level of noise generated by the extraction system. Therefore, if planning permission were to be granted, a condition would be imposed to require the system to be continually maintained in accordance with the manufacturer's specifications. This will ensure that the system does not generate an unacceptable noise level which could affect the operations of nearby businesses.
- 7.3.4 Turning to odour, at the moment there is no end user in the premises so it is difficult to pre-determine what sort of cooking activities would be undertaken at this property. This is because depending on the user will then depend on how they prepare and cook their foods. Notwithstanding this, as advised by the Environmental Health Section, a condition could be imposed to ensure odours are carefully controlled and that the extraction system has to be maintained in accordance with the manufacturer's specification. In addition, once an end-user takes occupancy of the premises the Council's Environmental Health Section can insist on additional systems which can be installed internally within the kitchen area which capture odours from cooking. This could include for example the use of specialised electrostatic precipitation filters which would neutralise odours before they are vented out of the building. However, an informative can imposed if permission were to be granted to require the end user to install acceptable filtration systems in order to capture odour.
- 7.3.5 With regards to the recommended condition on hours of construction, this is considered to be an unreasonable condition due to the limited scale of the proposed works. In addition, the Council's Environmental Health Section does have powers to control any statutory noise nuisances which may occur during the fit out of the ducting system.

- 7.3.6 Given the above, subject to a condition in regards to the extraction system, the proposed development would not have a detrimental impact on nearby operators and amenities by way of noise and odour.

## **8. CONCLUSIONS**

- 8.1 In summary, the proposed development would preserve the historic character and appearance of the Town Centre Conservation Area. In addition, subject to a condition, the proposed development would not have a detrimental on the amenities of nearby operators or the wider environment.
- 8.2 Given the above, the proposed development accords with the Policies contained within the adopted Local Plan (2004), the Council's Emerging Local Plan (2016), the Council's Supplementary Planning Documents, the NPPF (2018) and NPPG (2014).

## **9. RECOMMENDATIONS**

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

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

BS13007-U5-01A; BS13007-U5-02; BS13005-U5-03

**REASON:-** For the avoidance of doubt and in the interests of proper planning.

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

**REASON:-** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 The external plant, ducting, filters and extraction vents as detailed in the application submission shall be installed in accordance with the approved details prior to the first use of the premises. The external plant, ducting, filters and extraction vents shall also be maintained in accordance with the manufacturer's specification thereafter.

**REASON:-** In order to protect the amenities and operations of neighbouring properties and to protect the wider environment from unacceptable noise, odour and other emissions.

### **INFORMATIVE**

#### **Use of the premises as a Takeaway**

This application does not grant planning permission for a change of use from Use Class A1 (shop) to A5 (takeaway). This will require separate planning permission from the Council as the Local Planning Authority.

## **10. BACKGROUND DOCUMENTS**

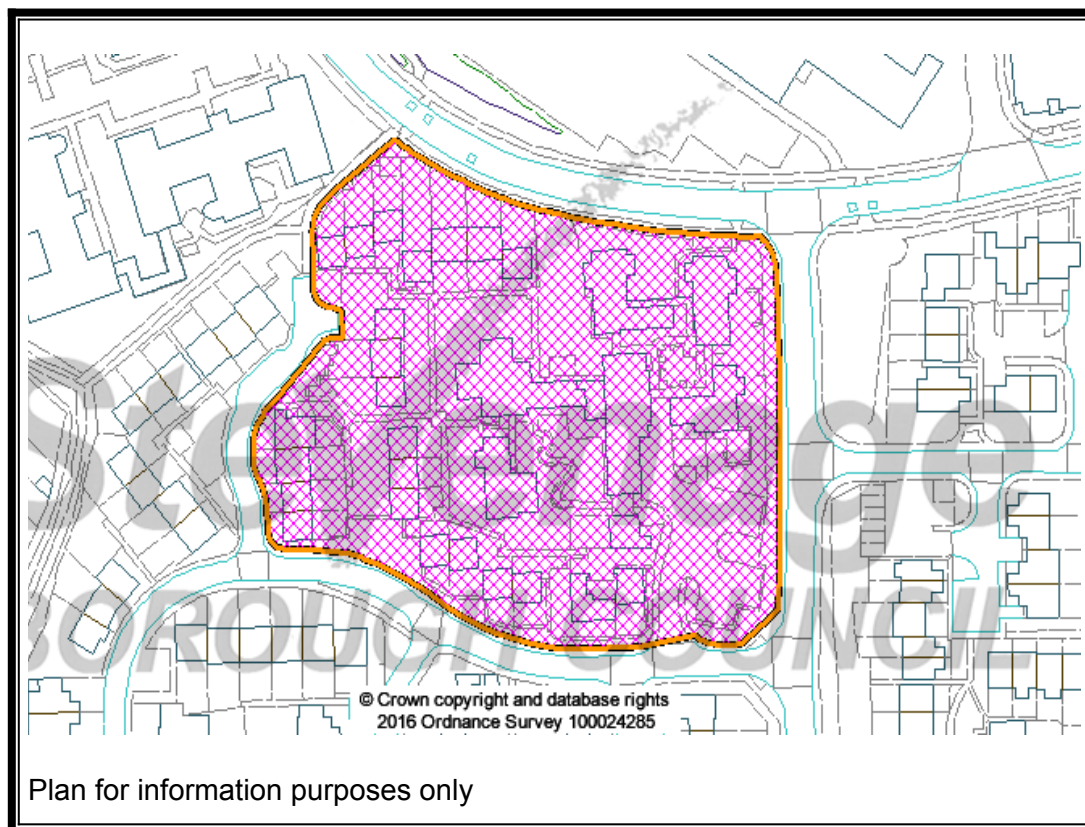
1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Town Centre Conservation Area Management Plan 2012.

4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2018 and Planning Policy Guidance March 2014.



**Meeting:** Planning and Development Committee      **Agenda Item:**  
**Date:** 11 September 2018  
**Author:** Rebecca Elliott      01438 242836  
**Lead Officer:** Chris Berry      01438 242257  
**Contact Officer:** Rebecca Elliott      01438 242836

Application No:	18/00473/FP
Location:	Silkin Court, Campkin Mead, Stevenage
Proposal:	Two storey infill extension; internal alterations and remodelling of main entrance to facilitate creation of 5no. one bed flats.
Drawing Nos.:	615-C-002-300 Site location plan; 615-C-002-301 Existing floor plans; 615-C-002-302 Existing roof plan; 615-C-002-303 Existing elevations; 615-C-002-304 Proposed floor plans; 615-C-002-305 Proposed roof plan; 615-C-002-306A Proposed elevations; 615-C-002-307 Proposed bin store.
Applicant:	Stevenage Borough Council
Date Valid:	2 August 2018
Recommendation:	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site is within the Silkin Court purpose-built supported housing block for the elderly, which was built in the early 1980s. The area comprises the ground floor walkway and stepped back first floor link between blocks numbered 17 to 18 and 38. This area is to be infilled with a two storey extension and would include internal alterations to building 38 (wardens house) and an existing store, bin store, communal area and kitchen. Vacant land to the south of block 33 to 37 is proposed to house an external bin store and an area of grass/landscaping to the east of here is to provide additional parking provision. Silkin Court is accessed from Campkin Mead, which leads off of Cotney Croft. Silkin Court is bounded to the north by Magpie Crescent, to the east by Minsden Road, to the south by Cotney Croft and to the west by residential properties in Blackberry Mead.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 13/00459/FP 35 Silkin Court – Conversion of maisonette into two flats. APPROVED 10 December 2013 at Planning Committee.

## **3. THE CURRENT APPLICATION**

- 3.1 The application seeks planning permission for the erection of a two storey infill extension between blocks 17 to 18 and 38 and internal alterations to create 5no. one bedroom flats; creation of new entrance and erection of main entrance canopy over; erection of external brick built bin store to the south of block 33 to 37; and creation of additional parking spaces. The internal alterations would see the loss of a three bedroom warden's unit, meeting room, kitchen, communal area and bin store. These provisions are provided throughout the existing building, and as part of the internal alterations. The proposed extension would maintain a walkway at ground floor, through from the car park to amenity space between the buildings. The proposals would include the insertion of and re-arrangement of external fenestration.
- 3.2 The application comes before Committee for consideration as the applicant is Stevenage Borough Council.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 The proposal has been publicised by way of a site notice posted on a lamp post to the east of the site on Minsden Road. At the time of drafting this report no letters of representation have been received.

## **5. CONSULTATIONS**

- 5.1 Hertfordshire County Council have advised that the proposal does not have any highway issues associated with it and as such the Local Highways Authority does not wish to restrict the grant of planning permission.

## **6. RELEVANT PLANNING POLICIES**

- 6.1 **Background to the Development Plan**

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
  - Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
  - The Stevenage District Plan Second Review 2004.

The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by MHCLG, which prevents its adoption whilst MHCLG are considering whether or not to call it in.

- 6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
- 6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

## **6.2 Central Government Advice**

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

## **6.3 Adopted District Plan**

TW1 Sustainable Development  
TW8 Environmental Safeguards  
TW9 Quality of Design

- H7 Assess of Windfall Residential Sites
- T15 Car Parking Strategy

#### **6.4 Emerging Local Plan**

- SP1 Presumption for Sustainable Development
- SP8 Good Design
- GD1 High Quality Design
- HO5 Windfall Sites
- IT5 Parking and Access

#### **6.4 Supplementary planning Guidance / Documents**

Parking Provision Supplementary Planning Document January 2012  
Stevenage Design Guide

### **7 APPRAISAL**

7.1 The main issues for consideration in the determination of this application are the principle of the creation of additional residential units, the impact of the proposal on the character and appearance of the area, the impact on the amenities of neighbouring occupiers and the adequacy of parking provision.

#### **7.2 Land Use Policy Considerations**

7.2.1 The principle of residential development within urban areas is set out in both national and local policy. Paragraph 61 of the National Planning Policy Framework (NPPF) 2018 still requires that the planning system should deliver a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Policy H7 of the adopted local plan, which deals with the assessment of windfall housing sites, outlines a set of criteria that must be met for a development to be considered acceptable. These criteria state that; the site is on land classified as previously developed or underused urban sites; development of the site would not lead to the loss of features as defined in Policy TW2; there is no detrimental effect on the environment and the surrounding or adjoining properties; there is access to local facilities; and they include opportunities to access alternative forms of travel to private motorised transport.

7.2.2 Furthermore, in the emerging Local Plan 2011-2031, Policy HO5 for Windfall Sites will replace Policy H7 and also states that permission will be granted where: the site is on previously developed land or is a small, underused urban site; there is good access to local facilities; there will be no detrimental impact on the environment and the surrounding properties; proposals will not prejudice our ability to deliver residential development on allocated sites; and, the proposed development would not overburden existing infrastructure.

7.2.3 As additional units within the Silkin Court development, the proposal is on previously developed land and would benefit from all the facilities available at Silkin Court as well as the supermarket and facilities available within the Poplars Neighbourhood Centre which is located on the opposite side of Magpie Crescent. The proposal is thus considered to be acceptable in land use policy terms.

#### **7.3 Impact upon the Character and Appearance of the Area**

7.3.1 Looking firstly at the proposed two storey infill extension, this would follow the external building lines of unit 38, and would have eaves and ridge height the same. A variety of changes are proposed on the ground and first floor elevations of unit 38 and the building known as units 17 to 18 including the removal of the external store and bin store doors and rearrangement of the

fenestration to accommodate the proposed units. The fenestration size and type would be in-keeping with the existing buildings within Silkin Court. The proposal replaces an existing first floor link between the two buildings, and as such it is not considered the additional scale and bulk of the two storey extension would have a detrimental impact on the character and appearance of the area. The proposals would include the use of render on the elevations of units 17 to 18 to replace the existing brickwork, this is not considered harmful.

- 7.3.2 The proposed entrance canopy would be located on the eastern elevation of building 17 to 18 and would be open sided, and covering the proposed main entrance to the building reception. Details of materials have not been provided, but the concept is acceptable in design terms, and a condition could be imposed to agree materials to ensure they are of a high standard and acceptable for the character and appearance of the area.
- 7.3.3 Lastly, the proposed bin store is located to the south of unit 35, on an area of disused land, partially enclosed with fencing and landscaping. Whilst there would be loss of landscaping to this area at the front of the buildings, the area is un-kept in appearance. The proposed bin store would form an 'L' shaped foot print and built of brick and tile. The proposal would measure 7528mm by 7528mm square, with a cut-out of 2700 by 2700mm in the south eastern corner. The store would measure 2400mm to the eaves and 4.8m approximately to the ridge. Whilst the store would be visible from the public realm, its design and the proposed materials ensures it is in-keeping with the Silkin Court development, and would not therefore have an adverse impact on the character and appearance of the area.

**7.4 Impact on the Amenities of Neighbouring Occupiers**

- 7.4.1 The proposed extension and alterations would not result in any adverse impacts on any of the neighbouring existing units within Silkin Court. In terms of privacy levels for existing neighbouring properties, the new and existing windows at first floor level on the western rear elevation would only serve the entrance corridor for the units and not habitable rooms. As such existing privacy levels are maintained.
- 7.4.2 The location of the bin store, to the south of No.35, is sited approximately 4.5m from the ground floor lounge opening for the flat in this building. Whilst the height of the bin store at 4.8m is high, it is considered to be of sufficient distance to not adversely affect the amenity of the occupier of this flat, passing the relevant BRE 25 degree test for sunlight/daylight purposes.

**7.5 Impact on the Amenities of Future Occupiers**

- 7.5.1 The emerging local plan outlines prescribed space standards for new dwellings, which are nationally prescribed standards, as set out in the Department for Communities and Local Government document 'Technical housing standards - nationally described space standards' 2015 as detailed below;

Number of bedrooms (b)	Number of bedroom spaces (persons)	1 storey dwellings	Built-in storage
1b	1p	39	1.0
	2p	50	1.5

7.5.2 The minimum internal sizes of the units have been measured as 49, 48, 52, 46 and 50 square metres (approximate) for the ground and first floor flats respectively. Furthermore these standards state that a double bedroom is considered at 11.5 square metres. Two of the units would only provide a 10 square metre bedroom, which would have to be considered a single bedroom; however these are the flats with unit sizes of 46 and 48 square metres, which would exceed the requirements for a one bedroom one person flat. Thus the proposals are acceptable in terms of assessing amenity for future occupiers.

## **7.6 Parking Provision**

7.6.1 In relation to car parking provision sheltered housing for the elderly is provided at between 0.5 to 1 spaces per unit in accordance with the Council's Parking Provision Supplementary Planning Document. The proposal would see the loss of the three bedroom warden housing, which would require two parking spaces. The proposal, five units of one bedroom would require five spaces. The proposal would provide eight additional spaces, four being allocated to disabled parking, of which there are currently no allocated spaces. The provision is therefore considered acceptable.

## **8 CONCLUSIONS**

8.1 The proposal is considered to be acceptable in principle as it would accord with both national and local policy in terms of providing housing for a specific group of people by varying the mix of units. It is further considered that the proposal would have an acceptable impact on the character and appearance of the area, would not detrimentally affect neighbouring residential or future occupancy amenity and has sufficient parking provision. Accordingly the application is considered to be acceptable and it is, therefore, recommended that planning permission be granted.

## **9 RECOMMENDATION**

9.1 Planning permission be GRANTED subject to the following conditions:-

1. The development hereby permitted shall be carried out in general accordance with the following approved plans: 615-C-002-300 Site location plan; 615-C-002-301 Existing floor plans; 615-C-002-302 Existing roof plan; 615-C-002-303 Existing elevations; 615-C-002-304 Proposed floor plans; 615-C-002-305 Proposed roof plan; 615-C-002-306A Proposed elevations; 615-C-002-307 Proposed bin store.

**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 development shall take place until a schedule and samples of the materials to be used in the construction of the external surfaces of the canopy hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. The materials to be used in the construction of the external surfaces of the two storey extension, external alterations and bin store hereby permitted shall match the materials used in the construction of the original development or as specified on the approved drawings to the satisfaction of the Local Planning Authority.

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

5. The additional parking spaces hereby approved shall be constructed of a porous material, or provision shall be made to direct surface water run-off from the hardstanding to a permeable or porous area or surface within the curtilage of the development, and shall be marked out and available for use prior to the occupation of the approved units. The parking shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** - To ensure adequate parking provision is made available in accordance with the approved plans and to ensure the development is sustainable and accords with the aspirations of the Town and Country Planning (General Permitted Development) Order 2015.

### **Pro-active Statement**

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **10 BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Emerging Stevenage Local Plan 2011-2031.
4. Central Government advice contained in the National Planning Policy Framework March 2018 and the National Planning Policy Guidance 2014.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

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**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:** Tuesday 11 September 2018

## **IMPORTANT INFORMATION - DELEGATED DECISIONS**

Author – Kelly Cooper 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – Dave Rusling 01438 242270

The Head of Planning and Engineering has issued decisions in respect of the following applications in accordance with his delegated authority:-

1. Application No : 18/00149/FPH  
Date Received : 14.03.18  
Location : 30 Kingfisher Rise Stevenage Herts SG2 9PF  
Proposal : Two storey side extension and single storey front and rear extensions  
Date of Decision : 09.08.18  
Decision : **Planning Permission is GRANTED**
  
2. Application No : 18/00235/FPH  
Date Received : 26.04.18  
Location : 3 Sandown Road Stevenage Herts SG1 5SD  
Proposal : First floor front extension  
Date of Decision : 27.08.18  
Decision : **Planning Permission is GRANTED**

3. Application No : 18/00274/FP  
Date Received : 15.05.18  
Location : Land To The Rear Of 13 Hitchin Road Stevenage Herts SG1 3BJ  
Proposal : Erection of a 3 bed chalet bungalow on the land to the rear of 13 Hitchin Road for the owners of 11 Hitchin Road (Archways Lodge).  
Date of Decision : 03.08.18  
Decision : **Planning Permission is GRANTED**
4. Application No : 18/00287/FPH  
Date Received : 21.05.18  
Location : 20 Boxberry Close Stevenage Herts SG1 3NE  
Proposal : Part two and part single storey side extension  
Date of Decision : 08.08.18  
Decision : **Planning Permission is GRANTED**
5. Application No : 18/00307/FP  
Date Received : 04.06.18  
Location : 1 Park Close Stevenage Herts SG2 8PX  
Proposal : Demolition of garage and existing single storey extension. Erection of detached two storey 2-bedroom dwelling.  
Date of Decision : 15.08.18  
Decision : WITHDRAWN
6. Application No : 18/00327/CPAS  
Date Received : 13.06.18  
Location : David Lloyd Fitness Centre 2 Stevenage Leisure Park Kings Way Stevenage  
Proposal : Installation of roof mounted Solar PV systems proposed development is for 87kWp  
Date of Decision : 02.08.18  
Decision : **Prior Approval is NOT REQUIRED**

7. Application No : 18/00329/FPH  
Date Received : 13.06.18  
Location : 3 Essex Close Stevenage Herts SG1 3FA  
Proposal : Single storey rear extension  
Date of Decision : 03.08.18  
Decision : **Planning Permission is GRANTED**
8. Application No : 18/00330/CPAS  
Date Received : 13.06.18  
Location : Hollywood Bowl 5 Stevenage Leisure Park Kings Way  
Stevenage  
Proposal : Installation of roof mounted Solar PV equipment, the proposed  
development is for 250 kWp  
Date of Decision : 02.08.18  
Decision : **Prior Approval is NOT REQUIRED**
9. Application No : 18/00331/CPAS  
Date Received : 14.06.18  
Location : 360 Play (Stevenage) Ltd 6 Stevenage Leisure Park Kings Way  
Stevenage  
Proposal : Installation of roof mounted Solar PV equipment, the proposed  
development is for 72 kWp  
Date of Decision : 02.08.18  
Decision : **Prior Approval is NOT REQUIRED**
10. Application No : 18/00332/FPH  
Date Received : 14.06.18  
Location : 4 Essex Close Stevenage Herts SG1 3FA  
Proposal : Proposed single storey rear extension  
Date of Decision : 03.08.18  
Decision : **Planning Permission is GRANTED**

11. Application No : 18/00333/FPH  
Date Received : 14.06.18  
Location : 129 Kimbolton Crescent Stevenage Herts SG2 8RN  
Proposal : Front single storey extension and rear two storey extension with interior alterations.  
Date of Decision : 10.08.18  
Decision : **Planning Permission is GRANTED**
12. Application No : 18/00336/FPH  
Date Received : 15.06.18  
Location : 21 Sandown Road Stevenage Herts SG1 5SF  
Proposal : Two storey front extension and new roof light on flat roof over front entrance  
Date of Decision : 03.08.18  
Decision : **Planning Permission is GRANTED**
13. Application No : 18/00338/CLPD  
Date Received : 17.06.18  
Location : 9 Watercress Close Stevenage Herts SG2 9TN  
Proposal : Proposed loft conversion with dormer window and roof lights.  
Date of Decision : 03.08.18  
Decision : **Certificate of Lawfulness is APPROVED**
14. Application No : 18/00340/FPH  
Date Received : 18.06.18  
Location : 57 Eastbourne Avenue Stevenage Herts SG1 2EZ  
Proposal : Enclose driveway to rear with 1.8m high timber close boarded fence.  
Date of Decision : 14.08.18  
Decision : **Planning Permission is GRANTED**

15. Application No : 18/00342/FPH  
Date Received : 20.06.18  
Location : 13 Drury Lane Stevenage Hertfordshire SG1 4RA  
Proposal : Garage Conversion  
Date of Decision : 13.08.18  
Decision : **Planning Permission is GRANTED**
16. Application No : 18/00344/FPH  
Date Received : 20.06.18  
Location : 12 Russell Close Stevenage Herts SG2 8PB  
Proposal : New bay window to front, new window and brickwork infill extension and new open canopy roof to front elevation  
Date of Decision : 14.08.18  
Decision : **Planning Permission is GRANTED**

17. Application No : 18/00347/FPH  
Date Received : 22.06.18  
Location : 77 Ripon Road Stevenage Herts SG1 4LW  
Proposal : Partial demolition of existing front extension and erection of an enlarged single storey front extension  
Date of Decision : 10.08.18  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed single-storey front extension by reason of its overall size, scale and depth would appear bulky and result in an incongruous form of development which would be detrimental to architectural composition of the application property and the visual amenities of this part of Ripon Road. It would therefore, be contrary to Policies TW8 and TW9 of the Stevenage District Plan Second Review 1991 - 2011 (adopted 2004), Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 - 2031, Publication Draft (2016), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).

The proposed single-storey front extension by reason of its overall size, height, bulk, siting and length of projection in relation to number 79 Ripon Road would constitute an unneighbourly and overdominant form of development resulting in an unacceptable loss of outlook. The proposal is therefore contrary to Policies TW8 and TW9 of the Stevenage District Plan Second Review 1991 - 2011 (adopted 2004), Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 - 2031, Publication Draft (2016), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).

18. Application No : 18/00348/COND  
Date Received : 22.06.18  
Location : Former John Lewis Plc Cavendish Road Stevenage Herts  
Proposal : Discharge of condition 3 (Underground tanks) and 7 (Piling) attached to planning application 17/00517/FP  
Date of Decision : 15.08.18  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

19. Application No : 18/00351/FPH  
Date Received : 22.06.18  
Location : 8 Scarborough Avenue Stevenage Herts SG1 2HE  
Proposal : Single storey front extension  
Date of Decision : 15.08.18  
Decision : **Planning Permission is GRANTED**
20. Application No : 18/00352/FPH  
Date Received : 25.06.18  
Location : 40 Minehead Way Stevenage Herts SG1 2HX  
Proposal : Single storey porch extension  
Date of Decision : 15.08.18  
Decision : **Planning Permission is GRANTED**
21. Application No : 18/00353/FPH  
Date Received : 25.06.18  
Location : 22 Fishers Green Stevenage Herts SG1 2JA  
Proposal : Retention of detached annexe  
Date of Decision : 13.08.18  
Decision : **Planning Permission is GRANTED**
22. Application No : 18/00358/FPH  
Date Received : 26.06.18  
Location : 69 Shearwater Close Stevenage Herts SG2 9RX  
Proposal : Single storey rear extension  
Date of Decision : 22.08.18  
Decision : **Planning Permission is GRANTED**

23. Application No : 18/00360/COND  
Date Received : 26.06.18  
Location : 1 Bandley Rise Stevenage Herts SG2 9LS  
Proposal : Discharge of condition 2 (materials) attached to planning permission reference number 18/00171/FPH  
Date of Decision : 02.08.18  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
24. Application No : 18/00361/FP  
Date Received : 27.06.18  
Location : 2 Medalls Path Stevenage Herts SG2 9DX  
Proposal : Change of use from public amenity land to private residential and extension of existing hardstand  
Date of Decision : 28.08.18  
Decision : **Planning Permission is GRANTED**
25. Application No : 18/00367/FP  
Date Received : 27.06.18  
Location : Unit 6 Roaring Meg Retail Park London Road Stevenage  
Proposal : Planning application for the removal of 1,095.5 square metres of mezzanine floorspace at Units 6A and 6B, Roaring Meg Retail Park, Stevenage and the re-provision of up to 1,095.5 square metres within new Unit 6 (to be created through the removal of the internal subdividing wall between the two existing units)  
Date of Decision : 10.08.18  
Decision : **Planning Permission is GRANTED**



26. Application No : 18/00368/FPH  
Date Received : 28.06.18  
Location : 10 Burns Close Stevenage Herts SG2 0JN  
Proposal : Retention of solar panels on a steel frame above conservatory, south facing rear wall of the house and 4 no. ground based panels in the rear garden. Also a further 4 no. proposed ground based panels in the rear garden.  
Date of Decision : 13.08.18  
Decision : **Planning Permission is GRANTED**
27. Application No : 18/00371/HPA  
Date Received : 29.06.18  
Location : 13 Victoria Close Stevenage Herts SG1 3PB  
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 6.0 metres, for which the maximum height will be 3.5 metres and the height of the eaves will be 2.0 metres.  
Date of Decision : 03.08.18  
Decision : **Prior Approval is NOT REQUIRED**
28. Application No : 18/00373/FPH  
Date Received : 29.06.18  
Location : 2 Essex Close Stevenage Herts SG1 3FA  
Proposal : Single story rear extension  
Date of Decision : 06.08.18  
Decision : **Planning Permission is GRANTED**
29. Application No : 18/00374/FPH  
Date Received : 30.06.18  
Location : 20 Featherston Road Stevenage Herts SG2 9PN  
Proposal : Single and Two Storey Rear Extension with internal alterations  
Date of Decision : 29.08.18  
Decision : **Planning Permission is GRANTED**

30. Application No : 18/00376/PATELE  
Date Received : 02.07.18  
Location : 5- 6 The Forum Town Centre Stevenage Herts  
Proposal : Relocation of BT Kiosk  
Date of Decision : 22.08.18  
Decision : **Prior Approval is NOT REQUIRED**
31. Application No : 18/00377/AD  
Date Received : 02.07.18  
Location : 5-6 The Forum Town Centre Stevenage Herts  
Proposal : Consent to display advertisements on relocated BT Kiosk  
Date of Decision : 22.08.18  
Decision : **Advertisement Consent is GRANTED**
32. Application No : 18/00378/PATELE  
Date Received : 02.07.18  
Location : Land To The Front Of 95 Queensway Town Centre Stevenage Herts  
Proposal : Relocation Of BT Kiosk  
Date of Decision : 22.08.18  
Decision : **Prior Approval is NOT REQUIRED**
33. Application No : 18/00379/AD  
Date Received : 02.07.18  
Location : Land To Front Of 95 Queensway Town Centre Stevenage Herts  
Proposal : Consent to display advertisements on relocated BT Kiosk  
Date of Decision : 22.08.18  
Decision : **Advertisement Consent is GRANTED**

34. Application No : 18/00380/CLPD  
Date Received : 02.07.18  
Location : 17 Oakfields Close Stevenage Herts SG2 8NQ  
Proposal : Single storey rear extension  
Date of Decision : 23.08.18  
Decision : **Certificate of Lawfulness is APPROVED**
35. Application No : 18/00384/FPH  
Date Received : 04.07.18  
Location : 35 William Place Stevenage Herts SG2 9DJ  
Proposal : Part two storey, part single storey rear extension  
Date of Decision : 22.08.18  
Decision : **Planning Permission is GRANTED**
36. Application No : 18/00386/CPA  
Date Received : 05.07.18  
Location : 85 - 103 Queensway Town Centre Stevenage Herts  
Proposal : Prior approval for Change of use of the second floor from use Class B1(a) (offices) to Use Class C3 (residential) to provide 11 flats  
Date of Decision : 29.08.18  
Decision : **Prior Approval is REQUIRED and GIVEN**
37. Application No : 18/00393/CPA  
Date Received : 05.07.18  
Location : 85 -103 Queensway Town Centre Stevenage Herts  
Proposal : Prior approval for the change of use of part of second floor from use class A1 (shop) and class A2 (financial & Professional) to 2no. dwelling units (use class C3)  
Date of Decision : 09.08.18  
Decision : **Prior Approval is NOT REQUIRED**

38. Application No : 18/00389/TPCA  
Date Received : 06.07.18  
Location : 20 Julians Road Stevenage Herts SG1 3ET  
Proposal : Removal of 1no. Leylandii tree (T1) and 1no. Ash tree (T2)  
Date of Decision : 29.08.18  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
39. Application No : 18/00391/FP  
Date Received : 06.07.18  
Location : Land Rear Of 46 And 48 Sish Lane Stevenage Herts SG1 3LS  
Proposal : Retrospective permission for the erection of 2no. two bed bungalows.  
Date of Decision : 10.08.18  
Decision : **Planning Permission is GRANTED**
40. Application No : 18/00392/TPCA  
Date Received : 06.07.18  
Location : Stevenage Old Town Library 38 High Street Stevenage Herts  
Proposal : Removal of deadwood and raise crown by 1 metre on 1no. Yew tree (T1)  
Date of Decision : 28.08.18  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
41. Application No : 18/00397/HPA  
Date Received : 10.07.18  
Location : 93 Raleigh Crescent Stevenage Herts SG2 0ED  
Proposal : Single storey rear extension which will project beyond the rear wall of the original house by 5.6m for which the maximum height will be 2.918m and the height to the eaves will be 2.218m  
Date of Decision : 01.08.18  
Decision : **Prior Approval is NOT REQUIRED**

42. Application No : 18/00421/CLPD  
Date Received : 15.07.18  
Location : 23 Cholwell Road Stevenage Herts SG2 9JY  
Proposal : Certificate of Lawfulness for proposed single storey rear extension with a flat roof and parapet walls and roof lantern lights  
Date of Decision : 03.08.18  
Decision : **Certificate of Lawfulness is APPROVED**
43. Application No : 18/00487/PADEMO  
Date Received : 07.08.18  
Location : Quality Part X Wedgwood Park Unit 1 - 5 Wedgwood Way  
Proposal : Prior approval for demolition of units 2, 3 4 and 5 which are redundant buildings and space to be used for business  
Date of Decision : 29.08.18  
Decision : **Prior Approval is NOT REQUIRED**

## **BACKGROUND PAPERS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and the Stevenage Design Guide adopted October 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties.
6. Central Government advice contained in the National Planning Policy Framework March 2012 and National Planning Policy Guidance March 2014.
7. Letters received containing representations.

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**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:** Tuesday 11 September 2018

## **INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS**

Author – Kelly Cooper 01438 242838

Lead Officer – Chris Berry 01438 242257

Contact Officer – Dave Rusling 01438 242270

### **1. APPEALS RECEIVED**

1.1. None

### **2. DECISIONS AWAITED**

2.1. 17/00566/FP. 377 Jessop Road. Appeal against refusal of planning permission for Change of use from amenity land to private residential land and erection of two storey side extension and a single storey rear extension to facilitate the conversion of existing dwelling into 2no one bedroom dwellings.

### **3. CALLED IN APPLICATIONS**

3.1.

### **4. DECISIONS RECEIVED**

4.1. None.

### **5. BACKGROUND PAPERS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and the Stevenage Design Guide adopted October 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Central Government advice contained in the National Planning Policy Framework March 2012 and National Planning Policy Guidance March 2014.

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