



PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 7 September 2021

Time: 6.30pm,

Location: Council Chamber

Contact: Ramin Shams

committees@stevenage.gov.uk

Members: Councillors: S Speller (Chair), M McKay (Vice-Chair), D Bainbridge, M Arceno, A Brown, T Callaghan, M Creasey, M Downing, J Hanafin, G Lawrence, Mrs J Lloyd, A Mitchell CC, G Snell and T Wren

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 18 AUGUST 2021

To approve as a correct record the Minutes of the previous meeting held on Wednesday 18 August 2021.

Pages 3 – 14

3. 18/00416/FPM - BANK HOUSE, PRIMETT ROAD, STEVENAGE

Reconfiguration of existing offices (basement, ground and first floor level) and six storey extension.

Pages 15 – 78

4. 20/00491/ENF - LAND TO THE SIDE AND REAR OF 330-336 RIPON ROAD, STEVENAGE

Shipping container and untidy land to the rear of the properties.

Pages 79 – 82

5. 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 83 – 94

6. 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 95 – 130

7. URGENT PART I BUSINESS

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

8. 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.

9. URGENT PART II BUSINESS

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

NOTE: Links to Part 1 Background Documents are shown on the last page of the individual report, where this is not the case they may be viewed by using the following link to agendas for Executive meetings and then opening the agenda for Tuesday, 7 September 2021 – <http://www.stevenage.gov.uk/have-your-say/council-meetings/161153/>

STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Wednesday, 18 August 2021

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Simon Speller (Chair), Maureen McKay (Vice-Chair), Myla Arceno, Adrian Brown, Teresa Callaghan, Matt Creasey, Michael Downing, Jody Hanafin, Mrs Joan Lloyd, Adam Mitchell CC, Graham Snell and Tom Wren

Start / End Time: Start Time: 6.30 pm
End Time: 9.56 pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillor Doug Bainbridge.

Councillor Jody Hanafin declared an interest on the Item 4 (21/00627/FPM Marshgate Car Park) of the agenda, for personal reasons she would not take part in the debate and not vote on the item.

2 MINUTES - 13 JULY 2021

It was **RESOLVED** that the minutes of the Planning and Development Committee meeting held on Tuesday 13 July 2021 be approved as a correct record and signed by the Chair.

3 21/00765/PATELE - COREYS MILL LANE, STEVENAGE, HERTFORDSHIRE, SG1 4FG

Application	21/00765/PATELE
Location	Coreys Mill Lane, Stevenage, Hertfordshire SG1 4FG
Proposal	Proposed 20.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
Applicant	CK Hutchison Networks (UK) Ltd
Recommendation	Prior approval is not required

The Development Manager explained the procedures for making a decision on an application with prior approval. The regulations regarding prior approval were set by the Central Government. In term of the proposed application seeking prior approval for a 20.0m high monopole and its associated equipment, there were key issues for the Committee to consider for making a decision, such as the siting and appearance

of the monopole, and comments from residents could also be considered within the regulations set by the Central Government.

The Senior Planning Officer presented the application seeking permission for a 20.0m monopole and the associated ancillary works. During the presentation the Senior Planning Officer displayed map, plans and photographs to demonstrate the location and character of the site.

The application was located on the highway verge on the southern of Coreys Mill Lane, near its junction with North Road. To the south and east of the site were residential properties, and the Lister Hospital was on the northern side.

The Senior Planning Officer explained that the social and economic benefits of the proposed application would outweigh any potential adverse impact.

The key issues in the determination of the application were outlined in the officer report.

The Council had received 38 objections, these were all summarised within the officer report on pages 12-14.

Registered speaker James Silsby spoke in opposition to the application. Mr Silby raised substantive concerns regarding the siting and position of the proposed mast in terms of impact on the area and on local residents. In addition, Mr Silby advised the Committee that there were more appropriate locations for the mast to be sited such as on the car park at Lister Hospital.

Councillor Philip Bibby spoke as a local ward member of the Council; both speakers answered a series of questions. Councillor Bibby raised concern about the location of the site; he explained that the County Council was looking for a planned cycleway between Old Town and the development to the North of Stevenage along with a new signalised junction at North Road and Coreys Mill Lane. The project was currently in its consultation period; therefore, it was inappropriate for the time being to facilitate the monopole at this location.

Members debated the application, taking into account the officer report, statements from the registered speaker and the community advocate. Members raised concerns about the siting and appearance of the monopole, and its associated equipment that would likely cause harm to the existing skyline and natural vegetation. Concerns were also raised about surrounding trees around the site.

In response to a question from a Member, the Senior Planning Officer clarified that the Council had 8 weeks to decide upon the receipt of the application under the current planning regulations, also could not deferred the application, as time would run out for the next Committee meeting. Therefore, it could not be delayed until clarity being provided for the cycleway project.

The Committee was adjourned at 7.35 pm, and re-convened at 7.52 pm.

Members determined that, notwithstanding the recommendation of officers, the

application failed to fully evidence the case being made for the siting and appearance of the monopole in the proposed location.

Vote:

7 Votes For

5 Votes against

0 Abstentions

It was **RESOLVED** that application 21/00765/PATELE be refused prior approval for the following reasons:

1. The proposed siting, design, form and dimension of the proposed 20m high monopole and associated equipment would cause substantive harm to the existing skyline when viewed from any side and where viewed from nearby residential properties on Whitney Drive and North Road. The proposal would also be seen as incongruous to the detriment of the character and appearance of the area. Consequently, it is considered by the Local Planning Authority that there would be more appropriate locations to site the proposed 20m high monopole and associated equipment where it does not cause harm to the skyline or to the character and appearance of the area. The proposal is therefore, contrary to Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019) and the NPPF (2021).

2. The proposed siting of the 20m high monopole and associated equipment would cause significant harm to natural vegetation which is located in close proximity to the proposed mast and associated equipment. Consequently, it is considered by the Local Planning Authority that there would be more appropriate locations to site the proposed 20m high monopole and associated equipment where it does not cause significant harm to nearby natural vegetation. The proposal is therefore, contrary to Policies SP12 and NH5 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019) and the NPPF (2021).

4 **21/00627/FPM - MARSHGATE CAR PARK, ST GEORGE'S WAY, STEVENAGE**

Application	21/00627/FPM
Location	Marshgate Car Park, St George's Way, Stevenage
Proposal	Construction of new part 4 storey, part 5 storey Biopharma laboratory and workspace facility (Use Class E), public car park and wider public realm improvement works.
Applicant	Reef Estates Limited
Recommendation	Grant Planning Permission

The Principal Planning Officer provided an update to the Planning Committee. She advised that the plans detailed in the report do not contain the revision numbers of the relevant plans. As such, the Principal Planning Officer advised the Committee that the Recommendation in the report be amended so that the final details of the conditions, including any associated amendments to the conditions listed, be delegated to the Assistant Director of Planning and Regulation.

The Principal Planning Officer presented the application seeking permission for the erection of a part four/five storey Biopharma laboratory, workspace facility, public car park and wider public realm improvement. During the presentation, she displayed map, plans and photographs to demonstrate the location and character of the site.

The Principal Planning Officer explained that the proposal was acceptable for the wider Town Centre Regeneration Programme. Stevenage Centre Framework was adopted in 2015, which aimed to support the regeneration of the Town Centre for the next 30 years. The proposed application would support the Stevenage Centre Framework objectives.

The Council had received representations from the residents, which had been summarised in the officer report on pages 23-24.

Registered speaker Chris Gray spoke in support of the application. He highlighted the economic benefits of the project including the employment of an additional 200 people and safeguarding 150 already employed. He mentioned that Stevenage would also become the first CAR-t cell Therapy Centre.

The Principal Planning Officer advised Members that the proposal was not in conflict with the Local Plan Policy aspiration for the Marshgate part of the Town Centre. The proposal would also help the Town Centre regeneration in terms of investment, and would bring in people to the Town Centre which would help the day time and evening economy. There were no significant planning constraints associated with the site. The site was also within the flood Zone 1 meaning that there was a low probability of the flooding.

The key issues in the determination of the application were outlined in the Officer report.

The Principal Planning Officer explained that the proposed site was rectangular in shape and surrounded on three sides by development. To the south was a 6 storey mixed use development with use Class E at ground floor level and residential flats above. To the west was a mixed use six storey development known as Queensway. Adjoining this to the north was a further six storey residential flatted development. To the north of the application site was a three storey building with use Class E retail at ground floor level, including the Job Centre with ancillary office space above.

Members debated the application, taking into account the presentation from the Principal Planning Officer, the Officer report and the statement from the registered speaker. The key issues for Members consideration were changes in the layout of the St George's way, loss of disabled car park spaces and the site's operation hours.

In response to a question from a Member, the Principal Planning Officer informed Members that the site once completed would be in operation 24 hours, She also clarified that the County Council as a highway authority were satisfied.

The Development Manager explained that the current application site was for the re-development in the Local Plan, and there would be enough disabled car park spaces available.

It was **RESOLVED** (Noting that Councillor Jody Hannafin did not take part in the vote for personal reasons and as agreed with the Chairman of the Planning and Development Committee) that planning permission be granted, subject to the conditions as per the recommendations set out in the report with any amendments to these conditions be delegated to the Assistant Director of Planning and Regulation.

That planning permission be GRANTED subject to the applicant having first entered into a unilateral undertaking to secure/provide contributions towards:-

- Street Development Agreement and s278 Agreement (covering the public realm improvements to Marshgate and St George's Way outside of the red line area)
- Travel Plan monitoring fee
- Local Employment and Apprenticeships
- Relocation of air quality monitoring station

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

The proposal be subject to the following conditions:-

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: ST.MR.000; ST.MR.100; ST.MR.1000; ST.MR.1001; ST.MR.200.1; ST.MR.200.2; ST.MR.200.3; ST.MR.200.4; ST.MR.200.5; ST.MR.200.6; ST.MR.200.7; ST.MR.300.1; ST.MR.300.2; ST.MR.300.3; ST.MR.300.4; LL677-000-0001 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 Construction Phase Health and Safety Plan, Traffic Management Plan

and Waste Management Plan by Merit as approved shall be adhered to during the construction phase of the development.

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

4. The building works required to implement this permission shall be carried out only between the following times: 0730 to 1800 Mondays to Fridays 0800 to 1300 Saturdays And not at all on Sundays and Bank Holidays. The hours specified relate to activities which are audible at the site boundary.

REASON:- To satisfactorily protect the residential amenities of nearby occupiers and the operation of adjoining businesses.

5. The development hereby permitted shall be completed in accordance with the external materials specified within the Design and Access Statement by UrbanR submitted as approved or any alternatives to be submitted to and approved by the Local Planning Authority.

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

6. The use of the building hereby approved shall be limited to Schedule 2, Part A, Class E (g) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 relating to office, research and development of product or processes and industrial processes and shall be used for no other purposes.

REASON:- To prevent the unrestricted change of use to retail (Class E (a)) without paying the required CIL charge under the Council's adopted Community Infrastructure Levy Charging Schedule.

7. All hard and soft landscaping shall be carried out in accordance with the approved details as set out in general arrangement drawing number LL677-000-0001 to a reasonable standard in accordance with the relevant British Standards or other recognised Codes of Good Practice.

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

8. No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority details of all new planting to take place including species, size and method of planting.

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

9. 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 completion of the development.

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

10. All hard surfacing and public car parking spaces comprised in the approved details of landscaping shall be carried out within 6 months of the completion of the development.

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

11. 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 Page 47 - 28 - damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

12. The measures to address adaptation to climate change as set out within the Design and Access Statement by UrbanR and achieve minimum BREEAM Excellent shall be implemented and permanently maintained in accordance with the approved details.

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

13. No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority details of the proposed external lighting strategy for the approved development.

REASON:- To ensure a satisfactory appearance for the development and to protect the residential amenity of existing residents.

14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Report prepared by Norder Design Associates Ltd reference 8719-NDA-XX-XX-RP-D-8301 revision R3 dated July 2021 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 surface water run-off rate of 10 l/s during the 1 in 100 year event plus 40% 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 providing a minimum of 168 m³ (or such storage volume agreed with the LLFA) of total storage volume in attenuation basin and swale. 3. Discharge of surface water from the private drain into the Thames Water surface water sewer. 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.

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

15. No development of any drainage works shall take 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 the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not 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. Exploration of further measures to discharge at greenfield runoff rates or as close as is practicable. 2. Confirmation of access road drainage details. 3. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs. 4. Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours. 5. Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm. 6. 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 increased risk of flooding, both on and off site.

16. Upon completion of the drainage works for the site in accordance with the timing, phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: 1. Provision of complete set of as built drawings for site drainage. 2. Maintenance and operational activities. 3. Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

REASON:- To prevent the increased risk of flooding, both on and off site.

17. If, during development, contamination not previously identified is found to be present at the site, then no further development 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 in conjunction with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to

determine its effectiveness.

REASON:- To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

18. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON:- The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

19. The Travel Plan as submitted with this planning application shall be implemented, monitored and reviewed in accordance with the agreed travel plan targets to the satisfaction of the Local Planning Authority in consultation with Hertfordshire County Council as Highways Authority.

REASON:- In order to deliver sustainable transport objectives including a reduction in car journeys and increased use of public transport, walking and cycling.

20. All private car parking spaces shown on drawing number ST.MR.100 shall be provided, marked out and hard surfaced ready for use prior to the first occupation of the laboratory building and shall be retained in that form and kept available for those purposes thereafter.

REASON:- To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining highways.

21. Prior to the first occupation of the development hereby permitted the existing carpark vehicular exit as defined on the approved drawing number ST.MR.200.1 shall be stopped up and the footway reinstated. The highway works shall include the upgrading of the existing informal pedestrian crossing points, complete with tactiling that is located at the entrance to Marshgate, which is to be provided in order to improve pedestrian access to The Forum. All work shall be constructed to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

REASON:- To ensure satisfactory access into the site and avoid carriage of

extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

22. Prior to first occupation of the laboratory building, a noise report detailing noise mitigation measures shall be submitted for approval to the Local Planning Authority. The Report shall be based on the measures identified in "Marshgate Life Science, Stevenage, Planning Noise Report" Report reference 21199-R01-B, dated 3 June 2021 by Sandy Brown Ltd. Following approval, the measures shall be maintained thereafter.

REASON:- To protect the residential amenity of existing residents.

23. The noise control measures detailed in Section 7.3 of "Marshgate Life Science, Stevenage, Planning Noise Report" Report reference 21199-R01-B, dated 3 June 2021 by Sandy Brown Ltd shall be implemented for the operational phase of the development.

REASON:- To protect the residential amenity of existing residents.

24. The recommended ecological and nature conservation enhancements set out within the Ecological Appraisal Report by SLR dated May 2021 shall be implemented and permanently maintained in accordance with the approved details.

REASON:- To provide a net gain in biodiversity.

25. No loading, unloading, deliveries or collections shall take place other than between the hours of 08.00 hours and 18.00 hours Mondays to Saturdays nor at any time on Sundays, Public or Bank Holidays apart from small vehicles less than 7.5 Ton.

REASON:- To protect the residential amenity of existing residents.

5 INFORMATION REPORT - DELEGATED DECISIONS

Noted.

6 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

Noted.

7 URGENT PART I BUSINESS

None.

8 EXCLUSION OF THE PRESS AND PUBLIC

Not required.

9 **URGENT PART II BUSINESS**

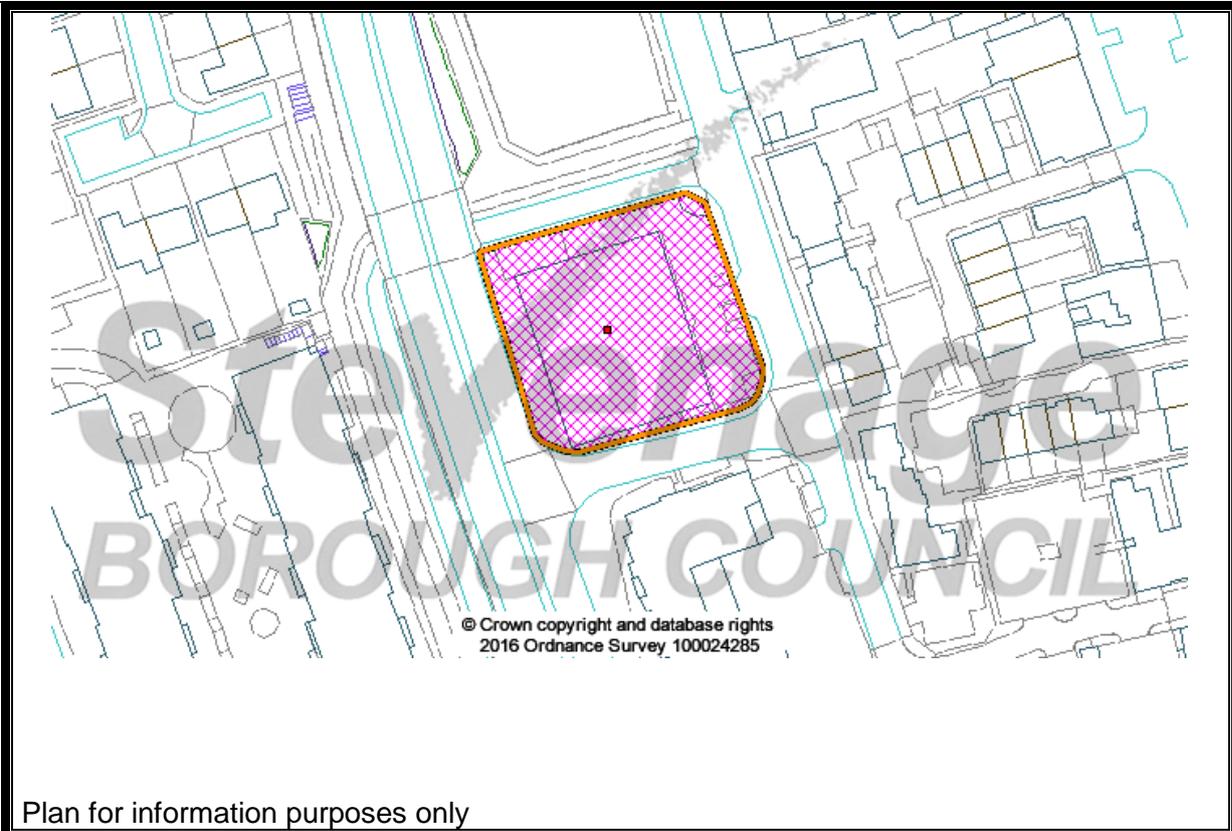
None.

CHAIR

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	7 September 2021	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	18/00416/FPM
Location:	Bank House, Primett Road, Stevenage.
Proposal:	Reconfiguration of existing offices (basement, ground and first floor level) and six storey extension.
Drawing Nos.:	BH17-PL-A201 D1; BH17-PL-A202 C; BH17-PL-A203 A; BH17-PL-A204 A; BH17-PL-A204 A; BH-PL-A206 A; BH17-PL-A207 A; BH17-PL-A208 A; BH17-PL-A209 A; BH17-PL-A220 A; BH17-PL-A221; BH17-PL-A222 A; BH17-PL-A223; BH17-PL-A230 A; BH17-PL-A231; BH17-PL-A232; BH-PL-A233; BH17-PL-A302; BH17-PL-A301; BH17-PL-A401; BH17-PL-A404; Cycle Storage Plan; Short Term and Visitor Parking Plan .
Applicant:	Good for Food Limited
Date Valid:	20 July 2018
Recommendation:	GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 The application site is located on the southern side of Primett Road opposite George House. The site comprises a two-storey detached office block with a basement car park and surface parking to the front. The building is constructed from red brick at ground floor level with a hipped roof clad in grey roof tiles with two gable-end projections. On the principal elevation of the building is a glazed atrium incorporating a gable-end stone canopy supported by stone columns. At first floor level, the building is finished in stone with brick detailing below. For vertical emphasis, there is stone detailing which runs up the front elevation of the building. The fenestration detail is evenly spaced and comprises steel framed windows. The side and rear elevation of the building have been designed to reflect the architectural appearance of the principal elevation.
- 1.2 To the east of the application site is Howarde Court and the Old Town which is designated as a Conservation Area. To the south adjacent to George House (which is an independent retirement living block operated by McCarthy and Stone) is Townsend Mews which is a private residential development. To the west, the site is bordered by Lytton Way (A602) and to the east is Primett Road. To the north there is the vehicle and pedestrian underpass which connects Lytton Way with Primett Road.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 05/00159/FP sought permission for the installation of 3 air conditioning condenser units in recessed plant wall and basement car park and alterations to elevations. This application was granted planning permission in May 2005.
- 2.2 Advertisement consent application 10/00150/AD sought permission for the erection of 3no. non-illuminated signs. This application was granted advertisement consent in June 2010.
- 2.3 Prior approval application 14/00341/CPA sought permission for the change of use of office building (Use Class B1(a)) to Residential Dwellings (Use Class C3), comprising of 10 no. 2 bed and 16 no. 1 bed flats. It was determined that prior approval was not required in August 2014.
- 2.4 Prior approval application 14/00667/CPA sought permission for the change of use from Class B1(a) (Offices) to Class C3 (Residential) comprising 10no. two bed; 17no. one bed and 3no. studio apartments. It was determined that prior approval was not required in January 2015.
- 2.5 Planning application 14/00668/FP External alterations to facilitate change of use from Class B1(a) (Offices) to Class C3 (Residential) under planning permission reference number – 14/00341/CPA. Planning permission was granted in February 2015.
- 2.6 Prior approval application 14/00702/CPA sought permission for Change of use from Office (Class B1(a)) to Residential (Class C3) with 44no. studio apartments. It was determined that prior approval was not required in February 2015.
- 2.7 Prior approval application 21/00820/CPA seeks permission for change of use from existing office building into 21no. one bedroom flats and 3no. two bedroom residential flats. This application is pending consideration.

3. THE CURRENT APPLICATION

- 3.1 The proposed development seeks to extend the existing offices (Use Class E(g)(i), previously Use Class B1(a)) which currently has a floor area of 1,802 sq.m to an office with an internal floor area of 8,085 sq.m. The detailed proposal also comprises an ancillary restaurant/café on the ground floor. The overall works as detailed in the application submission is to create an eight story office building. The extended building would measure

approximately 40m in length and span 41m in width with an overall height of approximately 35m (eight storeys). The basement area of the development would comprise of the parking lobby with associated secure cycle parking area and refuse bin stores. At ground floor level there would be the main reception/lobby, ancillary café/restaurant and office floorspace. In regards to floors two through to eight these would predominantly be offices. The roof of the building comprises all of the plant and equipment associated with the development.

3.2 The building would be constructed from contrasting materials comprising a mixture of concrete board, composite white stone and terracotta tiles. The windows which would be installed within the building would be polyester powder coated aluminium double glazed windows finished in black. The building would also comprise of outdoor terraces with associated glazing. The building has been designed as dual aspect with frontages onto both Primett Road and Lytton Way.

3.3 The application was originally determined by the Council's Planning and Development Committee in 5th February 2019. It was resolved to Grant Planning Permission subject to the completion of a Section 106 legal agreement. However, this agreement to date has not been completed and the applicant is now seeking to secure planning permission for this development.

3.4 Notwithstanding, since the application was previously determined by the Council back in February 2019, there has been a number of material changes in both National and Local Planning Policies and Guidance. At the National level, Central Government published a revised version of the National Planning Policy Framework which was adopted 20th July 2021. This replaced the February 2019 version of the NPPF. At the local level, the Council formally adopted the Stevenage Borough Local Plan 2011-2031 on the 22nd May 2019. This replaced the Stevenage District Plan (Second Review) 2004 which the application was previously determined against.

3.5 In addition to the above, the Council has also formally adopted a Community Infrastructure Levy which came into force on 1st April 2020. The Council also adopted a number of supplementary planning documents (SPD's) which run alongside the adopted Stevenage Borough Local Plan (2019). These SPD's are as follows:-

- The impact of development on Biodiversity SPD (adopted 18 March 2021);
- Developer Contributions SPD (adopted 18 March 2021); and
- Parking Provision and Sustainable Transport SPD (adopted 12 October 2020).

3.6 Given the aforementioned changes in planning policy and guidance, this application has to be re-determined against these new policies and guidance. Therefore, this application comes back to the Planning and Development Committee for its decision as it is classed as a Major commercial development.

3.7 A copy of the original Planning Committee Report from 5th February 2019 is attached in Appendix One.

4. PUBLIC REPRESENTATIONS

4.1 This planning application has been re-publicised by way of a site notice and neighbouring properties have been notified about the application via a letter. The application was also published in the local press as it is a major application. At the time of drafting this report, objections were received from the following:-

- 15 Howarde Court.

4.2 A summary of the objections are set out below:-

- The Council has not properly consulted local residents;
- The development would reduce the level of light to neighbouring properties;
- Unacceptable noise levels generated from construction works and general operation of the site;
- The development would have a detrimental impact on property values.

4.3 Please note that the aforementioned is not a verbatim of the comments and representations which have been received. However, a full version of the comments and representations which have been received are available to be viewed on the Council's website.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

5.1.1 The County Council as the Highways Authority consider the development to be in accordance with National and Local Policies. Therefore, the Highways Authority formal recommendation is that there are no objections to the development proposal subject to the recommended conditions and a S106 agreement to address sustainable transport and a highway informative.

5.2 Hertfordshire County Council Growth and Infrastructure Unit

5.2.1 Based on the information provided, HCC Growth and Infrastructure Unit will not be seeking financial contributions for the proposed development.

5.3 Hertfordshire County Council as Lead Local Flood Authority

5.3.1 The County Council as the Lead Local Flood Authority consider the proposed drainage scheme to be acceptable. The drainage strategy is based on attenuation and discharge into Thames Water surface water sewer network at a restricted discharge rate. The development would also incorporate a permeable pavement and blue roof discharging into a geo-cellular tank. The proposed drainage scheme is therefore considered to be acceptable subject to conditions.

5.4 Hertfordshire Constabulary as the Crime Prevention Design Service

5.4.1 Owing to the extended period that this application has been through I have been asked to re-examine the application in light of changes in both national and local planning policy that have occurred in the intervening period between the initial application and now.

5.4.2 In the initial stages leading up to the original application the architect was engaged in discussions with Hertfordshire Constabulary's Crime Prevent Design Service (CPDS) via the local Crime Prevention Design Advisor (CPDA). The intention was to seek to achieve the Police preferred minimum security standard that is Secured by Design (SBD) in this case SBD Commercial. At the time of the original application the CPDA had no objection to application.

5.4.3 Since the original application there have been several changes in both local and national planning policies. The National Planning Policy Framework was revised as of the 19th of February 2019 and 20th December 2018. One of the updates was chapter 8 Promoting healthy and safe communities particular reference, regarding crime issues are cited in paragraph 91.b. and paragraph 127.f. At the local level the Stevenage Local Plan was adopted on the 22nd of May 2019. Of note was Policy SP2 Sustainable Development in Stevenage section i of the Local Plan deals with the issue of Crime and disorder. With regard to these matters the applicant had demonstrated their intention to seek to achieve SBD

accreditation, however beyond the initial meeting this has not progressed and is possibly due to the protracted time frame. In addition to the above comments the following sections of Building Regulations have been revised:-

- Approved Document B (Parts 1 & 2) revised 26th November 2020
- Approved Document M revised 7th June 2021
- Approved Document 7 revised 29th November 2018.

It is strongly suggested that the applicant should issue a revised Design and Access Statement to incorporate the relevant changes in policy. The PCDS are not objecting to this application but we are not in a position, now, to fully support it without the appropriate amendments.

5.5 Council's Conservation and Historic Advisor (BEAMS)

- 5.5.1 Bank House is a late 20th century brick-built office building with some elements of 'post-modern' design to it, it is two tall storeys so relatively modest in terms of its height but occupies a good-sized footprint and thereby has a considerable massing. Bank House is on the west side of Primett Road, it is set back from the road and its front entrance is on the east elevation.
- 5.5.2 The erection of 6 storeys above the existing building is proposed - effectively entailing the replacement of Bank House with a new office building of contemporary design. The Stevenage Old Town Conservation Area boundary runs along the eastern edge of Primett Road and includes the historic plot boundaries to the rear of the properties fronting the High Street and including the more modern developments (offices and housing) fronting Primett Road - generally 3 storeys in height.
- 5.5.3 Conservation Areas are defined as '*areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*' (Section 69 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*).
- 5.5.4 Whilst Bank House is outside the Conservation Area, the impact upon the setting of the Stevenage Old Town Conservation Area and its numerous listed buildings requires careful consideration. In accordance with the NPPF para. 189 a Heritage Statement has been submitted as part of the planning application.
- 5.5.5 The existing building is not visible from the High Street due to the line of late 20th century development which now exists fronting Primett Road on its east side. Further to the north this situation changes and the rear of High Street plots have not been redeveloped allowing views of the rear elevations of historic High Street properties - these views from Primett Road and Lytton Way are of importance. Bank House is of no special architectural merit and there is no objection to the redevelopment of the existing property and some increase in its height.
- 5.5.6 The proposed development occupies the full footprint of the Bank House site and increases the height of the building by 6 storeys to c. 31 metres - significantly higher than surrounding development fronting onto Primett Road and the historic High Street.
- 5.5.7 Whilst there is tall residential development on the west side of Lytton Way the scale of development to the east side of Lytton Way has been kept to a relatively modest height (3 to 4 storeys). It is recognised that a tall building will not automatically harm the setting (and significance) of a Conservation Area. However, it is appropriate to raise some concern about the height of the new development, particularly in longer views from within the Conservation Area. For example, from the junction of Church Lane and Letchmore Road it has been demonstrated through the submission of Visually Accurate Representations that the upper part of the development will be visible above the roof of the grade II listed Marquis of Lorne

Public House and intruding upon the existing roof scape along this west side of the High Street.

- 5.5.8 Efforts have been made to reduce the visual impact of the development. The heavily glazed east elevation of the development steps back as the building rises in height, which helps it to be less overbearing in relation to properties on the east side of Primett Road. The use of glazing potentially reduces its visual impact (although reflective glazing may well stand out / draw the eye), particularly from the High Street area.
- 5.5.9 NPPF defines significance as: The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
- 5.5.10 The significance of Stevenage's Old Town Conservation Area is primarily derived from the historic street layout and the architectural design and detailing of the properties, many of them statutory listed and dating from the 16th century onwards which front these historic streets. Both the Conservation Area and the statutory listed buildings are designated heritage assets.
- 5.5.11 Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (NPPF, para. 184).
- 5.5.12 Paragraph 193 of the NPPF states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.5.13 Paragraph 194 continues: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction or development within its setting) should require clear and convincing justification.' Paragraph 200 recommends local authorities look for opportunities for new development within the setting of heritage assets 'to enhance or better reveal their significance.'
- 5.5.14 Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The NPPF defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral. Setting (the surroundings in which an asset is experienced) may therefore be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, light spill and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.
- 5.5.15 The proposed upwards extension of Bank House will increase its visual prominence and introduce a tall modern development within the immediate backdrop of the Conservation Area, visible above the roof of the listed Marquis of Lorne public house when looking towards the site from the Letchmore Road / Church Lane junction and it will be highly visible along Primett Road. It is acknowledged that views north / south along the historic High Street will not be impacted by the proposed development.

5.5.16 The redevelopment of the site as proposed is considered to have an adverse impact upon the setting of Old Town Conservation Area, causing 'less than substantial harm' to its aesthetic significance. The NPPF (para. 196) advises that: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.'

5.5.17 In reaching a decision on this application Stevenage Borough Council should balance the 'less than substantial harm' identified against any 'public benefits' the proposal may result in.

5.6 Council's Car Parking Manager

5.6.1 The off street parking provision is adequate for a development of this nature. Some restrictions to that apply when the 7 day Charter Fair is in town (sept).

5.7 Council's Environmental Health Section

5.7.1 The proposed development is considered to be acceptable subject to conditions. In regards to noise, however, can it be added that vehicles involved in construction activities should have broadband noise reversing alarms (i.e. not typical reverse alarms) in order to mitigate impact on nearby residents.

5.8 Council's Parking and Enforcement Manager

5.8.1 The current cycle storage system may not be suitable for non-standard cycles. The applicant should also ensure there is a suitable proportion of the long-stay cycle parking (as opposed to short stay/visitor spaces) to accommodate non-standard cycles such as recumbents and tricycles in order to support sustainable transport. In addition, such cycle may also be the only type usable by people with mobility issues and will ensure the cycle parking provision meets the requirements of the Equalities Act.

5.8.2 The slip road of Lytton Way lead to Primett Road is considered part of the dual-carriageway which is covered by the Police. It is covered by a Clearway order but there is sometimes car parked here illegally but the Police lack resources to enforce the parking. This as such reduces the effectiveness of local parking controls noted in the TA paras 2.11 and 2.12. It is likely that additional trips due to the development will lead to an increase in illegal parking on the slip road. Such parking, as advised by the Parking Enforcement Manager would undermine the approach to parking detailed in paras 5.2-5.13 and 6.20-6.33, but may be liable to cause a hazard and an obstruction. To mitigate this, it has been recommended that the applicant engages with HCC Highways to arrange the statue of the road to change from being a slip road of Lytton Way to separate street and have HCC make a new Clearway Order that prevents stopping on the newly created street and for SBC Street Naming and Numbering Officer to give it an assigned name.

5.8.3 This would allow the Council's Parking Enforcement service powers to prevent an increase in hazardous and obstructive parking and would help support the developments sustainable travel intentions as well as ensure there is no parking on this road taking place. This would also as such, reduce the burden on limited Police resources.

5.9 Thames Water

5.9.1 In accordance with Building Regulations, the application should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water.

- 5.9.2 Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.
- 5.9.3 As per Building regulations part H paragraph 2.21, Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal. Thames Water further 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. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
- 5.9.4 With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 5.9.5 Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

5.10 Hertfordshire County Council Mineral and Waste Section

- 5.10.1 No comment.

5.11 Affinity Water

- 5.11.1 No comment.

5.12 Environment Agency

- 5.12.1 No comment.

5.13 UK Power Networks

- 5.13.1 No comment.

5.14 Herts and Middlesex Wildlife Trust

- 5.14.1 No comment.

6. RELEVANT PLANNING POLICIES

6.1 Background to the development plan

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 and 2019 versions of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

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

Policy SP1: Presumption in favour of sustainable development;
 Policy SP2: Sustainable Development in Stevenage;
 Policy SP3: A strong, competitive economy;
 Policy SP5: Infrastructure;
 Policy SP6: Sustainable Transport;
 Policy SP8: Good Design;
 Policy SP11: Climate Change, Flooding and Pollution;
 Policy SP13: The historic environment;
 Policy EC7: Employment development on unallocated sites;
 Policy TC13: Retail impact assessments;
 Policy IT3: Infrastructure;
 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 FP7: Pollution;
 Policy NH10: Conservation areas.

6.5 Supplementary Planning Documents

Council's Design Guide SPD (2009);
 Old Town Conservation Area Management Plan SPD (2012)
 Parking Provision and Sustainable Transport SPD (2020)
 Developer Contributions SPD (2021)
 The Impact of Development on Biodiversity SPD (2021).

6.6 Community infrastructure levy

Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development. As the enlarged office building would fall within planning use class E – commercial, business and service use, which is the same use class as retail, this proposal would be CIL liable at £60/m². However, it is recognised that the building would not be in a retail use and therefore would be liable for CIL at £0m² as ‘other development’ under the CIL charging schedule. In order to exempt the applicant from paying the higher rate of CIL, the use of the building would need to be restricted to an office used under class E (g) (i) of the Town and County Planning (Use Classes) (Amendment) (England) Regulations 2020. This can be done by way of a planning condition, should planning permission be granted. The applicant has agreed to such a condition being imposed.

7. APPRAISAL

7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, impact on the character and appearance of the conservation area, impact on amenities, means of access and highway safety, impact on the environment, development and flood risk.

7.2 Land Use Policy Considerations

Employment

7.2.1 The application site, given its location, does not fall within a designated employment area as defined by the proposals map in the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019). Notwithstanding this, the development site, given that it is currently occupied by Offices, would be classed as an employment use outside of an employment area under Policy EC7 of the adopted Local Plan (2019). Policy EC7 stipulates that planning permission for the loss of employment land on sites not allocated for any specific purpose would be granted where:-

- i. There is sufficient suitable employment land available elsewhere;
 - ii. The proposal provides overriding benefits against other objectives or policies in the plan;
- or
- iii. It can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant, over a considerable period of time.

7.2.2 The proposed extension and refurbishment works to the existing office building would help to enhance the limited available Office space within the district of Stevenage. The proposal would also provide a modern, high quality office development which would help to address the current shortfall in employment floorspace (especially modern, high quality office spaces) within the Borough. To support this case, the Council’s Employment Technical Paper dated December 2015 which forms part of the evidence base for the adopted Local Plan, outlines that it is forecasted, as set out under paragraph 2.54 of this Technical Paper 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 (Strategic Land Availability Assessment) 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).

- 7.2.3 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. 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 there is a shortfall of employment land of 11.5ha. Consequently, the provision of an additional 6,283 sq.m of office floor space (0.6 hectares) would help to meet some of this shortfall.
- 7.2.4 Taking the above into consideration combined with the fact that the proposed development does not seek a reduction or the loss of an existing established employment use, it can be determined that the proposed development would accord with the policies set out in the adopted Local Plan (2019) along with the aims and objective set out in the National Planning Policy Framework (2021).

Retail impact and the sequential test

- 7.2.5 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, offices are identified as main town centre uses. Additional to this, the NPPF states that for proposals of this nature (above the default threshold of 2,500m² – 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.
- 7.2.6 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.
- 7.2.7 Policy TC13: Retail impact assessments states that for main town centre uses, an impact assessment is required for any proposal in excess of 300m² for main town centre uses located outside of the town centre. This policy goes onto 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.

- 7.2.8 Dealing with the sequential assessment, it is necessary to be clear that the proposal is to extend the existing office building by 6,283 sq.m of floor space. Given this, whilst the proposed development is classed as a “main town centre” use and falls on a site which is not within the defined boundary of Stevenage Town Centre, the use of the site as Offices has already been established. Consequently, it would be unreasonable to require the applicant to undertake a comprehensive “sequential assessment” in this instance.
- 7.2.9 Turning to impact on the town centre, as the proposal is in excess of 300m2, in line with Policy TC13 of the adopted Local Plan (2019), an impact assessment would be required. However, this policy was drawn up under the superseded National Planning Policy Framework (2012) which stated under paragraph 26, “*when assessing applications for retail, leisure and office development outside of town centres....local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold*”.
- 7.2.10 The requirement to assess the impact of office developments has now been dropped under the National Planning Policy Framework (2021). The NPPF now states under paragraph 90 “*when assessing applications for retail and leisure development outside town centres*”. Given the aforementioned, the Council is unable to assess the impact the development would have on the town centre due to the change in policy by Central Government. Consequently, it has to be determined that the development would not have a detrimental impact on the vitality and viability of the town centre in this instance.

7.3 Impact upon the Character and Appearance of the Area

- 7.3.1 Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”. It goes on to state that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 7.3.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development: • will function well and add to the overall quality of an area; • is visually attractive as a result of good architecture; layout and appropriate and effective landscaping; • is sympathetic to local character and history; • establishes or maintains a strong sense of place; • optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development; • creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.3.3 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change”.
- 7.3.4 Paragraph 132 of the NPPF states that applicants “should work closely with those affected by their proposals to evolve designs that take into account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot”.
- 7.3.5 Paragraph 134 of the NPPF states that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.

- 7.3.6 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 7.3.7 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.
- 7.3.8 The Guide further iterates that all developments are made up of these components put together in a particular way. As such, the choices made in the design process contribute towards achieving the ten characteristics and shape the character of a place. For reference, these ten characteristics are as follows:-
- Context – enhances the surroundings;
 - Identity – attractive and distinctive;
 - Built form – a coherent pattern of built form;
 - Movement – accessible and easy to move around;
 - Nature – enhanced and optimised;
 - Public spaces – safe, social and inclusive;
 - Uses – mixed and integrated;
 - Homes and buildings – functional, healthy and sustainable;
 - Resources – efficient and resilient;
 - Lifespan – made to last.
- 7.3.9 This section of the report will deal with the relevant characteristics excluding nature and movement. These aspects will be dealt with in the relevant sections of the committee report. In terms of design policies in the adopted Local Plan (2019). Policy SP8 requires new development to achieve the highest standards of design and sustainability. Policy GD1: High quality design generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.3.10 The Council's Design Guide SPD (2009) sets out that a high quality environment is essential for providing a good quality of life for residents. A well-designed and managed space not only provides a visually attractive environment, but can also help to ensure that a place is easy to move around and within, is safe and secure, and is useful for all members of the community.
- 7.3.11 The application site comprises a modern two-storey office building with basement car parking. The building is constructed from red brick at ground floor level with a hipped roof clad in grey roof tiles with two gable-end projections. On the principal elevation of the building is a glazed atrium incorporating a gable-end stone canopy supported by stone

columns. At first floor level, the building is finished in stone with brick detailing below. For vertical emphasis, there is stone detailing which runs up the front elevation of the building. The fenestration detail is evenly spaced and comprises steel framed windows. The side and rear elevations of the building have been designed to reflect the architectural appearance of the principal elevation. The building is set back from Primett Road by a hardsurfaced car park.

- 7.3.12 To the south of the application site is George House which is a modern five storey building operated by McCarthy and Stone. To the east of the application is the modern residential development at Howarde Court which is two and three-storeys in height. There are also modern offices which front onto Primett Road. Beyond these buildings is the historic core of the Old Town Conservation Area. To the north of the application site is Primett Road surface car park and to the west beyond Lytton Way is Monument Court which is a seven storey modern residential development.
- 7.3.13 The proposed development seeks to extend the existing offices (Use Class E(g)(i), previously Use Class B1(a)) which currently has a floor area 1,802 sq.m to an office with an internal floor area of 8,085 sq.m. The development also comprises the delivery of an ancillary restaurant/café positioned at the ground floor level of the enlarged building. The proposal would measure approximately 40m in length and span 41m in width with an overall height of approximately 35m (eight storeys). The basement area would comprise of the parking lobby with associated secure cycle parking area and refuse bin stores. At ground floor level there would be the main reception/lobby, ancillary café/restaurant and office floorspace. In regards to floors two through to eight, these would be dedicated as offices. The roof area of the building comprises all of the plant and equipment associated with the development.
- 7.3.14 In terms of architectural composition, the scheme adopts a contemporary modern design with an atrium which spans from the ground floor level to the roof. The ground floor level is recessed and bordered by green space with a two-storey colonnade (a row of evenly spaced columns) along the eastern and northern aspects of the development. The ground floor level also comprises of double height glazing to help accentuate the lobby area. Located above the lobby is a framed box feature which helps acts as a wayfinding element to the main entrance to the building. It also helps to add variety and interest to the building itself. The proposal also consists of outdoor terraces across the upper floors with the building having a staggered floorplate with the highest part of the development positioned towards Lytton Way. This is in order to reduce the impact the development would have on residents located within Howarde Court. In addition, the floorplate would be staggered away from George House to again, reduce the impact on the occupiers of properties within this development.
- 7.3.15 The development also comprises of distinctive window patterns throughout the building which is combined with box features which help to break up the overall massing of the building. The use of outdoor terraces, the recessing of the ground floor level via the cantilevered upper floors, staggering of the floors, copper boxes, and use of brick work in order to frame the windows help to add more modulation to the built form of the office development. In addition, the proposed development would create a more active frontage onto Primett Road. On the rear elevation facing Lytton Way, this elevation comprises a glazed lift shaft with a varied window design and box features. At the roof level, the plant room would be enclosed which as detailed on the plans could be used for signage (this would require separate advertisement consent). This elevation also comprises the recessed ground floor area but with angled support columns to again add variety and interest.
- 7.3.16 The development would also utilise contrasting materials in order to add variety and interest to the overall built form. In terms of the skyline and surrounding fringe, the building would be read in context with Monument Court when viewed from Lytton Way in terms of overall height. It can also form as a landmark feature when you travel along Lytton Way toward the town centre where you see a transition to taller buildings. In addition, and has significant material weight in the determination of this application, is the recent appeal decision for Land

to west of Lytton Way i.e. Icon (Appeal reference: APP/K1935/W/20/3255692) where the appeal for 576 flats was allowed. This appeal decision establishes the principle of tall buildings along Lytton Way as being acceptable. For reference, the appeal development at land West of Lytton Way comprises of building would range between 8 and 16 stories. These would front onto Lytton Way itself and would also be visible from parts of the Old Town Conservation Area. Consequently, given the aforementioned appeal decision, it would be very difficult to defend at appeal, any reason for refusal the application which is before the Council to enlarge the existing office building to 8 stories.

7.3.17 Turning to the proposals relationship with the established development in the Old Town, the building steps down towards Primett Road in order to better reflect the overall height and scale of development in this area. Moreover, it is also reduces the level of impact the development would have on the setting on the Conservation Area and nearby heritage (This is considered in more detail in section 7.4 of this report).

7.3.18 It is considered the proposal would be in accordance with paragraphs 126, 130,131,132 and 134 of the NPPF in respect of design, Policies SP8 and GD1 – High Quality Design of the Local Plan (2019) and Stevenage Design Guide (2009).

7.4 Impact upon the Character and Appearance of the conservation area and the setting of heritage assets.

7.4.1 The *Planning (Listed Buildings and Conservation Areas) Act 1990* incorporates several 'statutory duties' for decision-makers, all of which are applicable to the proposed development. Section 16(2) of the Act stipulates that when considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses. Section 66(1) requires that special regard shall be given to the desirability of preserving a listed building or its setting in determining the application. Section 72(1) of the same Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The Courts have concluded that Section 16(2), 66(1) and 72(1) establish a strong presumption against planning permission being granted for any development that would harm the setting of a listed building or would fail to preserve or enhance a conservation area.

7.4.2 Case Law (South Lakeland, 1992) has determined that 'preserve' means to do no harm'. However, if harm is identified, the NPPF provides a means of weighing either 'substantial harm' or 'less than substantial harm' to the significance of a designated heritage asset against the public benefits of the proposal. In doing so, case law has emphasised the need to give 'considerable importance and weight' to preserving listed buildings or the character and appearance of conservation areas. However, the presumption 'to preserve' is not irrebuttable and can be outweighed by material considerations powerful enough to do so and a decision make that has followed the process set out in the NPPF, in respect to weighing harm and benefits, can reasonably be expected to have complied with the statutory duties of the 1990 Act.

7.4.3 Paragraphs 199 to 202 of the NPPF (2021) have to be considered in the determination of this planning application. As established through case law, if there is any harm to designated heritage assets, great weight has to be given as to the impact the development may have on these assets. Dealing with Paragraph 199, it 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its

alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 7.4.4 Paragraph 201 sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In reference to paragraph 202 of the NPPF (2021), this sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.4.5 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required to having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.4.6 Paragraph 204 sets out that Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. With respect to paragraph 199, this sets out that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 7.4.7 Additional to the above, Policy SP13 of the Adopted Local Plan relates to the historic environment. This states that the council will preserve and enhance the most important area and characteristics of Stevenage. The policy goes on to state that the Council will:-
- a. Have carried out Heritage Impact Assessments for development sites within, or adjacent to, conservation areas. Site specific mitigation measures have been incorporated to minimise the impacts of development.
 - b. Will use national guidance and legislation to review, designate and determine planning applications affecting heritage assets.
 - c. Will protect areas of archaeological importance and other relevant heritage assets by applying the detailed policies set in this plan.
- 7.4.8 Policy NH10 Conservation Areas states those development proposals within, or affecting a conservation area should have regard to the guidance provided by the relevant Conservation Area Management Plan Supplementary Planning Document.

The Old Town Conservation Area

- 7.4.9 The application site is located in close proximity to the western boundary of the Old Town Conservation Area. The Conservation Area was originally designated in March 1969. The boundary of the Conservation Area was then extended in September 1979. The Conservation Area Management Plan for the Old Town identifies that the High Street comprises of medieval burghage plot layout which include a number of carriage entrances. There are a number of listed buildings within the conservation area which include a 16th century hall house at 94-98 High Street, Inns and Public Houses such as the Red Lion, The White Lion (now the Mulberry Tree) and The Marquis of Lorne. There is also Middle Row/Baker Street which is the old market area and The Cromwell Hotel along with clusters of 15th and 16th Century buildings through to Victorian properties which run along the length of

the High Street. The buildings along the High Street are generally two to three storeys in height.

- 7.4.10 The Old Town Conservation Area Appraisal 2009 confirms the principal features of the conservation area. It retains much of its medieval layout and road network including the linear High Street and village green (Bowling Green) which are present today. The High Street itself is wide along its entire length comprising 2 or 2 and a 1/2 storeys each side along the street frontage. Towards the north end the High Street widens with the cluster of shops along Middle Row and Baker Street. There are also small gaps between few of the properties leading to rear plots. The existing gyratory system however, isolates the Bowling Green from the rest of the High Street.
- 7.4.11 To the north-west of the Bowling Green is the large site covered by Thomas Alleyne School and playing field. To the north of this lies Bury Mead and The Avenue, an ancient footpath linking the High Street to the Church of St. Nicholas and The Old Bury, Rectory Lane. On the east side lies Church Lane along with a cluster of residential houses fronting onto the junction with Walkern Road. At the southern end the conservation area is less dense and includes two churches, residential developments and substantial semi-detached Victorian villas. There is also the cricket ground and King George B Millennium Garden on the east side of Ditchmore Lane.

Listed Buildings

- 7.4.12 As detailed in paragraph 7.4.9, there are a number of listed buildings within the conservation area. The closest listed building the development would impact on would be the Marquis of Lorne which is Grade II listed. Therefore, this scheme would have an impact on the significance of this heritage asset. This impact will be considered in more detail in the following sections of this report. Looking at the special architectural and historic interest of the listed building, the Marquis of Lorne Public House (Grade II) is an 18th Century, two-storey building with a red brick frontage under a tiled gable-end roof. The fenestration detailing consists of 5 timber sash windows with associated glazing bars along with three ground floor canted bay windows. The main entrance comprises a ribbed door surround with roundels to angles, cut bracketed hood. There is also a segmented arch to the left of the building.

Contribution of the application site (Listed Buildings and Conservation Area)

- 7.4.13 In terms of the Marquis of Lorne, this can only really be experienced from within the High Street which forms the core part of the Conservation Area along with glimpsed views from Trinity Road/Sish Lane to the south. The building is also visible as travel westwards along Letchmore Road towards the High Street. The listed building is not visible from the application site or views along Primett Road. This is because between the listed building and the application site is the modern residential development of Howarde Court along with modern offices such as Stamford House.
- 7.4.14 As mentioned in paragraph 7.4.9, the application site falls outside of the boundary of the conservation area. The boundary of the conservation comprises the rear aspect of Howarde Court and Stamford House. The site itself comprises of a modern office building which has a neutral impact on the historic setting of the Conservation Area. The application site is generally screened from views within the Conservation by the modern development mentioned in paragraph 7.4.13 along with the historic buildings, including the Marquis of Lorne, which front onto the historic High Street.

Impact assessment

- 7.4.15 Policy SP4 of the adopted Local Plan (2019) establishes the overall strategy for achieving a 'vital town centre' including a comprehensive regeneration for 'Stevenage Central'. The

regenerative impact of the proposed development, is anticipated, as stated by the Council's Heritage Advisor, to represent beneficial effects for the sustainable use and maintenance of the buildings in the conservation area. In this context, the Local Plan is conscious of the inclusion of Town Square Conservation Area on the Historic England list of 'Conservation Areas at Risk' and considers the strategy contained in Policy SP4, including the development of the application site, as a tool for securing potential beneficial impacts to support the long-term conservation of the heritage assets.

- 7.4.16 Due to the proposed developments overall height, whilst it has been designed with a staggered footprint in order to reduce its impact on the significance of the nearby heritage assets, it would be visible interspersedly from view points along the High Street whilst the existing building is not. In addition, as the application site lies adjacent to the Old Town Conservation Area and is located within 75m to the west of the Marquis of Lorne which is a Grade II Listed Building. Therefore, an assessment has to be made as to whether or not the development will have substantial harm on the significance of the heritage assets in question. It is noted that whilst the development is not within the curtilage of the listed building or falls within the defined boundary of the conservation area, it could be argued that it would still have an element of non-physical indirect harm on the aforementioned heritage assets.
- 7.4.17 With due regard to the above and assessing the development's impact on the setting of the conservation area and listed building, it is important to firstly consider the overall setting of the development site in context with these heritage assets. Firstly, as set out in paragraph 7.3.6 of this report, there is the existing modern five storey development at George House located due south of the site which also lies 72m west of the listed building. To the south of the Marquis of Lorne along the High Street is the modern Townsend Mews development which comprises a modern development of between 2 ½ to 4 storey's in height. The Games Yard development which lies off Primett Road adjacent to George House also comprises a four to five storey building and immediately to the rear of the Marquis of Lorne is the modern development of Howarde Court and Ireton Close. Additionally, there are modern office developments which front onto Primett Road which form the edge of the conservation area.
- 7.4.18 Taking the above into consideration, the proposed development in terms of its modern design would not be out of character due to the eclectic mix of modern architecture in the immediate vicinity of the site and more importantly, lie either within or border the conservation area and already affect the setting of the listed building. In addition, these buildings would help to screen the bulk of the development from viewpoints along the conservation area. In terms of the proposed development, it has also been designed with a staggered built footprint in order to reduce the overall impact on the setting of the heritage assets. The part of the proposal fronting Primett Road would be four storeys with the tallest part of the development i.e. the eighth storey fronting onto Lytton Way. This reflects the height of the development located across Lytton Way which is Monument Court which is between six to eight storeys in height.
- 7.4.19 Consequently and as advised by the Council's Conservation Advisor, the development will generate an element of harm, but this is deemed to be less than substantial harm to the significance of the designated heritage assets.

Assessment of Heritage Balance and Public Benefit

- 7.4.20 Paragraph 200 of the NPPF (2021) any harm to a designated heritage asset should require clear and convincing justification. In addition, proposals that may cause less than substantial harm to the significance of a designated heritage asset should be weighed up against the public benefits of the proposal, including where appropriate, securing an optimum viable use. In undertaking that weighting exercise 'considerable importance and weight' must be given to preserve the special architectural and historic interest of the listed building, including their setting, and includes conservation areas (i.e. their setting). In determining the application, it

must be noted that 'less than substantial harm' is not a 'less than substantial planning consideration'

- 7.4.21 In considering the public benefits that may be derived from the proposed development, the Planning Practice Guide (PPG) advises that they should be of a nature and scale that will be of benefit to the public at large and not just be a private benefit. Whilst a range of benefits that help deliver sustainable communities could be relevant, the PPG provides examples of heritage based public benefits, as follows:
- Sustaining or enhancing the significance of a heritage asset and the contribution to its setting;
 - Reducing or removing risks to a heritage asset;
 - Securing the optimum viable use of a heritage asset in support of its long terms conservation.
- 7.4.22 Therefore, in line with paragraph 202 of the NPPF (2021), as it has been established that there would be less than substantial harm, it is still harm to the significance of the heritage assets and as such, an assessment needs to be made as to whether the public benefits the development will outweigh this harm including, where appropriate, securing its optimum viable use.
- 7.4.23 The fundamental benefit of this development, as established under section 7.2 of this report, is addressing the significant shortfall in employment floorspace which is required to support the growth of Stevenage over the adopted Local Plan period. This significantly weighs in favour of the application as it would help to generate additional employment opportunities for the town. Further to this, the site is already an established office development site and, as such, the proposal would help to secure the optimum viable use of the site by increasing the level of office space available within the application site. In addition, due to the increased level of floorspace created, the development could create up to, as defined by the Homes and Community Agency (HCA) Employment Density Guide, 3rd Edition (2015) (This is the most up to date guidance on employment density), 800 jobs.
- 7.4.24 Moreover, the proposal would bring local economic benefits to the immediate area as there would be an increase in footfall to the Old Town by employees who would work from the building. There is also the increase in the level of Business Rates which can be collected from this development. The scheme would also generate economic and employment benefits through the construction phase of the development as well.
- 7.4.25 Given the aforementioned assessment, on balance, it is considered that the proposed development would not generate substantial harm to the setting of the Old Town Conservation Area or the Marquis of Lorne public house as the overall benefits of the development would outweigh this harm. In addition, the proposal would provide a high quality, contemporary modern development on a key gateway site and as such, it would not have a detrimental impact on the visual amenities of the wider street scene.

7.5 Impact upon Neighbouring Amenity

Privacy and outlook

- 7.5.1 Whilst the Council does not have a specific standard for commercial development in terms of privacy and outlook, Chapter 5 of the Design Guide SPD (2009) for new dwellings does provide a useful guide for separation distances to ensure a development does not affect the privacy and outlook of existing residential developments. This guide states that privacy is an important aspect of residential environments to ensure that a reasonable degree of privacy for residents is provided, both within their habitable rooms and garden areas. Therefore, the position of dwellings and the arrangement of their rooms and windows, should not create significant overlooking of other dwellings or private garden areas, nor should they lead to

overbearing impacts or adversely affect the residential amenities of neighbouring properties. Therefore, the guide sets out the minimum separation distances that should be achieved for the new buildings and/or disposition of windows to mitigate against overlooking.

- 7.5.2 Turning to the impact on the owner/occupiers of properties in George House, as the side elevation of this development faces onto the southern (side) elevation of the proposed office development, there is no set separation distance guidance for side-to-side elevations in the SPD. Therefore, a professional judgement has to be made as to the impact the development may have on the owner/occupiers who reside in George House. The proposed development at ground to third floor level would have a separation distance of approximately 13m to 15m. This is not too dissimilar to the existing situation whereby Bank House as it currently stands, is positioned approximately 14m from the side elevation of George House. Additionally, the floors of the proposed office building combined with the window positioning have been designed to ensure that there is no direct overlooking onto the northern elevation of George House. Furthermore, the outdoor terrace areas would comprise of 1.8m tall screens with toughened obscure glass with planters behind to again ensure there is no direct overlooking of the properties within George House.
- 7.5.3 In regards to the upper floor levels (floors four to eight), these stagger back from the edge of the development site which increases the level of separation to approximately between 19m to 27m to the properties in George House. This helps to ensure the development does not result in direct overlooking of the properties in the aforementioned building. Moreover, the development has been designed in a way to ensure that it is not overbearing, due to its staggered nature, to the owner/occupiers of George House. Therefore, it can be summarised that the proposed development would not harm the privacy or appear overbearing to the existing occupiers of George House.
- 7.5.4 With respect to the impact on numbers 6 to 20 Howarde Court, as the proposed eastern elevation (front) of the building faces onto the western (rear) elevation of the properties in this development, there is no front to rear elevation separation distance standard set out in the Design Guide. Therefore, a professional judgement has to be made as to whether or not the proposed development would harm the privacy and outlook of the occupiers of the aforementioned development. Looking at the existing situation, there is currently a separation distance of approximately 27m. In regards to the proposed development before the Council, the ground and first floor levels would be positioned approximately 27m from the properties in Howarde Court. Therefore, the overall impact from the floors would be no worse than the current situation.
- 7.5.5 Turning to the proposed development at second floor level, the nearest part of the development (proposed meeting room), would be located 19m from the rear elevation of Howarde Court. However, at this level, the proposed development would look onto the roof level of the aforementioned building which comprises dormer windows. Following an assessment of the approved floor plans for Howarde Court (03/00065/FP), the dormer windows appear to serve internal hallways, large open plan kitchen/dining rooms/living rooms and a bedroom to one of the properties which is dual aspect. Consequently, whilst there is potential loss privacy at this level, there is enough separation distance combined with the overall design of the development to ensure that the level of overlooking is such that there are insufficient grounds to warrant refusal in this instance. Moreover, as the building has a staggered footprint whereby the upper levels are stepped back from Primett Road, the proposal would not appear overbearing to the occupiers in Howarde Court.
- 7.5.6 In relation to the impact on the properties located within Monument Court which is positioned across Lytton Way, there would be a separation distance of over 45m. Given the significant level of separation between the two developments, it is considered that the proposed development would not harm the outlook or the privacy of the occupiers within Monument Court.

- 7.5.7 Given the aforementioned assessment, it is considered that the proposed development would not harm the outlook or the privacy of existing residential properties which lie in close proximity to the development site.

Daylight

- 7.5.8 BRE “Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice” in terms of light from the sky/daylight, provides guidance on the effects of new development on existing building. The guide states that “in designing a new development....it is important to safeguard the daylight to nearby buildings. A badly planned development may make adjoining properties gloomy and unattractive”. Guidance is further provided to establish whether or not an existing building receives enough skylight, when a new development is constructed. The guidance sets out that an angle should be measured to the horizontal subtended by the new development at the centre of the lowest window. If this angle is less than 25 degrees for the whole of the development then it is likely to have a substantial effect on the diffuse skylight enjoyed by the existing building.
- 7.5.9 In regards to the impact on the properties within Howarde Court and George House, it has been established that the development would subtend the 25 degrees as taken from the relevant habitable room windows. Given this, in line with the BRE Guide there is a requirement to undertake an analysis of the Vertical Sky Component (VSC) which is the ratio of the direct sky illuminance falling on the vertical wall at a reference point. The guide states that for good levels of daylight, the VSC of a window needs to be 27%, then a comparison of existing and proposed levels of VSC have to be calculated. In addition, good levels of skylight can be achieved if VSC are within 0.8 times their former value. However, if these levels fall below this standard, then a calculation of the no-skyline test has to be undertaken to calculate the percentage of a room which can receive direct sunlight.
- 7.5.10 Following an assessment of the proposed development, it has been established that all of the rooms within Howarde Court would receive more than 27% VSC following the erection of the development. In addition, the applicant has also undertaken an Average Daylight Factor (ADF) assessment which also demonstrates that following completion of the development, the rooms within Howarde Court would still receive sufficient daylight in line with the BRE guide.
- 7.5.11 In relation to the impact on George House, any windows which serve circulation spaces have not been considered as defined by the BRE Guide as these do not serve habitable rooms. However, an assessment has to be made as to the impact the development may have on living rooms, dining rooms and kitchens, however, bedrooms should also be analysed but are less important. Dealing with the apartments located on the junction of Primett Road and Lytton Way, the windows serving bedroom 2 and the main window serving the open plan living rooms/dining room are positioned on the western elevation of the building. Given this, the development would not affect the level of light which is currently being received in these rooms.
- 7.5.12 Notwithstanding the above, it is noted that the kitchen window and the window serving bedroom 1 would look onto the southern elevation of the proposed office development. However, due to the design of the proposed development where the upper levels are staggered back, the VSC levels achieved in these rooms would exceed the 27% standard set out in the BRE Guide. Turning to the area of George House which is located on the junction of Primett Road and The Games Yard, the ground floor level of the building is the secure refuse area, cycle store and plant room. In terms of the property located on the fourth floor, due to its design with the main windows looking out towards the Games Yard combined with the fact it has a large outdoor terrace, the level of daylight which is received in this property would be acceptable. However, the most likely affected properties within this part of George House are located on the first, second and third floor levels.

- 7.5.13 Dealing with the most affected properties within George House, it is noted that the open plan living room/dining rooms are dual aspect with additional windows on the eastern elevation of the building are orientated towards The Games Yard. Consequently, there would be sufficient daylight being received in these rooms. However, the most affected rooms would be the 2 bedrooms and kitchen within each of the properties. Following an assessment of these rooms individually, due to the level of separation between George House and the proposed development, combined with the overall design of the development where the upper floors are staggered, the VSC levels would still exceed the 27% standard as set out in the BRE Guide.
- 7.5.14 Given the aforementioned assessment, the proposed development would not have a detrimental impact on the level of daylight which is currently received by neighbouring residential properties.

Sunlight

- 7.5.15 The BRE "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" under section 3.2, states that an obstruction to sunlight may become an issue if some part of a new development is situated within 90 degrees of due south of a main window wall of an existing building. In addition, in the section drawn perpendicular to the existing window wall, the new development subtends an angle 25 degrees to the horizontal from the centre of the lowest window to a main living room. It is important to note that bedrooms and kitchens are considered to be less important, although care should be taken not to block out too much sun.
- 7.5.16 Turning to the impact on the properties in George House, as the development is located due north of the aforementioned building, it would not result in any loss of sunlight to the occupiers of this development. In relation to the impact on the development at Monument Court, due to the level of separation, the proposed development would not result in a loss of the level of sunlight (Annual Probable Sunlight Hours - APSH) which is currently received.
- 7.5.17 In relation to the impact on the properties in Howarde Court, following an assessment of the proposed development, the living rooms windows located on the western elevation of the building would be affected by the development. This is because the new development would subtend an angle 25 degrees to the horizontal from the centre of the lowest window to a main living room. Therefore, the applicant has undertaken a full sunlight assessment of the properties in Howarde Court which are affected by the development. This assessment has identified that all of the affected rooms would still receive more than 371.5 hours of sunlight in the summer months and over 74.3 hours of sunlight in the winter months which accords with the BRE Guide. Therefore, the level of sunlight these properties would receive would be acceptable in this instance.
- 7.5.18 Given the aforementioned assessment, it is concluded that the proposed development would not have a detrimental impact on the level of sunlight which is currently received by nearby existing residential properties.

Overshadowing

- 7.5.19 As set out in paragraph 7.4.16, as the development is located north of George House, it would not generate an unacceptable level of overshadowing to these properties. In respect to the development at Monument Court, due to the significant level of separation, the development would not cause an overshadowing to these properties. With regards to the impact on Howarde Court, due to the separation distance between the development and the aforementioned building, combined with its overall design, it would not generate an unacceptable level of overshadowing to the existing building.

External lighting

- 7.5.20 In regard 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 amenities of nearby residential properties, it is recommended a condition be imposed to any permission granted in order to deal with external lighting. This condition will require details of any external lighting to be installed to be submitted to the Council as Local Planning Authority for its approval prior to it first being installed.

Noise

- 7.5.21 With respect to noise, Policy FP7: Pollution of the Local Plan (2019) stipulates that all developments where possible, should reduce noise pollution. Taking this policy into consideration, it can be deduced that the proposed development could cause harm to the amenities of nearby residential properties.
- 7.5.22 Turning firstly to noise which would be associated with construction and demolition works which would take place if permission were to be granted, these aspects can be adequately controlled via condition. It is suggested a condition is imposed to control the hours of construction and demolition where noise is audible at the boundary. With respect to the suggestion of vehicle reversing alarms as advised by Environmental Health, this would be unenforceable as it would require officers to monitor all construction vehicles which enter and exit the site. Notwithstanding this, if reversing alarms were to cause a nuisance to nearby residents, the Environmental Health Department does have powers to deal with any statutory nuisances.
- 7.5.23 Looking at the operational aspect of the proposed development, as the existing office building is already in operation as the proposal is merely to expand the existing office building, it would be unreasonable to impose conditions to restrict the hours in which the office building can operate. This is supported by the NPPF (2021) which stipulates that existing businesses should not have unreasonable restrictions placed upon them as a result of a scheme being approved. Moreover, the nearby residential properties already lie in close proximity to commercial operators which are located within the Old Town which includes shops, public houses, restaurants and offices. As such, the development would form part of the overall background noise which is generated by existing nearby businesses.

7.6 Impact on the highway network

- 7.6.1 The application site is currently accessed off Primett Road which is a local service road off Lytton Way (A602). The proposed development would seek stop-up the existing vehicle access off Primett Road and to create a new vehicular access near the underpass/slip road. This access would serve the proposed basement car park which would service the office development. The access would be the main access and egress but traffic directed one way. The access point into the basement car park and egress point are both 3m in width with the main road through the car park being 6.45m in width. The new access, given its design, would meet the specifications set out in the Department for Transport (DfT) Manual for Streets and Hertfordshire County Council (HCC) Highways Design Guide as there would be adequate vehicle-to-vehicle visibility and inter-visibility lines.
- 7.6.2 In terms of traffic generation, the proposed development would change the amount of office space being delivered on the site. Given this, the applicant's transport consultant has produced a transport assessment which incorporates details of proposed traffic generation for weekdays using TRICS (Trip Rate Information Computer System). Looking at the existing development, the gross external floor area of the building is 4,357 sq.m. The proposed development would have a gross external floor area 13,138 sq.m. This would equate to an uplift of 8,781 sq.m and as such, the existing office represents 33.2% of the proposed

floorspace. The applicant also undertook a survey on a weekday for a 6 hour survey period of between 07:00 to 10:00 and 16:00 to 19:00. This is to help form some base data for the modelling.

- 7.6.3 Taking the aforementioned into consideration, the proposed development would generate 108 arrivals in the AM Peak (08:00 – 09:00) of which 36 (33.2%) of these arrivals would be existing. Therefore, the proposed development would generate an additional 72 arrivals during the AM peak. In regards to departures, the proposed development would generate 122 trips in the PM peak (17:00 – 18:00) of which 41 (33.2%) of these trips would be existing. Consequently, there would be an additional 81 departures on the highway network during the PM peak period.
- 7.6.4 In assessing trip distribution, the proposed development would generate during the AM and PM peaks 2 arrivals and 2 departures every minute. The development can only be accessed by north-bound traffic on Lytton Way (A602) via the access slip road in order to park in the basement. The remainder of vehicles would park in the nearby surface car parks and as such, these can be accessed via Lytton Way in both north-bound and south-bound traffic through to Primett Road. Some vehicles would also access the car parks via Drapers Way. This would split up the vehicle distribution of the development and this is a similar situation when persons depart from the development site. Furthermore, as the site is in a sustainable location, employees would also access the site via bus or by bicycle up from the train station.
- 7.6.5 In terms of servicing the building, the daily trip generation of the proposed development would be between 24 to 25 trips of which 4 to 5 of these trips would be during peak hours. The Transport Assessment identifies that there would be an increase of 8 service vehicle movements during the day or around 1-2 trips during the peak hours. Therefore, this increase is considered negligible from a highways perspective. Following consultation with Hertfordshire County Council as Highways Authority, it is considered that the level of traffic generated by the new development would not have a significant impact on Primett Road, Lytton Way or the wider highway network. However, as part of the planning application, the applicant has submitted an initial Travel Plan to encourage a modal shift from the use of the private car to more sustainable forms of travel. Through consultation with the Highways Authority, it is recommended a condition be imposed requiring a Full Travel Plan be submitted with all the relevant surveys undertaken using TRICS. In order to monitor the Travel Plan, the Highways Authority has also recommended a financial contribution of £6,000 which has been agreed with the developer. In addition, a financial contribution of £35,000 has also been secured in order to make improvements to the local cycle network.
- 7.6.6 Further to the above, as the proposed development would have a relatively low trip generation compared with the existing baseline traffic generated by the existing development, there would not be a significant impact on the highway network. However, in regards to construction traffic, as this could potentially have an impact on the highway, it is recommended a condition be imposed if planning permission were to be granted. This condition would require the submission of a Construction Management Plan/Method Statement to ensure construction traffic, the siting of cabins, storage of construction equipment etc. does not prejudice the safety and operation of the highway network.
- 7.6.7 Turning to highway safety, the applicant has undertaken a review of accident data which is set out in the applicant's Highway Safety Audit. Following a review of this data, it has been demonstrated by the applicant that the development would be unlikely to exacerbate existing accident concerns.
- 7.6.8 In summary, subject to a S106 Agreement securing the relevant monetary contributions, and 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. In addition, any works to be undertaken on the highway would have to be agreed via a S278 Agreement of the Highways Act with the County Council.

7.7 Parking Provision

- 7.7.1 Policy IT5 of the adopted Local Plan (2020) states that planning permission will be granted where proposals comply with the parking standards set out in the plan.
- 7.7.2 The Council's Car Parking Standards SPD (2020) sets out the maximum number of parking spaces which would be required to support the proposed development. The relevant parking requirements for the development proposal would be 1 space per 30m² gross floor area which is to be created. Given the proposal seeks to create an additional gross floor area (the total floor area inside the building envelope) of 10,316 sq.m (increase of 7,922 sq.m of gross floor area over the existing building). Given this, there would be a requirement to provide 344 parking spaces. However, as the site is located within non-residential accessibility zone 2, the base car parking standards can be reduced 25% to 50% of the maximum number of spaces which are required.
- 7.7.3 Taking into consideration of the above, there would be a requirement to provide between 87 spaces to 173 parking spaces. The proposed basement car park would provide 48 parking spaces which equates to a shortfall of between 39 parking spaces to 125 parking spaces. Therefore, the proposal could result in on-street parking which could potentially prejudice highway safety. However, through negotiations with the applicant and the Council's Parking Department, they would need to secure a minimum of 39 Parking Permits from the Council on a monthly based. The Council's Car Parking Manager has advised that there is sufficient capacity within the Primett Road Car Park which can accommodate the additional parking that is required. In addition, during event days such as the Charter Fair, the Car Parking Manager has confirmed that permit holders would have access to the car parks on Church Lane as well. Consequently, as there is capacity to provide permit parking for the development, it is recommended that in order to secure the minimum level of parking permits to mitigate the developments impact, these would need to be secured as part of any S.106 legal agreement
- 7.7.4 In addition to the above, the site is accessible by public modes of transport with bus stops easily accessible along the High Street. Furthermore, the applicant is providing 70 secure cycle parking spaces within the basement area which exceeds the Council's Cycle Standards set out in the Parking Standards SPD. This will help to encourage a modal shift as the site is easily accessible to the local cycle network which connects the development site to Stevenage Train Station. This would help in part to compensate the shortfall in parking provision within the development. In addition to this, a financial contribution of £35,000 has been secured towards improvements to the nearby cycle network to help support a modal shift.

Electric Vehicle Charging

- 7.7.5 The Council's Parking SPD sets out the Council's ambition to improve local air quality, reduce carbon dioxide emissions and noise pollutants and cheaper travel. As such, the Council is looking to support the transition of Electric Vehicle use of 25% by 2031. Therefore, there will be requirement for new developments to be able to abide by the following requirements:-
- All new parking should be designed to fulfil a passive electrical vehicle charging point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases;
 - The blend of access to charging points provided within new developments (i.e. public, restricted access, open access, shared) should be determined having regard to a travel plan;

- A minimum of 20% of new parking on a site should have access to an active EV charging point;
- A flexible approach to the requirement for speed charging will be taken due to the pace of change of this technology. Ultra-fast charging points will become expected at short term, non-residential parking spaces as technology improves to make the use of electric vehicles more efficient.

7.7.6 In order to secure the level of EV parking for this development, a condition can be imposed to any permission issued requiring details of these spaces to be submitted to the Council for its written approval. There would also be a mechanism in the condition to ensure these spaces are provided before the development is brought into operation.

Disabled parking

7.7.7 The Parking Space requires 1 parking space per disabled employee, 5% of the spaces to be for visiting disabled and a further 5% of spaces which can be adapted in the future for disabled parking. In terms of employees, it is now known who would occupy this development so the Council is unable to secure a space per disabled employee. However, the proposed development does comprise of 5 disabled spaces within the basement parking area which is 10% of the total parking being provided. In addition, there are a number of spaces which could be altered in the future to accommodate any additional disabled employees who may work within the development. Moreover, the bays have been in close proximity to the lift areas which serve the proposed development.

7.7.8 Given the aforementioned and subject to conditions and securing the necessary minimum number of permits through a Section 106 agreements, the proposed development would on balance, have sufficient off-street parking as to not prejudice the safety and operation of the nearby highway network.

7.8 Development and flood risk

7.8.1 The application site is situated within Flood Zone 1, which has a low probability of flooding. However, as the application is classed as a Major residential application, there is a statutory requirement to consult Hertfordshire County Council as the Lead Local Flood Authority (LLFA). The LLFA has confirmed that the applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site. Accordingly, the LLFA raise no objection on flood risk grounds subject to conditions which are included in section 9.1 of this report.

7.9 Land contamination and impact on the environment

7.9.1 The site generally comprises of the existing office building, surface car parks and an electricity substation. The applicant has therefore undertaken a Preliminary Environmental Risk Assessment to determine what levels of contamination there may be on-site. The Assessment identified low to moderate risk from the substation along with potential pollutants such as hydrocarbons. In addition, there is also the potential for ground water to be contaminated.

7.9.2 Taking into consideration of the above, as the assessment is only preliminary, the Council's Environmental Health Section recommends the imposition of a capture all condition regarding contamination. This condition requires a watching brief be undertaken and in the event any contaminants are found that a relevant remediation strategy be submitted to the Council for its approval. With this condition in place, it would ensure that not only the health of persons using the site are protected, but also that the wider environment such as surface groundwater is not affected by any potential contaminants if they are found.

7.9.3 In terms of dust which would be generated during the construction and development phases of the development, it is recommended a condition be imposed to any permission issued. This condition will require details of dust control measures which are to be submitted to the Council for its written approval. These measures once agreed would have to be in place before demolition and construction works were to take place.

7.10 Other Matters

Sustainable construction and climate change

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

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

7.10.2 As part of the application submission, the applicant has provided an Energy Statement to demonstrate how the development would be adaptable to climate change. It is set out in the Statement that development has an optimised design in order to balance thermal control from within and outside the building. The proposal also utilises large amounts of glazing in order to best respond to the annual sun path which helps to reduce the reliance on artificial lighting. In addition, the building has been designed with areas of overhang to provide shading in order to help to reduce the overheating of certain parts of the building.

7.10.3 The proposed development also comprises energy efficient mechanical ventilation systems and air source heat pumps, thermally efficient walls (including internal walls) which would be air tight. Furthermore, energy efficient lighting with dimming controls and photovoltaic panels would be provided on the roof. The development would also utilise efficient water appliances and systems. Finally the proposed development would have a suitable drainage system to ensure the development does not overload the existing sewer network.

7.10.4 Given the above, 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.

Impact on property values

7.10.5 Concerns have been raised about the impact that the development would have on property values. However, despite the concerns raised, it has long been established through planning case law that in the assessment of planning applications, it is the conventional tests of impact on planning policies and amenity harm to neighbouring uses or the character of an area as a whole that are the deciding issues and not any possible consequential effects on nearby property values.

Community Infrastructure Levy

7.10.6 The proposed development would be CIL liable in accordance with the Regulations. However, as set out in the Council's adopted CIL Charging Schedule (2020), as the development is seeking to deliver additional office floorspace, it would be zero rated (£0). As such, the applicant would not be required to pay any CIL liability monies to the Council.

Human Right and Equalities

- 7.10.7 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.10.8 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.10.9 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.10.10 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.9.11 In terms of inclusive access, the development would have a level pathway up to the main lobby entrance. The entrance doors have been designed to ensure that a wheelchair user can safely access and exit the building via step free access. Each floor of the building comprises of disabled toilets in accordance with current legislative requirements. Turning to parking, the parking lobby (basement level) comprises of disabled parking bays as per the Council's Parking Standards. These have been positioned in close proximity to the internal lifts which serves the building.

Crime Prevention

- 7.10.12 The Police Crime Prevention Design Advisor (PCDA) has set out in their comments that the information detailed in the Design and Access Statement is dated. This is because, since the original application there have been several changes in both local and national planning policies. This includes the NPPF and the adopted Local Plan. Whilst it is agreed the statement is out of date, the overall principals of Designing out Crime remain the same which this development still seeks to achieve. Furthermore, Designing out Crime measures are also generally dealt with at the Building Regulations Stage. However, to ensure the applicant continued to engage with the PCDA, an informative would also be imposed if the Committee was minded to grant planning permission.

Local employment and apprenticeships

- 7.10.13 The Developer Contribution SPD (2021) sets out a requirement secure local employment and apprenticeship associated with the development. The aforementioned SPD sets out the following requirements:-
- Attempt to fill 5% to 10% of construction jobs on-site associated with their development with Stevenage residents;
 - Attempt to fill one apprenticeship position per 10 construction jobs on-site with a Stevenage resident or student (with a cap requirement of 10 apprenticeships);
 - Report whether or not they met these requirements, and
 - Provide a financial contribution in lieu of not achieving either or both targets.

7.10.14 In order to achieve the above, the developer must provide a Local Employment Strategy which shows the following:-

- An estimate of how many construction jobs the scheme will create;
- How many jobs should therefore, be filled with Stevenage residents;
- How many apprenticeships positions should therefore be filled within Stevenage residents or students;
- How they will target local residents/students for these positions;
- How they will record the employment, and
- The potential in-lieu payments required to be paid to the Council for non-compliance with the targets.

7.10.15 Given this is a recently adopted SPD combined with when the application was submitted back in July 2018, a Local Employment Strategy has not be submitted with this application. Notwithstanding this, if the Council was minded to grant planning permission, a Local Employment Strategy can be secured as part of any S.106 Legal Agreement. In addition, the legal agreement would set out requirements to provide sufficient jobs and apprenticeships to residents or Stevenage or students of the local college.

8. CONCLUSIONS

8.1 In summary, the principle of office development on this site is acceptable and it would help to deliver employment space which the evidence base of the Emerging Local Plan identifies there is a need for. The development has been carefully designed so as not to have a detrimental impact on the setting of the Old Town Conservation and the nearby Grade II Listed Building as well as the wider street scene. Furthermore, the proposed development would not have a detrimental impact on the amenities of neighbouring properties and the development would not prejudice highway safety.

8.2 Additionally, whilst there is a shortfall in parking on-site, an agreement has been reached with the Council's Car Parking Manager to secure permits to allow staff to park within the nearby Council owned car parks. Further to this, the site is deemed to be in a sustainable location with the provision of secured cycling facilities for staff. In addition, the site is accessible to the High Street where there are local facilities for future employees including bus stops and nearby cycleway. The development would have an acceptable drainage strategy and subject to conditions, issues with contamination would be carefully controlled.

8.3 Given the above, the proposed development accords with the Policies contained within the adopted Local Plan (2019), the Council's Supplementary Planning Documents, the NPPF (2021) and NPPG (2014).

9. RECOMMENDATIONS

9.1 That planning permission be GRANTED subject to the applicant having first entered into and completed a S106 legal agreement to secure/provide financial contributions towards:-

- A financial contribution towards improvements to the local cycle network;
- The cost of assessing, evaluating and monitoring the Travel Plan;
- To secure local employment and apprenticeships associated with the construction of the development;
- To secure the provision of a Local Employment Strategy;
- To secure the minimum of 39 Parking Permits to be secured from SBC;
- A monitoring fee of 2.5% of the total financial contributions (capped at £25,000).

The detail of which be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor. In addition, this permission be subject to the conditions outlined below, with any amendments to the conditions listed in this report be delegated to the Assistant Director of Planning and Regulation:-

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

BH17-PL-A201 D1; BH17-PL-A202 C; BH17-PL-A203 A; BH17-PL-A204 A; BH17-PL-A204 A; BH-PL-A206 A; BH17-PL-A207 A; BH17-PL-A208 A; BH17-PL-A209 A; BH17-PL-A220 A; BH17-PL-A221; BH17-PL-A222 A; BH17-PL-A223; BH17-PL-A230 A; BH17-PL-A231; BH17-PL-A232; BH-PL-A233; BH17-PL-A302; BH17-PL-A301; BH17-PL-A401; BH17-PL-A404; Cycle Storage Plan; Short Term and Visitor Parking Plan.

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 development hereby permitted shall be constructed in accordance with the materials and finishes as set out in the application submission.

REASON:- To ensure the finished appearance of the development enhances the visual amenities of the area, including the setting of the Conservation Area.

- 4 Notwithstanding the details specified in the application submission, no 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 as well as details of landscape management (including long term design objectives, management responsibilities and maintenance responsibilities for all landscape areas). 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.

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

- 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.

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

- 6 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 0800 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.

REASON: - To safeguard the amenities of the occupiers of neighbouring properties.

- 7 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.

8 No development shall commence (including demolition and site clearance) until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:-

- (i) Construction vehicle numbers, type and routing;
- (ii) Access arrangements to the site;
- (iii) Traffic management requirements;
- (iv) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- (v) Siting and details of wheel washing facilities;
- (vi) Cleaning of site entrances, site tracks and the adjacent public highway;
- (vii) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- (viii) Provision of sufficient on-site parking prior to commencement of construction activities;
- (ix) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- (x) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

9 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 and shall be adhered to throughout the construction period. Dust and airborne particles from operations on site shall be minimised by spraying with water or by carrying out of other such works that maybe necessary.

REASON:- In order to protect the amenities of nearby residential properties and to protect the wider environment.

10 Prior to the first occupation of the development hereby permitted the vehicular access shall be provided 6.0 m wide and thereafter retained at the position shown on the approved drawing number BH17-PL-A201 revision D, the existing vehicle access along Primett Road to the former Bank House shall be reconstructed to include an informal pedestrian crossing to gain access to the opposite side of the road, a further tactile crossing point shall be provided at the junction with Primett Road and the slip road, the remaining vehicle access shall be reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON:- To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

- 11 Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be to open inwards, set back, and thereafter retained a minimum of 6.0 metres from the edge of the highway.
REASON:- To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed.
- 12 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.
REASON:- In order to reduce the level of waste generated during the demolition and construction phases of development and to recycle all waste materials where possible.
- 13 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 approved details submitted with this planning application and shall be permanently retained in that form thereafter.
REASON:- To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings and the development as a whole on site in perpetuity.
- 14 Prior to the first occupation of the development hereby permitted the approved refuse and recycle stores shall be constructed in accordance with the details submitted with this application and shall be permanently retained in the form.
REASON:- To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity.
- 15 Prior to the first occupation of the development hereby permitted the basement car parking area 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.
REASON:- To ensure that adequate 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.
- 16 No development shall take place (excluding demolition and site clearance) until details of the [siting, type, specifications of EVCPs, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs] shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to the first use of the development hereby permitted and permanently retained and maintained, unless otherwise agreed in writing with the Local Planning Authority.
REASON:- In order to provide facilities to charge electric vehicles and to help reduce the impact of vehicle emissions on the local environment.
- 17 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy, prepared by Create Consulting Engineers Ltd, Ref. JJ/CS/P17-1397/02, dated 4 June 2018 and the following mitigation measures detailed within the drainage strategy:
1. Limiting the surface water run off generated by the 1 in 100 year + 40% for climate change critical storm to a maximum rate of 12.0 l/s.
 2. Implementing appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer, including SuDS features as indicated on drawing title Proposed Ground flood plan (Permeable paving area), Project number BH17-PL-A202, date 16/03/18; Proposed Roof plan (Blue roof), project number BH17-PL-A210 date 16/03/18 and

Proposed basement plan (Geocellular storage), project number BH17PL-A201, date 16/03/18.

3. Providing attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

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.

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

18 No development shall take place until a final design of the drainage scheme for the site based on the principles set out in Condition 17, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall include:

1. Updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event, including the whole site area.

2. Clarification as to where the drain at the entrance of the basement will be connecting and supporting calculations

3. Updated full detailed surface water drainage plan showing the proposed discharge point to Thames Water sewer, the location of the proposed SuDS features, the pipe runs, size and node numbers.

4. Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs, node numbers along with all corresponding detailed calculations/modelling.

5. In case of informal flooding within the site this should be shown on a plan including extent and depth.

6. Exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.

REASON:- To prevent the increased risk of flooding, both on and off site

19 Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network (including the underground surface water attenuation features) must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings including the final drainage layout for site drainage network.

2. Maintenance and operational activities for the lifetime of the development.

3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

20 At the detailed design stage of the drainage works, the applicant shall submit to the Local Planning Authority for its approval in writing a groundwater levels assessment to ensure that the permeable paving will not be compromised. In addition, as part of the overall assessment, the existing Thames Water surface water sewer line should be assessed, highlighted and clarified at detailed design stage as to how the new system will interact. In the event the drainage strategy needs to be re-designed based on the assessment findings, a revised drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The revised drainage strategy shall thereafter be implemented in accordance with the approved details.

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

21 A watching brief must be kept during initial site preparation works to identify any potentially contaminated materials likely to be present. In the event contamination is found during site clearance and/or construction phase of the development, undertake an appropriate investigation and provide a remediation strategy which is to be submitted to and approved in writing by the Local Planning Authority. This investigation and assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(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.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

22 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.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

23 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.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 24 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.
REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.
- 25 No development (excluding any demolition or site clearance works) shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.
REASON:- To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.
- 26 The use of the enlarged building hereby approved shall be limited to Schedule 2, Part A, Class E (g) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 as offices and shall be used for no other purposes.
REASON:- To prevent the unrestricted change of use to retail (Class E (a)) without paying the required CIL charge under the Council's adopted Community Infrastructure Levy Charging Schedule.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVE

Hertfordshire Constabulary Crime Prevention Design Advisor.

The proposed development should achieve Secured by Design (SBD) accreditation in order for it to comply with current Building Regulations. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227 or by email on mark.montgomery@herts.pnn.police.uk.

Hertfordshire County Council as Highways Authority.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely

to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.#

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN4) Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN5). **S106 Agreement.**

A Section 106 agreement will be required for the following:

- A charge for Office Development based on the HCC Planning Obligation Guidance (2008) for £35,000 towards sustainable transport infrastructure in Stevenage Town Centre and local cycle network (Split of monies to be agreed with Hertfordshire County Council as Highways Authority) the SPONS indexation triggered from first occupation that accord with the three tests; and
- An approved Travel Plan, £6,000 with towards monitoring the travel plan fees, in accordance with the current HCC Travel Plan Guidance for Business and Residential Development, the RTI indexation triggered from first occupation. The above contributions will come under the auspices of the Planning Obligations Guidance Toolkit for Hertfordshire (2008).

Community Infrastructure Levy

Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020. This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted. Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990. To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990. Hertfordshire Building Control can also be contacted by post at Hertfordshire Building control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX. Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations;
- Damp proof course;
- Concrete oversite Insulation;
- Drains (when laid or tested);
- Floor and Roof construction;
- Work relating to fire safety;
- Work affecting access and facilities for disabled people;
- Completion.

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011 to 2031 adopted 2019.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Developer Contributions adopted March 2021.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018

6. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.
7. Copy of the original Planning and Development Committee Report attached in Appendix One.

Meeting: Planning and Development Committee **Agenda Item:**
Date: 5 February 2019
Author: James Chettleburgh 01438 242266
Lead Officer: Chris Berry 01438 242257
Contact Officer: James Chettleburgh 01438 242266

Application No: 18/00416/FPM
Location: Bank House, Primett Road, Stevenage.
Proposal: Reconfiguration of existing offices (basement, ground and first floor level) and six storey extension.
Drawing Nos.: BH17-PL-A201 D1; BH17-PL-A202 C; BH17-PL-A203 A; BH17-PL-A204 A; BH17-PL-A204 A; BH-PL-A206 A; BH17-PL-A207 A; BH17-PL-A208 A; BH17-PL-A209 A; BH17-PL-A220 A; BH17-PL-A221; BH17-PL-A222 A; BH17-PL-A223; BH17-PL-A230 A; BH17-PL-A231; BH17-PL-A232; BH-PL-A233; BH17-PL-A302; BH17-PL-A301; BH17-PL-A401; BH17-PL-A404; Cycle Storage Plan; Short Term and Visitor Parking Plan .
Applicant: Good for Food Limited
Date Valid: 20 July 2018
Recommendation: GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 The application site is located on the southern side of Primett Road opposite George House. The site comprises a two-storey detached office block with a basement car park and surface car park to the front. The building is constructed from red brick at ground floor level with a hipped roof clad in grey roof tiles with two gable-end projections. On the principal elevation of the building is a glazed atrium incorporating a gable-end stone canopy supported by stone columns. At first floor level, the building is finished in stone with brick detailing below. For vertical emphasis, there is stone detailing which runs up the front elevation of the building. The fenestration detail is evenly spaced and comprises steel framed windows. The side and rear elevation of the building have been designed to reflect the architectural appearance of the principal elevation.
- 1.2 To the east of the application site is Howarde Court and to the south adjacent to George House is Townsend Mews. To the west, the site is bordered by Lytton Way (A602) and to the east is Primett Road. To the north there is the vehicle and pedestrian underpass which connects Lytton Way with Primett Road.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 05/00159/FP sought permission for the installation of 3 air conditioning condenser units in recessed plant wall and basement car park and alterations to elevations. This application was granted planning permission in May 2005.
- 2.2 Advertisement consent application 10/00150/AD sought permission for the erection of 3no. non-illuminated signs. This application was granted advertisement consent in June 2010.
- 2.3 Prior approval application 14/00341/CPA sought permission for the change of use of office building (Use Class B1(a)) to Residential Dwellings (Use Class C3), comprising of 10 no. 2 bed and 16 no. 1 bed flats. It was determined that prior approval was not required in August 2014.
- 2.4 Prior approval application 14/00667/CPA sought permission for the change of use from Class B1(a) (Offices) to Class C3 (Residential) comprising 10no. two bed; 17no. one bed and 3no. studio apartments. It was determined that prior approval was not required in January 2015.
- 2.5 Planning application 14/00668/FP External alterations to facilitate change of use from Class B1(a) (Offices) to Class C3 (Residential) under planning permission reference number – 14/00341/CPA. Planning permission was granted in February 2015.
- 2.6 Prior approval application 14/00702/CPA sought permission for Change of use from Office (Class B1(a)) to Residential (Class C3) with 44no. studio apartments. It was determined that prior approval was not required in February 2015.

3. THE CURRENT APPLICATION

- 3.1 The proposed development seeks to extend the existing offices (Use Class B1a) which currently has a floor area 1,802 sq.m to an office with an internal floor area of 8,085 sq.m. The proposed development also comprises an ancillary restaurant/café on the ground floor. The proposed development would measure approximately 40m in length and span 41m in width with an overall height of approximately 35m (eight storeys). The proposed basement area would comprise of the parking lobby with associated secure cycle parking area and refuse bin stores. At ground floor level there would be the main reception/lobby, ancillary café/restaurant and office floorspace. In regards to floors two through to eight these would predominantly be offices. The roof of the building comprises all of the plant and equipment associated with the development.

3.2 The building would be constructed from contrasting materials comprising a mixture of concrete board, composite white stone and terracotta tiles. The windows which would be installed within the building would be polyester powder coated aluminium double glazed windows finished in black. The building would also comprise of outdoor terraces with associated glazing. The building has been designed as dual aspect with frontages onto both Primett Road and Lytton Way.

3.3 This application comes before the Planning and Development Committee as it is classed as a Major commercial development.

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. The application was also published in the local press as it is a major application. At the time of drafting this report 16 objections have been received from numbers 5, 9, 11, 17 22, 24, 25, 27, 32, 33, 37, 38, 39, 42, 43, 44 George House, Primett Road.

4.2 The summary of the objections which have been received are as follows:-

- Loss of privacy;
- Loss of sunlight and daylight;
- Loss of views;
- Development is out of keeping with the wider area;
- The proposed development will reduce property values;
- The development during its construction phase would generate unacceptable levels of noise, dust and vehicle movements;
- The development would increase traffic on the highway network;
- Development will generate unacceptable levels of air pollution;
- There is not a need for additional offices in the town;
- The development would harm the setting of the conservation area;
- The development would appear overbearing;
- The development would pose a hazard to local residents;
- There is a greater need for housing in the town;
- The development would prejudice the safety of local residents;
- The proposed restaurant located in the building would generate unacceptable odour levels;
- The development would detrimentally impact on the domestic enjoyment of the properties in George House;
- The applicant has not undertaken a light assessment of George House;
- The development would generate unacceptable levels of overshadowing.

4.3 Please note that the aforementioned is not a verbatim of the comments and representations which have been received. However, a full version of the comments and representations which have been received are available to be viewed on the Council's website.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

5.1.1 The County Council as the Highways Authority consider the development to be in accordance with National and Local Policies. Therefore, the Highways Authority formal recommendation is that there are no objections to the development proposal subject to the recommended conditions and a S106 agreement to address sustainable transport and a highway informative.

5.2 Hertfordshire County Council Growth and Infrastructure Unit

- 5.2.1 Based on the information provided, HCC Growth and Infrastructure Unit will not be seeking financial contributions for the proposed development.

5.3 Hertfordshire County Council as Lead Local Flood Authority

- 5.3.1 The County Council as the Lead Local Flood Authority consider the proposed drainage scheme to be acceptable. The drainage strategy is based on attenuation and discharge into Thames Water surface water sewer network at a restricted discharge rate. The development would also incorporate a permeable pavement and blue roof discharging into a geo-cellular tank. The proposed drainage scheme is therefore considered to be acceptable subject to conditions.

5.4 Hertfordshire Constabulary as the Crime Prevention Design Service

- 5.4.1 The applicant has involved the Police Crime Prevention Design Service since early on in the application process. Therefore, there are no concerns from a Secured by Design perspective as a Police preferred minimum security standard has been agreed.

5.5 Council's Conservation Advisor (BEAMS)

- 5.5.1 Following a review of the amended plans, the proposed incorporation of windows to the north-eastern corner is an improvement on the solid red panelling previously proposed. This would appear less visually intrusive in longer views from within the Conservation Area. However, this does not change the view that the development is an unwelcome introduction as a 'backdrop' to the Conservation Area in some views.
- 5.5.2 The new development (through its height, width and visibility above the existing roof line of the historic and more modern properties fronting the High Street) detracts from the setting of this part of the Stevenage Old Town Conservation Area and the setting of the Grade II Listed Marquis of Lorne Public House, thereby impacting upon the significance of these designated heritage assets. However, the overall level of harm is considered to be 'less than substantial' as per NPPF paragraph 196. Consequently, it will be for Stevenage Borough Council as the decision maker, to weigh up the harm vs. any public benefit.

5.6 Council's Car Parking Manager

- 5.6.1 Following an analysis of the application, there is currently capacity on normal weekdays to accommodate 98 additional cars. However, there are certain occasions when this is reduced where there are events such as Charter Fair and contract parking by rental companies. However, there are additional spaces in Church Lane South for Season Ticket use as with Primett Road South, but, all of the parking is offered on a first come first served basis.

5.7 Council's Environmental Health Section

- 5.7.1 The proposed development is considered to be acceptable. However, this is subject to conditions regarding contaminated land.

5.8 UK Power Networks

- 5.8.1 The company is the owner/occupier of the electricity substation located within 6m of the development. It is believed that the proposed works are notifiable under the Party Wall etc. Act 1996. Therefore, UK Power Networks objects to the planning application as the

applicant has neither served Notice in accordance with the Party Wall Act nor satisfied the company that the works are not notifiable. The applicant should provide details of the proposed works and liaise with the company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The applicant would need to be responsible for any costs associated with any appropriate measures required

5.9 Thames Water

5.9.1 No comment

5.10 Hertfordshire County Council Mineral and Waste Section

5.10.1 No comment.

5.11 Affinity Water

5.11.1 No comment.

5.12 Environment Agency

5.12.1 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 Local Plan

Policy TW1: Sustainable Development;
Policy TW2: Structural Open Space;
Policy TW8: Environmental Safeguards;
Policy TW9: Quality in Design;
Policy TW10: Crime Prevention;
Policy TW11: Planning Requirements;
Policy E7: Employment uses outside employment areas and homeworking;
Policy T6: Design Standard;
Policy T12: Bus Provision;
Policy T13: Cycleways;
Policy T14: Pedestrians;
Policy T15: Car Parking Strategy;
Policy EN27: Noise Pollution;
Policy EN29: Light Pollution;
Policy EN36: Water Conservation;
Policy 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 SP5: Infrastructure;
Policy SP6: Sustainable Transport;
Policy SP8: Good Design;
Policy SP11: Climate Change, Flooding and Pollution;
Policy SP13: The historic environment;
Policy EC7: Employment development on unallocated sites;
Policy TC13: Retail impact assessments;
Policy IT3: Infrastructure;
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 FP7: Pollution;
Policy NH10: Conservation areas.

6.5 Supplementary Planning Documents

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

7. APPRAISAL

7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, impact on the character and appearance of the conservation area, impact on amenities, means of access and highway safety, impact on the environment, development and flood risk.

7.2 Land Use Policy Considerations

Employment

7.2.1 The application site, given its location, does not fall within a designated employment area as defined by the proposals maps in the Stevenage District Plan Second Review 1991 – 2011 adopted 2004 (hereby referenced as the adopted Local Plan (2004)) and the Stevenage Borough Local Plan 2011 – 2031, publication draft January 2016 (hereby referred to as the emerging Local Plan (2016)). Notwithstanding this, the development site, given that it is currently occupied by Offices, would be classed as an employment use outside of an employment area under Policy E7 of the adopted Local Plan (2004) and Policy EC7 of the Emerging Local Plan (2016). In reference to Policy E7, it states that development proposals should not result in the loss of existing employment uses in residential areas unless it can be demonstrated that they are no longer viable or the existing activity has an adverse impact on the local environment. However, mixed use redevelopments of existing employment uses in residential areas may be acceptable providing the employment floorspace lost is adequately replaced. Turning to Policy EC7, this stipulates that planning permission for the loss of employment land on sites not allocated for any specific purpose would be granted where:-

- i. There is sufficient suitable employment land available elsewhere;
 - ii. The proposal provides overriding benefits against other objectives or policies in the plan;
- or
- iii. It can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant, over a considerable period of time.

7.2.2 The proposed extension and refurbishment works to the existing office building would help to enhance the limited available Office space within the district of Stevenage. The proposal would also provide a modern, high quality office development which would help to address the current shortfall in employment floorspace (especially modern, high quality office spaces) within the Borough. To support this case, the Council's Employment Technical Paper dated December 2015 which forms part of the evidence base for the Emerging Local Plan, outlines that it is forecasted, as set out under paragraph 2.54 of this Technical Paper 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 (Strategic Land Availability Assessment) 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).

- 7.2.3 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 there is a shortfall of employment land of 11.5ha. Consequently, the provision of an additional 6,283 sq.m of office floor space (0.6 hectares) would help to meet some of this shortfall.
- 7.2.4 Taking the above into consideration combined with the fact that the proposed development does not seek a reduction or the loss of an existing established employment use, it is considered that the proposed development would accord with the policies set out in the adopted Local Plan (2004) and Emerging Local Plan (2016) along with the aims and objective set out in the National Planning Policy Framework (2018).

Retail impact and the sequential test

- 7.2.5 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, offices are identified as main town centre uses. Additional to this, the NPPF states that for proposals of this nature (above the default threshold of 2,500m² – 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.
- 7.2.6 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.
- 7.2.7 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 300m² for main town centre uses located outside of the town centre. This policy goes onto 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.

- 7.2.8 Dealing with the sequential assessment, it is necessary to be clear that the proposal is to extend the existing office building by 6,283 sq.m of floor space. Given this, whilst the proposed development is classed as a “main town centre” use and falls on a site which is not within the defined boundary of Stevenage Town Centre, the use of the site as Offices has already been established. Consequently, it would be unreasonable to require the applicant to undertake a comprehensive “sequential assessment” in this instance.
- 7.2.9 Turning to impact on the town centre, as the proposal is in excess of 300m², in line with Policy TC13 of the Emerging Local Plan (2016), an impact assessment is required. Consequently, 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. However, this policy was drawn up under the superseded National Planning Policy Framework (2012) which stated under paragraph 26, “when assessing applications for retail, leisure and office development outside of town centres.....local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold”.
- 7.2.10 The requirement to assess the impact of office developments has now been dropped under the National Planning Policy Framework (2018). The NPPF now states under paragraph 89 “when assessing applications for retail and leisure development outside town centres”. Given this, as the Emerging Local Plan (2016) has not been formally adopted due to the holding direction placed by the Ministry of Housing, Communities and Local Government and the NPPF is national policy, the Council is unable to assess the impact the development would have on the town centre. Therefore, it has to be determined that the development would not have a detrimental impact on the vitality and viability of the town centre in this instance.

7.3 Visual impact on the conservation area and the setting of a listed building

- 7.3.1 In terms of design, Paragraph 127 of the National Planning Policy Framework (NPPF) 2018 stipulates that planning decisions should ensure development functions well and add to the overall quality of the area, not just in the 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”.
- 7.3.2 Turning to the impact on the setting of the Old Town Conservation Area and the Marquis of Lorne which is a Grade II Listed Building, paragraphs 193 to 196 of the NPPF have to be considered in the determination of this planning application. This is because, as established through case law, if there is any harm to these heritage assets, great weight has to be given as to the impact the development may have on these assets. Dealing with Paragraph 193, it 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial

harm to its significance. Paragraph 194 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification which includes grade II listed buildings. Paragraph 195 sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In reference to paragraph 196 of the NPPF (2018), this sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 7.3.3 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.
- 7.3.4 The Conservation Area Management Plan for the Old Town identifies that the High Street comprises of medieval burgrave plot layout which include a number of carriage entrances. There are a number of listed buildings within the conservation area which include a 16th century hall house at 94-98 High Street, Inns and Public Houses such as the Red Lion, The White Lion (now the Mulberry Tree) and The Marquis of Lorne. There is also Middle Row/Baker Street which is the old market area and The Cromwell Hotel along with clusters of 15th and 16th Century buildings through to Victorian properties which run along the length of the High Street. The buildings along the High Street are generally two to three storeys in height.
- 7.3.5 The application site, which falls just outside of the Old Town Conservation Area, comprises a modern two-storey office building with basement car parking. The building is constructed from red brick at ground floor level with a hipped roof clad in grey roof tiles with two gable-end projections. On the principal elevation of the building is a glazed atrium incorporating a gable-end stone canopy supported by stone columns. At first floor level, the building is finished in stone with brick detailing below. For vertical emphasis, there is stone detailing which runs up the front elevation of the building. The fenestration detail is evenly spaced and comprises steel framed windows. The side and rear elevations of the building have been designed to reflect the architectural appearance of the principal elevation. The building is set back from Primett Road by a hardsurfaced car park.
- 7.3.6 To the south of the application site is George House which is a modern five storey building operated by McCarthy and Stone. To the east of the application is the modern residential development at Howarde Court which is two and three-storeys in height. There are also modern offices which front onto Primett Road. Beyond these buildings is the historic core of the Old Town Conservation Area. To the north of the application site is Primett Road surface car park and to the west beyond Lytton Way is Monument Court which is a seven storey modern residential development.
- 7.3.7 Given the above, the existing building is set within a modern context with the application building itself not overtly contributing positively to the conservation area, especially given the presence of the surface car park which does not create a positive high quality environment.

- 7.3.8 The proposed development seeks to extend the existing offices (Use Class B1a) which currently has a floor area 1,802 sq.m to an office with an internal floor area of 8,085 sq.m. The proposed development also comprises an ancillary restaurant/café of the ground floor. The proposed development would measure approximately 40m in length and span 41m in width with an overall height of approximately 35m (eight storeys). The proposed basement area would comprise of the parking lobby with associated secure cycle parking area and refuse bin stores. At ground floor level there would be the main reception/lobby, ancillary café/restaurant and office floorspace. In regards to floor two through to eight these would predominantly be offices. The roof of the building comprises all of the plant and equipment associated with the development.
- 7.3.9 The proposed development adopts a contemporary modern design with an atrium which spans from the ground floor level to the roof. The ground floor level is recessed and bordered by green space with a two-storey colonnade along the eastern and northern aspects of the development. The new building would comprise of a box feature on the western elevation. The proposal comprises outdoor terraces across the upper floors with the building having a staggered floorplate with the highest part of the development positioned towards Lytton Way in order to reduce the impact on the Old Town Conservation Area to the east. The terraces are defined by obscure glazed balustrades with planters behind and the main entrance to the building comprises of a cantilevered copper box which is positioned above the double height lobby entrance. The western elevation of the building comprises of solid block work punctuated by copper boxes and slim line windows along with a glazed external lift shaft in order to break up the visual mass of this elevation.
- 7.3.10 Given the above, the proposed development has a well-defined top, middle and bottom with distinctive window patterns through the building. The use of outdoor terraces, the recessing of the ground floor level via the cantilevered upper floors, staggering of the floors, copper boxes, and use of brick work in order to frame the windows help to add more modulation to the built form of the office development. In addition, the proposed development would create a more active frontage onto Primett Road.
- 7.3.11 Notwithstanding the above, due to the building's height, it would be visible interspersedly from view points along the High Street whilst the existing building is not. In addition, as the application site lies adjacent to the Old Town Conservation Area and is located within 75m to the west of the Marquis of Lorne which is a Grade II Listed Building. Therefore, an assessment has to be made as to whether or not the development will have substantial harm on the significance of the heritage assets in question. It is noted that whilst the development is not within the curtilage of the listed building or falls within the defined boundary of the conservation area, it could be argued that it would still have an element of non-physical indirect harm on the aforementioned heritage assets.
- 7.3.12 With due regard to the above and assessing the development's impact on the setting of the conservation area and listed building, it is important to firstly consider the overall setting of the development site in context with these heritage assets. Firstly, as set out in paragraph 7.3.6 of this report, there is the existing modern five storey development at George House located due south of the site which also lies 72m west of the listed building. To the south of the Marquis of Lorne along the High Street is the modern Townsend Mews development which comprises a modern development of between 2 ½ to 4 storey's in height. The Games Yard development which lies off Primett Road adjacent to George House also comprises a four to five storey building and immediately to the rear of the Marquis of Lorne is the modern development of Howarde Court and Ireton Close. Additionally, there are modern office developments which front onto Primett Road which form the edge of the conservation area.
- 7.3.13 Taking the above into consideration, the proposed development in terms of its modern design would not be out of character due to the eclectic mix of modern architecture in the immediate vicinity of the site and more importantly, lie either within or border the

conservation area and already affect the setting of the listed building. In addition, these buildings would help to screen the bulk of the development from viewpoints along the conservation area. In terms of the proposed development, it has also been designed with a staggered built footprint in order to reduce the overall impact on the setting of the heritage assets. The part of the proposal fronting Primett Road would be four storeys with the tallest part of the development i.e. the eighth storey fronting onto Lytton Way. This reflects the height of the development located across Lytton Way which is Monument Court which is between six to eight storeys in height.

7.3.14 Consequently and as advised by the Council's Conservation Advisor, the development will generate an element of harm, but this is deemed to be less than substantial harm to the significance of the designated heritage assets. However, in line with paragraph 196 of the NPPF (2018), as it has been established that there would be less than substantial harm, it is still harm to the significance of the heritage assets and as such, an assessment needs to be made as to whether the public benefits the development will outweigh this harm including, where appropriate, securing its optimum viable use. It can be concluded that the overall public benefit of the development does outweigh the harm. This is because firstly, as established under paragraph 7.2.2, there is a significant shortfall in employment to support the growth of Stevenage over the Emerging Local Plan period. This significantly weighs in favour of the application as it would help to generate additional employment opportunities for the town. In addition to this, the site is already an office development and, as such, the proposal would help to secure the optimum viable use of the site by increasing the level of office space available within the application site.

7.3.15 Given the aforementioned assessment, on balance, it is considered that the proposed development would not generate substantial harm to the setting of the Old Town Conservation Area or the Marquis of Lorne public house as the overall benefits of the development would outweigh this harm. In addition, the proposal would provide a high quality, contemporary modern development on a key gateway site and as such, it would not have a detrimental impact on the visual amenities of the wider street scene.

7.4 Impact upon Neighbouring Amenity

Privacy and outlook

7.4.1 Whilst the Council does not have a specific standard for commercial development in terms of privacy and outlook, Chapter 5 of the Design Guide SPD (2009) for new dwellings does provide a useful guide for separation distances to ensure a development does not affect the privacy and outlook of existing residential developments. This guide states that privacy is an important aspect of residential environments to ensure that a reasonable degree of privacy for residents is provided, both within their habitable rooms and garden areas. Therefore, the position of dwellings and the arrangement of their rooms and windows, should not create significant overlooking of other dwellings or private garden areas, nor should they lead to overbearing impacts or adversely affect the residential amenities of neighbouring properties. Therefore, the guide sets out the minimum separation distances that should be achieved for the new buildings and/or disposition of windows to mitigate against overlooking.

7.4.2 Turning to the impact on the owner/occupiers of properties in George House, as the side elevation of this development faces onto the southern (side) elevation of the proposed office development, there is no set separation distance guidance for side-to-side elevations in the SPD. Therefore, a professional judgement has to be made as to the impact the development may have on the owner/occupiers who reside in George House. The proposed development at ground to third floor level would have a separation distance of approximately 13m to 15m. This is not too dissimilar to the existing situation whereby Bank House as it currently stands, is positioned approximately 14m from the side elevation of George House. Additionally, the floors of the proposed office building combined with the window positioning have been designed to ensure that there is no direct overlooking onto the northern elevation of George

House. Furthermore, the outdoor terrace areas would comprise of 1.8m tall screens with toughened obscure glass with planters behind to again ensure there is no direct overlooking of the properties within George House.

- 7.4.3 In regards to the upper floor levels (floors four to eight), these stagger back from the edge of the development site which increases the level of separation to approximately between 19m to 27m to the properties in George House. This helps to ensure the development does not result in direct overlooking of the properties in the aforementioned building. Moreover, the development has been designed in a way to ensure that it is not overbearing, due to its staggered nature, to the owner/occupiers of George House. Therefore, it can be summarised that the proposed development would not harm the privacy or appear overbearing to the existing occupiers of George House.
- 7.4.4 With respect to the impact on numbers 6 to 20 Howarde Court, as the proposed eastern elevation (front) of the building faces onto the western (rear) elevation of the properties in this development, there is no front to rear elevation separation distance standard set out in the Design Guide. Therefore, a professional judgement has to be made as to whether or not the proposed development would harm the privacy and outlook of the occupiers of the aforementioned development. Looking at the existing situation, there is currently a separation distance of approximately 27m. In regards to the proposed development before the Council, the ground and first floor levels would be positioned approximately 27m from the properties in Howarde Court. Therefore, the overall impact from the floors would be no worse than the current situation.
- 7.4.5 Turning to the proposed development at second floor level, the nearest part of the development (proposed meeting room), would be located 19m from the rear elevation of Howarde Court. However, at this level, the proposed development would look onto the roof level of the aforementioned building which comprises dormer windows. Following an assessment of the approved floor plans for Howarde Court (03/00065/FP), the dormer windows appear to serve internal hallways, large open plan kitchen/dining rooms/living rooms and a bedroom to one of the properties which is dual aspect. Consequently, whilst there is potential loss privacy at this level, there is enough separation distance combined with the overall design of the development to ensure that the level of overlooking is such that there are insufficient grounds to warrant refusal in this instance. Moreover, as the building has a staggered footprint whereby the upper levels are stepped back from Primett Road, the proposal would not appear overbearing to the occupiers in Howarde Court.
- 7.4.6 In relation to the impact on the properties located within Monument Court which is positioned across Lytton Way, there would be a separation distance of over 45m. Given the significant level of separation between the two developments, it is considered that the proposed development would not harm the outlook or the privacy of the occupiers within Monument Court.
- 7.4.7 Given the aforementioned assessment, it is considered that the proposed development would not harm the outlook or the privacy of existing residential properties which lie in close proximity to the development site.

Daylight

- 7.4.8 BRE "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" in terms of light from the sky/daylight, provides guidance on the effects of new development on existing building. The guide states that "in designing a new development...it is important to safeguard the daylight to nearby buildings. A badly planned development may make adjoining properties gloomy and unattractive". Guidance is further provided to establish whether or not an existing building receives enough skylight, when a new development is constructed. The guidance sets out that an angle should be measured to the horizontal subtended by the new development at the centre of the lowest window. If this angle is less

than 25 degrees for the whole of the development then it is likely to have a substantial effect on the diffuse skylight enjoyed by the existing building.

- 7.4.9 In regards to the impact on the properties within Howarde Court and George House, it has been established that the development would subtend the 25 degrees as taken from the relevant habitable room windows. Given this, in line with the BRE Guide there is a requirement to undertake an analysis of the Vertical Sky Component (VSC) which is the ratio of the direct sky illuminance falling on the vertical wall at a reference point. The guide states that for good levels of daylight, the VSC of a window needs to be 27%, then a comparison of existing and proposed levels of VSC have to be calculated. In addition, good levels of skylight can be achieved if VSC are within 0.8 times their former value. However, if these levels fall below this standard, then a calculation of the no-skyline test has to be undertaken to calculate the percentage of a room which can receive direct sunlight.
- 7.4.10 Following an assessment of the proposed development, it has been established that all of the rooms within Howarde Court would receive more 27% VSC following the erection of the development. In addition, the applicant has also undertaken an Average Daylight Factor (ADF) assessment which also demonstrates that following completion of the development, the rooms within Howarde Court would still receive sufficient daylight in line with the BRE guide.
- 7.4.11 In relation to the impact on George House, any windows which serve circulation spaces have not been considered as defined by the BRE Guide as these do not serve habitable rooms. However, an assessment has to be made as to the impact the development may have on living rooms, dining rooms and kitchens, however, bedrooms should also be analysed but are less important. Dealing with the apartments located on the junction of Primett Road and Lytton Way, the windows serving bedroom 2 and the main window serving the open plan living rooms/dining room are positioned on the western elevation of the building. Given this, the development would not affect the level of light which is currently being received in these rooms.
- 7.4.12 Notwithstanding the above, it is noted that the kitchen window and the window serving bedroom 1 would look onto the southern elevation of the proposed office development. However, due to the design of the proposed development where the upper levels are staggered back, the VSC levels achieved in these rooms would exceed the 27% standard set out in the BRE Guide. Turning to the area of George House which is located on the junction of Primett Road and The Games Yard, the ground floor level of the building is the secure refuse area, cycle store and plant room. In terms of the property located on the fourth floor, due to its design with the main windows looking out towards the Games Yard combined with the fact it has a large outdoor terrace, the level of daylight which is received in this property would be acceptable. However, the most likely affected properties within this part of George House are located on the first, second and third floor levels.
- 7.4.13 Dealing with the most affected properties within George House, it is noted that the open plan living room/dining rooms are dual aspect with additional windows on the eastern elevation of the building are orientated towards The Games Yard. Consequently, there would be sufficient daylight being received in these rooms. However, the most affected rooms would be the 2 bedrooms and kitchen within each of the properties. Following an assessment of these rooms individually, due to the level of separation between George House and the proposed development, combined with the overall design of the development where the upper floors are staggered, the VSC levels would still exceed the 27% standard as set out in the BRE Guide.
- 7.4.14 Given the aforementioned assessment, the proposed development would not have a detrimental impact on the level of daylight which is currently received by neighbouring residential properties.

Sunlight

- 7.4.15 The BRE “Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice” under section 3.2, states that an obstruction to sunlight may become an issue if some part of a new development is situated within 90 degrees of due south of a main window wall of an existing building. In addition, in the section drawn perpendicular to the existing window wall, the new development subtends an angle 25 degrees to the horizontal from the centre of the lowest window to a main living room. It is important to note that bedrooms and kitchens are considered to be less important, although care should be taken not to block out too much sun.
- 7.4.16 Turning to the impact on the properties in George House, as the development is located due north of the aforementioned building, it would not result in any loss of sunlight to the occupiers of this development. In relation to the impact on the development at Monument Court, due to the level of separation, the proposed development would not result in a loss of the level of sunlight (Annual Probable Sunlight Hours - APSH) which is currently received.
- 7.4.17 In relation to the impact on the properties in Howarde Court, following an assessment of the proposed development, the living rooms windows located on the western elevation of the building would be affected by the development. This is because the new development would subtend an angle 25 degrees to the horizontal from the centre of the lowest window to a main living room. Therefore, the applicant has undertaken a full sunlight assessment of the properties in Howarde Court which are affected by the development. This assessment has identified that all of the affected rooms would still receive more than 371.5 hours of sunlight in the summer months and over 74.3 hours of sunlight in the winter months which accords with the BRE Guide. Therefore, the level of sunlight these properties would receive would be acceptable in this instance.
- 7.4.18 Given the aforementioned assessment, it is concluded that the proposed development would not have a detrimental impact on the level of sunlight which is currently received by nearby existing residential properties.

Overshadowing

- 7.4.19 As set out in paragraph 7.4.16, as the development is located north of George House, it would not generate an unacceptable level of overshadowing to these properties. In respect to the development at Monument Court, due to the significant level of separation, the development would not cause an overshadowing to these properties. With regards to the impact on Howarde Court, due to the separation distance between the development and the aforementioned building, combined with its overall design, it would not generate an unacceptable level of overshadowing to the existing building.

External lighting

- 7.4.20 In regard 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 amenities of nearby residential properties, it is recommended a condition be imposed to any permission granted in order to deal with external lighting. This condition will require details of any external lighting to be installed to be submitted to the Council as Local Planning Authority for its approval prior to it first being installed.

7.5 Impact on the highway network

- 7.5.1 The application site is currently accessed off Primett Road which is a local service road off Lytton Way (A602). The proposed development would seek stop-up the existing vehicle access off Primett Road and to create a new vehicular access near the underpass/slip road.

This access would serve the proposed basement car park which would service the office development. The access would be the main access and egress but traffic directed one way. The access point into the basement car park and egress point are both 3m in width with the main road through the car park being 6.45m in width. The new access, given its design, would meet the specifications set out in the Department for Transport (DfT) Manual for Streets and Hertfordshire County Council (HCC) Highways Design Guide as there would be adequate vehicle-to-vehicle visibility and inter-visibility lines.

- 7.5.2 In terms of traffic generation, the proposed development would change the amount of office space being delivered on the site. Given this, the applicant's transport consultant has produced a transport assessment which incorporates details of proposed traffic generation for weekdays using TRICS (Trip Rate Information Computer System). Looking at the existing development, the gross external floor area of the building is 4,357 sq.m. The proposed development would have a gross external floor area 13,138 sq.m. This would equate to an uplift of 8,781 sq.m and as such, the existing office represents 33.2% of the proposed floorspace. The applicant also undertook a survey on a weekday for a 6 hour survey period of between 07:00 to 10:00 and 16:00 to 19:00. This is to help form some base data for the modelling.
- 7.5.3 Taking the aforementioned into consideration, the proposed development would generate 108 arrivals in the AM Peak (08:00 – 09:00) of which 36 (33.2%) of these arrivals would be existing. Therefore, the proposed development would generate an additional 72 arrivals during the AM peak. In regards to departures, the proposed development would generate 122 trips in the PM peak (17:00 – 18:00) of which 41 (33.2%) of these trips would be existing. Consequently, there would be an additional 81 departures on the highway network during the PM peak period.
- 7.5.4 In assessing trip distribution, the proposed development would generate during the AM and PM peaks 2 arrivals and 2 departures every minute. The development can only be accessed by north-bound traffic on Lytton Way (A602) via the access slip road in order to park in the basement. The remainder of vehicles would park in the nearby surface car parks and as such, these can be accessed via Lytton Way in both north-bound and south-bound traffic through to Primett Road. Some vehicles would also access the car parks via Drapers Way. This would split up the vehicle distribution of the development and this is a similar situation when persons depart from the development site. Furthermore, as the site is in a sustainable location, employees would also access the site via bus or by bicycle up from the train station.
- 7.5.5 In terms of servicing the building, the daily trip generation of the proposed development would be between 24 to 25 trips of which 4 to 5 of these trips would be during peak hours. The Transport Assessment identifies that there would be an increase of 8 service vehicle movements during the day or around 1-2 trips during the peak hours. Therefore, this increase is considered negligible from a highways perspective. Following consultation with Hertfordshire County Council as Highways Authority, it is considered that the level of traffic generated by the new development would not have a significant impact on Primett Road, Lytton Way or the wider highway network. However, as part of the planning application, the applicant has submitted an initial Travel Plan to encourage a modal shift from the use of the private car to more sustainable forms of travel. Through consultation with the Highways Authority, it is recommended a condition be imposed requiring a Full Travel Plan be submitted with all the relevant surveys undertaken using TRICS. In order to monitor the Travel Plan, the Highways Authority has also recommended a financial contribution of £6,000 which has been agreed with the developer. In addition, a financial contribution of £133,952 has also been secured in order to make improvements to sustainable transport infrastructure in Stevenage Town Centre as well as improvement to the local cycle network.
- 7.5.6 Further to the above, as the proposed development would have a relatively low trip generation compared with the existing baseline traffic generated by the existing

development, there would not be a significant impact on the highway network. However, in regards to construction traffic, as this could potentially have an impact on the highway, it is recommended a condition be imposed if planning permission were to be granted. This condition would require the submission of a Construction Management Plan/Method Statement to ensure construction traffic, the siting of cabins, storage of construction equipment etc. does not prejudice the safety and operation of the highway network.

7.5.7 Turning to highway safety, the applicant has undertaken a review of accident data which is set out in the applicant's Highway Safety Audit. Following a review of this data, it has been demonstrated by the applicant that the development would be unlikely to exacerbate existing accident concerns.

7.5.8 In summary, subject to a S106 Agreement securing the relevant monetary contributions, and 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. In addition, any works to be undertaken on the highway would have to be agreed via a S278 Agreement of the Highways Act with the County Council.

7.6 Parking Provision

7.6.1 Policy T15 of the Local Plan (2004) states that car parking provision should be made at, or below, the maximum provision which is specified in the Council's adopted standards. Policy IT5 of the emerging Local Plan (2016) states that planning permission will be granted where proposals comply with the parking standards set out in the plan.

7.6.2 The Council's Car Parking Standards SPD (2012) sets out the maximum number of parking spaces which would be required to support the proposed development. The relevant parking requirements for the development proposal would be 1 space per 30m² gross floor area which is to be created. Given the proposal seeks to create an additional gross floor area (the total floor area inside the building envelope) of 10,316 sq.m (increase of 7,922 sq.m of gross floor area over the existing building). Given this, there would be a requirement to provide 344 parking spaces. However, as the site is located within non-residential accessibility zone 2, the base car parking standards can be reduced 25% to 50% of the maximum number of spaces which are required.

7.6.3 Taking into consideration of the above, there would be a requirement to provide between 87 spaces to 173 parking spaces. The proposed basement car park would provide 48 parking spaces which equates to a shortfall of between 39 parking spaces to 125 parking spaces. Therefore, the proposal could result in on-street parking which could potentially prejudice highway safety. However, through negotiations with the Council's Car Parking Manager, the applicant would be looking to secure 98 permits on a monthly basis to use the nearby Primett Road car park. The Council's Car Parking Manager has advised that there is sufficient capacity within the Primett Road Car Park which can accommodate the additional parking that is required. In addition, during event days such as the Charter Fair, the Car Parking Manager has confirmed that permit holders would have access to the car parks on Church Lane as well.

7.6.4 In addition to the above, the site is accessible by public modes of transport with bus stops easily accessible along the High Street. Furthermore, the applicant is providing 70 secure cycle parking spaces within the basement area which exceeds the Council's Cycle Standards set out in the Parking Standards SPD. This will help to encourage a modal shift as the site is easily accessible to the local cycle network which connects the development site to Stevenage Train Station. This would help in part to compensate the shortfall in parking provision within the development. In addition to this, a financial contribution of £133,952 has been secured towards sustainable transport infrastructure in the town centre which could also fund improvements to the wider cycle network.

7.7 Development and flood risk

7.7.1 The application site is situated within Flood Zone 1, which has a low probability of flooding. However, as the application is classed as a Major residential application, there is a statutory requirement to consult Hertfordshire County Council as the Lead Local Flood Authority (LLFA). The LLFA has confirmed that the applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site. Accordingly, the LLFA raise no objection on flood risk grounds subject to conditions which are included in section 9.1 of this report.

7.8 Land contamination

7.8.1 The site generally comprises of the existing office building, surface car parks and an electricity substation. The applicant has therefore undertaken a Preliminary Environmental Risk Assessment to determine what levels of contamination there may be on-site. The Assessment identified low to moderate risk from the substation along with potential pollutants such as hydrocarbons. In addition, there is also the potential for ground water to be contaminated.

7.8.2 Taking into consideration of the above, as the assessment is only preliminary, the Council's Environmental Health Section recommends the imposition of a capture all condition regarding contamination. This condition requires a watching brief be undertaken and in the event any contaminants are found that a relevant remediation strategy be submitted to the Council for its approval. With this condition in place, it would ensure that not only the health of persons using the site are protected, but also that the wider environment such as surface groundwater is not affected by any potential contaminants if they are found.

7.9 Other Matters

Sustainable construction and climate change

7.9.1 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 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.

7.9.2 As part of the application submission, the applicant has provided an Energy Statement to demonstrate how the development would be adaptable to climate change. It is set out in the Statement that development has an optimised design in order to balance thermal control from within and outside the building. The proposal also utilises large amounts of glazing in order to best respond to the annual sun path which helps to reduce the reliance on artificial lighting. In addition, the building has been designed with areas of overhang to provide shading in order to help to reduce the overheating of certain parts of the building.

- 7.9.3 The proposed development also comprises energy efficient mechanical ventilation systems and air source heat pumps, thermally efficient walls (including internal walls) which would be air tight. Furthermore, energy efficient lighting with dimming controls and photovoltaic panels would be provided on the roof. The development would also utilise efficient water appliances and systems. Finally the proposed development would have a suitable drainage system to ensure the development does not overload the existing sewer network.
- 7.9.4 Given the above, 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.

Impact on property values

- 7.9.5 Concerns have been raised about the impact that the development would have on property values. However, despite the concerns raised, it has long been established through planning case law that in the assessment of planning applications, it is the conventional tests of impact on planning policies and amenity harm to neighbouring uses or the character of an area as a whole that are the deciding issues and not any possible consequential effects on nearby property values.

Odour

- 7.9.6 Some concerns have been raised by residents that the proposed development is likely to generate increased issues of odour from the restaurant area. Whilst these concerns are noted, if odours were to generate an issue in the future and cause a statutory nuisance, then the Council's Environmental Health Section have powers to enforce against such nuisances.

UK Power Networks objection

- 7.9.7 It is noted that UK Power Networks has raised objection to the planning application as a Party Wall etc. Act 1996 Notice has not been served by the applicant. However, matters regarding Party Walls fall outside the scope of planning legislation and law as it is a civil matter. Therefore, it is down to the applicant to submit the requisite notice on UK Power Networks under the Party Wall Act, at the relevant time.

Electric Vehicle Charging Points

- 7.9.8 Comments from HCC Highways have been received regarding the requirement to secure electric vehicle (EV) charging points. In regards to EV's, the District Plan (2004), the Emerging Local Plan (2016) and the Council's Parking Standards SPD (2009) do not have any requirements for a developer, at this current time, to provide EV charging points. However, it is noted that there is a drive by Central Government as well in HCC's Local Transport Plan 4 (2018) to provide EV charging points in order to help tackle climate change. Therefore, if members were minded to grant planning permission, a condition could be imposed to require the applicant to provide details of EV charge points which are to be agreed in writing by the Council. This condition would then require the applicant or developer to install the EV points based on the details provided. It has been advised by the applicant that they are willing to consider EV points as part of the parking provision with the basement.

Loss of views

- 7.9.9 Whilst concerns have been raised about the loss of views, this is not considered to be a material planning consideration. However, an assessment has been undertaken to determine whether or not the development would harm the outlook and amenities of nearby residential properties. This assessment is set out in Section 7.4 of this report.

Noise

- 7.9.10 It is noted that concerns have been raised in regards to noise, especially during the construction phase of the development. Therefore, if planning permission were to be granted, a condition could be imposed restricting the hours of construction accordingly.

Dust, air pollution and construction traffic

- 7.9.11 Concerns have been raised that during the construction phase of the development, there may be issues regarding dust, air pollution and construction traffic. In regards to dust and construction traffic, it has been recommended by the Highway Authority that a construction management plan condition should be imposed. This will require details on construction traffic management to be submitted to and approved by the Council as the Local Planning Authority. In terms of dust, a condition can also be imposed requiring the applicant to provide details of how they will manage dust to ensure residents nearby are not affected during the construction phase of development. In terms of air pollution, the Council's Environmental Health Section has not raised any concerns and the site does not fall within an Air Quality Management Area.

8. CONCLUSIONS

- 8.1 In summary, the principle of office development on this site is acceptable and it would help to deliver employment space which the evidence base of the Emerging Local Plan identifies there is a need for. The development has been carefully designed so as not to have a detrimental impact on the setting of the Old Town Conservation and the nearby Grade II Listed Building as well as the wider street scene. Furthermore, the proposed development would not have a detrimental impact on the amenities of neighbouring properties and the development would not prejudice highway safety.
- 8.2 Additionally, whilst there is a shortfall in parking on-site, an agreement has been reached with the Council's Car Parking Manager to secure permits to allow staff to park within the nearby Council owned car parks. Further to this, the site is deemed to be in a sustainable location with the provision of secured cycling facilities for staff. In addition, the site is accessible to the High Street where there are local facilities for future employees including bus stops and nearby cycleway. The development would have an acceptable drainage strategy and subject to conditions, issues with contamination would be carefully controlled.
- 8.3 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 applicant having first entered into and completed a S106 legal agreement to secure/provide financial contributions towards:-
- A financial contribution towards sustainable transport infrastructure in Stevenage Town Centre and cycle network; and
 - The cost of assessing and evaluating the Travel Plan.

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:

BH17-PL-A201 D1; BH17-PL-A202 C; BH17-PL-A203 A; BH17-PL-A204 A; BH17-PL-A204 A; BH-PL-A206 A; BH17-PL-A207 A; BH17-PL-A208 A; BH17-PL-A209 A; BH17-PL-A220 A; BH17-PL-A221; BH17-PL-A222 A; BH17-PL-A223; BH17-PL-A230 A; BH17-PL-A231; BH17-PL-A232; BH-PL-A233; BH17-PL-A302; BH17-PL-A301; BH17-PL-A401; BH17-PL-A404; Cycle Storage Plan; Short Term and Visitor Parking Plan.

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 development hereby permitted shall be constructed in accordance with the materials and finishes as set out in the application.

REASON:- To ensure the finished appearance of the development enhances the visual amenities of the area, including the setting of the Conservation Area.

- 4 Notwithstanding the details specified in the application submission, no 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 as well as details of landscape management (including long term design objectives, management responsibilities and maintenance responsibilities for all landscape areas). 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.

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

- 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.

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

- 6 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.

REASON:- - To safeguard the amenities of the occupiers of neighbouring properties.

- 7 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.

8 Prior to the commencement of development, a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved statement. The Construction Management Plan/Method Statement shall address the following matters:-

- (i) Details of construction phasing programme (including any pre-construction demolition or enabling works);
- (ii) Hours of operations including times of deliveries and removal of waste;
- (iii) The 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 the 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;
- (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.

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

9 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 and shall be adhered to throughout the construction period. Dust and airborne particles from operations on site shall be minimised by spraying with water or by carrying out of other such works that maybe necessary.

REASON:- In order to protect the amenities of nearby residential properties and to protect the wider environment.

10 The development hereby permitted shall not be occupied until the proposed access has been constructed as identified on drawing number BH17-PL-A201 C1 the existing access has been closed and the existing footway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

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

- 11 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.
REASON:- In order to reduce the level of waste generated during the demolition and construction phases of development and to recycle all waste materials where possible.
- 12 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 approved details submitted with this planning application and shall be permanently retained in that form thereafter.
REASON:- To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings and the development as a whole on site in perpetuity.
- 13 Prior to the first occupation of the development hereby permitted the approved refuse and recycle stores shall be constructed in accordance with the details submitted with this application and shall be permanently retained in the form.
REASON:- To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity.
- 14 Prior to the first occupation of the development hereby permitted the basement car parking area 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.
REASON:- To ensure that adequate 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.
- 15 No development shall take place (excluding demolition and site clearance) until details of Electric Vehicle Charging Points have been submitted to and approved in writing by the Council as the Local Planning Authority. The approved Electric Vehicle Charge Points shall be installed in accordance with the approved details and thereafter permanently retained.
REASON:- In order to provide facilities to charge electric vehicles and to help reduce the impact of vehicle emissions on the local environment.
- 16 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy, prepared by Create Consulting Engineers Ltd, Ref. JJ/CS/P17-1397/02, dated 4 June 2018 and the following mitigation measures detailed within the drainage strategy:
1. Limiting the surface water run off generated by the 1 in 100 year + 40% for climate change critical storm to a maximum rate of 12.0 l/s.
 2. Implementing appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer, including SuDS features as indicated on drawing title Proposed Ground flood plan (Permeable paving area), Project number BH17-PL-A202, date 16/03/18; Proposed Roof plan (Blue roof), project number BH17-PL-A210 date 16/03/18 and Proposed basement plan (Geocellular storage), project number BH17PL-A201, date 16/03/18.
 3. Providing attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

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.

REASON:- To prevent flooding by ensuring the satisfactory disposal 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 take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;

1. Updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event, including the whole site area.

2. Clarification as to where the drain at the entrance of the basement will be connecting and supporting calculations.

3. Updated full detailed surface water drainage plan showing the proposed discharge point to Thames Water sewer, the location of the proposed SuDS features, the pipe runs, size and node numbers.

4. Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs, node numbers along with all corresponding detailed calculations/modelling.

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

6. In case of informal flooding within the site this should be shown on a plan including extent and depth.

7. Exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.

REASON:- To prevent the increased risk of flooding, both on and off site

18 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.

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

19 A watching brief must be kept during initial site preparation works to identify any potentially contaminated materials likely to be present. In the event contamination is found during site clearance and/or construction phase of the development, undertake an appropriate investigation and provide a remediation strategy which is to be submitted to and approved in writing by the Local Planning Authority. This investigation and assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(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.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

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 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.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

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.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

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.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

23 Within 6 months of implementing the permission hereby approved, the applicant shall submit a final Travel Plan with the object of reducing staff travelling to the development by private car which shall be implemented after its approval by the Local Planning Authority.

REASON:- To encourage a modal shift from the private car to more sustainable forms of transport.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVE

Hertfordshire Constabulary Crime Prevention Design Advisor.

The proposed development should achieve Secured by Design (SBD) accreditation in order for it to comply with current Building Regulations. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227 or by email on mark.montgomery@herts.pnn.police.uk.

Hertfordshire County Council as Highways Authority.

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

REASON:

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

Prior to commencement of the development the applicant shall contact Network Management North at NM.North@hertfordshire.gov.uk or call on 0300 1234 047 to obtain the requirements to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery 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. Herts County Council may require an Officer presence during movements of larger loads.

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 – Parking Provision adopted January 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: Tuesday 7 September 2021

Author: Linda Sparrow 01438 242837

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Linda Sparrow 01438 242837

Application No :	20/00491/ENF
Location :	Land to the side and rear of 330-336 Ripon Road, Stevenage, Herts
Proposal :	Shipping container and untidy land to the rear of the properties
Recommendation :	SERVE AN ENFORCEMENT NOTICE



1. BACKGROUND

1.1. The site in question forms two parts, one is garden land to the rear of Nos. 330-336 Ripon Road; and the other is a private car parking area immediately adjacent the western side of No.330 Ripon Road. The land in its entirety was sold to Mr D Davies and Ms S Lavitas of Portner Law Ltd on 26 May 2016. On 24 May 2016, Mr D Davies of Elstree Property

Maintenance submitted a planning application for the conversion of the existing properties into 4no. three bedroom dwellings under planning permission reference number 16/00367/FP.

- 1.2. It was brought to our attention in September 2020 by the local Ward Councillors that a shipping container was stored on the open car park area and the rear gardens were open to public view and were overgrown, untidy and contained plant and machinery.
- 1.3. Letters have been issued to Mr Davies and Ms Lavitas at Portner Law Ltd in September 2020 and June 2021 with no replies received. Upon further investigations, it has been discovered that Mr Davies is also a registered Director of Preeya Properties and Elstree Property Maintenance, both registered to Stevenage addresses. As such, further letters have been issued to Mr Davies at all known businesses and addresses on 24 August 2021.

2. DISCUSSION

- 2.1. The land to the rear of the gardens is sectioned off from the residential curtilage of the four dwellings by 2m high close boarded fence and from the Title Deed plans obtained from the Land Registry, does not form part of the individual deed packets for the four dwellings. It remains under the deed packet for the freehold land overall.
- 2.2. This area of land has 2m high close boarded timber fencing on the northern, eastern and southern boundaries; the western side boundary is bounded with 2m high metal chain fencing.
- 2.3. The land has an untidy appearance with overgrown landscaping and is being used for the storage of what appears to be a car trailer. Owing to the chain fencing, this area of land is highly visible in the public domain and is having a detrimental impact on the visual amenities of the street scene.
- 2.4. The shipping container is stored on the privately owned car parking area, adjacent to the rear garden of No. 330 Ripon Road. The parking area has no boundary treatments and is highly visible in the public domain from a number of vantage points. The container is an incongruous form of development that has an unacceptable impact on the openness of the street scene to the detriment of the character and appearance of the area.
- 2.5. Under planning permission reference number 16/00367/FP, the creation of the four dwellings was granted permission with the requirement for 8 car parking spaces and 2 visitor parking spaces. Approved plan 5837(P)008-A shows that four spaces would be adjacent to the side elevation of No.330 and their rear garden; two spaces would be at the end of the garden; and 3 spaces would be on the grassed area to the south of the existing hardstanding area.
- 2.6. Due to the placement of the shipping container, four spaces cannot be provided and the landowner is therefore in breach of their planning permission. It is noted that the two spaces at the end of the gardens and the three spaces on the grassed area have also not been provided, thereby a further breach of planning permission.
- 2.7. The letters that have been issued to the landowner have not previously dealt with the car parking issue as the main concern was the removal of the shipping container. However, as these further breaches of planning have been discovered through the course of this

investigation, it is considered acceptable to extend the Enforcement Notice to include the car parking provision breach.

- 2.8. If the lack of car parking provision is included on the Enforcement Notice then there is no requirement to fence in the land to the rear of the properties as this land is required for two of the parking spaces.

3. RECOMMENDATION

- 3.1. 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 shipping container and to provide the 11 car parking spaces as shown on plan 5837(P)008-A under 16/00367/FP. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- 3.2. 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.
- 3.3. 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.

4. REMEDY REQUIRED

- 4.1. Within six months of the date of any Enforcement Notice served, the shipping container be removed and the land at the rear of the properties be enclosed with suitable timber fencing.

5. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
3. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide 2009.
4. Central Government advice contained in the National Planning Policy Framework (July 2021) and Planning Policy Guidance March 2014.

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Meeting: Planning and Development
Committee

Agenda Item:

Date:

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

The Assistant Director of Planning and Regulation has issued decisions in respect of the following applications in accordance with his delegated authority:-

1. Application No : 19/00379/COND
Date Received : 24.06.19
Location : 85-103 Queensway Stevenage Herts SG1 1EA
Proposal : Discharge of condition 3 (noise levels) attached to planning permission reference number 18/00390/FP
Date of Decision : 12.08.21
Decision : **Planning Permission is GRANTED**

2. Application No : 19/00380/COND
Date Received : 24.06.19
Location : 85-103 Queensway Stevenage Herts SG1 1EA
Proposal : Discharge of condition 1 (noise levels) attached to planning permission reference number 18/00386/CPA
Date of Decision : 19.08.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

3. Application No : 21/00585/TPTPO
Date Received : 21.05.21
Location : 154 Fairview Road Stevenage Herts SG1 2NE
Proposal : Pruning less than 30% of branches, removal of dead branches on 2 no: Sycamore (T11) and (T12) protected by TPO 79
Date of Decision : 11.08.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
4. Application No : 21/00654/CLED
Date Received : 09.06.21
Location : 20 Fox Road Stevenage Herts SG1 1JD
Proposal : Certificate of lawfulness for an existing first floor window and door entrance canopy
Date of Decision : 05.08.21
Decision : **Certificate of Lawfulness is APPROVED**
5. Application No : 21/00656/TPTPO
Date Received : 09.06.21
Location : Ross Court Stevenage Herts SG2 0HW
Proposal : Reduce crown height by maximum 4m remove major deadwood to 1no: Oak Tree (T34) Protected by TPO19
Date of Decision : 11.08.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
6. Application No : 21/00664/CLPD
Date Received : 11.06.21
Location : 49 St. Albans Drive Stevenage Herts SG1 4RU
Proposal : Certificate of Lawfulness for proposed outbuilding to rear garden
Date of Decision : 23.08.21
Decision : **Certificate of Lawfulness is APPROVED**

7. Application No : 21/00685/FPH
Date Received : 16.06.21
Location : 5 Olde Swann Court Stevenage Herts SG1 3WB
Proposal : Installation of 5 no. roof light to facilitate a loft conversion
Date of Decision : 11.08.21
Decision : **Planning Permission is GRANTED**
8. Application No : 21/00688/COND
Date Received : 17.06.21
Location : Michael Faraday House Six Hills Way Stevenage Herts
Proposal : Discharge of conditions 3 (external surfaces materials), 4 (hard landscaping and green wall) and 10 (construction traffic management plan) attached to planning permission reference number 20/00403/FP
Date of Decision : 12.08.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
9. Application No : 21/00691/FP
Date Received : 18.06.21
Location : Glaxo SmithKline Research And Development Ltd Gunnels Wood Road Stevenage Herts
Proposal : Installation of 14 no. new windows on the north elevation of Building 8
Date of Decision : 13.08.21
Decision : **Planning Permission is GRANTED**
10. Application No : 21/00697/FPH
Date Received : 21.06.21
Location : 2 Wetherby Close Stevenage Herts SG1 5RX
Proposal : Single storey side extension and rear dormer window
Date of Decision : 13.08.21
Decision : **Planning Permission is GRANTED**

11. Application No : 21/00704/RM
Date Received : 22.06.21
Location : MKG Motor Group Limited Chells Way Stevenage Herts
Proposal : Reserved Matters application pursuant to outline planning permission 20/00558/OP for the construction of 9 dwellings including site layout, scale, appearance and landscaping, and associated works including drainage.
Date of Decision : 16.08.21
Decision : **Planning Permission is GRANTED**
12. Application No : 21/00709/FP
Date Received : 23.06.21
Location : 69 Whitney Drive Stevenage Herts SG1 4BH
Proposal : Demolition of existing three bedroom dwelling and erection of 1 no. 5 bedroom dwelling
Date of Decision : 19.08.21
Decision : **Planning Permission is GRANTED**
13. Application No : 21/00711/FPH
Date Received : 24.06.21
Location : 2 Old Bourne Way Stevenage Herts SG1 6AD
Proposal : Single storey rear extension
Date of Decision : 18.08.21
Decision : **Planning Permission is GRANTED**

14. Application No : 21/00713/CLPD
Date Received : 24.06.21
Location : 62 Grenville Way Stevenage Herts SG2 8XZ
Proposal : Certificate of lawfulness for proposed single storey rear extension
Date of Decision : 18.08.21
Decision : **Certificate of Lawfulness is REFUSED**
For the following reason(s); On the basis of the information submitted, the height of the eaves of the proposed single storey rear extension would be 3.5m high. Therefore the development would fail to accord with Schedule 2, Part 1, Class A (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015, and therefore, requires planning permission.
15. Application No : 21/00715/FP
Date Received : 24.06.21
Location : 32 - 42 Silam Road Stevenage Herts SG1 1JJ
Proposal : Removal of existing painted steel balustrade with solid infill panels and replacement with new box-section balustrades with perforated infill panels to two private balconies. Removal of existing painted steel balustrades with glass infill panels to external communal stairs and landing, to be replaced with new box-section balustrades with perforated infill panels. Existing concrete stairs to be upgraded to include anti-slip tread covers with high contrast nosings. Existing concrete hung tile cladding to be removed from north and west elevations and replaced with new silicone render on external wall insulation backing
Date of Decision : 18.08.21
Decision : **Planning Permission is GRANTED**
16. Application No : 21/00716/FP
Date Received : 24.06.21
Location : The Oval Community Centre The Oval Stevenage Herts
Proposal : Erection of timber building in community garden area for use with a nursery
Date of Decision : 18.08.21
Decision : **Planning Permission is GRANTED**

17. Application No : 21/00730/FPH
Date Received : 30.06.21
Location : 26 Southsea Road Stevenage Herts SG1 2PJ
Proposal : Single storey rear extension
Date of Decision : 10.08.21
Decision : **Planning Permission is GRANTED**
18. Application No : 21/00735/FP
Date Received : 01.07.21
Location : Silkin Court Campkin Mead Stevenage Herts
Proposal : New air source heat pumps and associated enclosure
Date of Decision : 26.08.21
Decision : **Planning Permission is GRANTED**
19. Application No : 21/00736/FPH
Date Received : 01.07.21
Location : 37 Weston Road Stevenage Herts SG1 3RN
Proposal : Single Storey Front Extension
Date of Decision : 19.08.21
Decision : **Planning Permission is GRANTED**
20. Application No : 21/00742/CLPD
Date Received : 02.07.21
Location : 48 Eastbourne Avenue Stevenage Herts SG1 2EX
Proposal : Certificate of lawfulness for proposed installation of 1 no. roof light on existing roof.
Date of Decision : 07.08.21
Decision : **Certificate of Lawfulness is APPROVED**

21. Application No : 21/00743/FP
Date Received : 04.07.21
Location : 17 Middle Row Stevenage Herts SG1 3AW
Proposal : Single storey rear extension
Date of Decision : 23.08.21
Decision : **Planning Permission is GRANTED**
22. Application No : 21/00744/LB
Date Received : 04.07.21
Location : 17 Middle Row Stevenage Herts SG1 3AW
Proposal : Single storey rear extension
Date of Decision : 23.08.21
Decision : **Listed Building Consent is GRANTED**
23. Application No : 21/00745/FPH
Date Received : 05.07.21
Location : 25 Furzedown Stevenage Herts SG2 9EL
Proposal : Single storey front extension
Date of Decision : 11.08.21
Decision : **Planning Permission is GRANTED**
24. Application No : 21/00751/FPH
Date Received : 07.07.21
Location : 14 Brighton Way Stevenage Herts SG1 2JQ
Proposal : Part two storey, part single storey rear extension following demolition of existing conservatory
Date of Decision : 19.08.21
Decision : **Planning Permission is GRANTED**

25. Application No : 21/00764/NMA
Date Received : 09.07.21
Location : 15 Kessingland Avenue Stevenage Herts SG1 2JR
Proposal : Non material amendment to remove first floor extension and replace with hip pitched roof attached to planning permission 21/00128/FPH
Date of Decision : 06.08.21
Decision : **Non Material Amendment NOT AGREED**
- For the following reason(s); The proposed amendment to reduce the previously approved side extension from the approved two storeys to single storey would result in a material change to the appearance of the building. As such the Local Planning Authority considers that the proposed amendments cannot be considered as non-material and that the changes proposed would need to be assessed via the submission of a formal application for planning permission.
26. Application No : 21/00767/AD
Date Received : 10.07.21
Location : Longacres House Six Hills Way Stevenage Herts
Proposal : Replacement of 1no.internally illuminated fascia sign and replacement of 2no. internally illuminated side panel signs
Date of Decision : 10.08.21
Decision : **Advertisement Consent is GRANTED**
27. Application No : 21/00773/FPH
Date Received : 13.07.21
Location : 103 Minehead Way Stevenage Herts SG1 2JH
Proposal : Single storey rear extension and partial garage conversion
Date of Decision : 23.08.21
Decision : **Planning Permission is GRANTED**

28. Application No : 21/00775/FP
Date Received : 13.07.21
Location : Lonsdale Court Stevenage Herts SG1 5EL
Proposal : Replacement of existing flat roof finish with insulated bituminous felt including raising upstands to accommodate insulation, replacing and extending boarded fascia, and replacing GRP trim.
Date of Decision : 16.08.21
Decision : **Planning Permission is GRANTED**
29. Application No : 21/00781/PADEMO
Date Received : 13.07.21
Location : Garages No 28-72 At Dunn Close Stevenage Herts SG1 1SB
Proposal : Prior approval for demolition of garage compound
Date of Decision : 09.08.21
Decision : **Prior Approval is NOT REQUIRED**
30. Application No : 21/00789/FP
Date Received : 15.07.21
Location : Aneurin Bevan Court Blyth Close Stevenage Herts
Proposal : Removal of existing painted steel balustrades and replacement with new box-section balustrades with perforated infill panels to private balconies.
Date of Decision : 19.08.21
Decision : **Planning Permission is GRANTED**
31. Application No : 21/00790/FPH
Date Received : 15.07.21
Location : 4 Downlands Stevenage Herts SG2 7BH
Proposal : Proposed single storey front extension
Date of Decision : 19.08.21
Decision : **Planning Permission is GRANTED**

32. Application No : 21/00798/FPH
Date Received : 16.07.21
Location : 37 Bernhardt Crescent Stevenage Herts SG2 0DR
Proposal : Single storey rear extension
Date of Decision : 10.08.21
Decision : **Planning Permission is GRANTED**
33. Application No : 21/00800/NMA
Date Received : 19.07.21
Location : 129 Kimbolton Crescent Stevenage Herts SG2 8RN
Proposal : Non Material Amendment to add bigger windows and doors in both front and rear elevation attached to planning permission 18/00333/FPH
Date of Decision : 13.08.21
Decision : **Non Material Amendment AGREED**
34. Application No : 21/00812/FPH
Date Received : 21.07.21
Location : 14 Letchmore Road Stevenage Herts SG1 3JD
Proposal : Single storey rear extension and first floor side extension
Date of Decision : 19.08.21
Decision : **Planning Permission is GRANTED**
35. Application No : 21/00818/HPA
Date Received : 22.07.21
Location : 28 Turpins Rise Stevenage Herts SG2 8QR
Proposal : Single storey flat roof rear extension which will extend beyond the rear wall of the original house by 4.50 metres, for which the maximum height will be 3.00 metres and the height of the eaves will be 3.00 metres, includes a central glazed lantern
Date of Decision : 23.08.21
Decision : **Prior Approval is NOT REQUIRED**

36. Application No : 21/00821/FPH
Date Received : 23.07.21
Location : 28 Denton Road Stevenage Herts SG1 1SX
Proposal : Single storey front extension
Date of Decision : 23.08.21
Decision : **Planning Permission is GRANTED**
37. Application No : 21/00823/PATELE
Date Received : 23.07.21
Location : Junction Of Elder Way And Monkwood Way Stevenage Herts SG1 1TN
Proposal : Erection of 1no. 18m telecommunication pole with wrap-around base cabinet and 3no. equipment cabinets
Date of Decision : 24.08.21
Decision : **Prior Approval is NOT REQUIRED**
38. Application No : 21/00839/FPH
Date Received : 30.07.21
Location : 28 King George Close Stevenage Herts SG1 3TB
Proposal : Single storey front extension
Date of Decision : 26.08.21
Decision : **Planning Permission is GRANTED**
39. Application No : 21/00841/AD
Date Received : 30.07.21
Location : National Westminster Bank 26 - 28 Queensway Town Centre Stevenage
Proposal : Installation of 1no. internal 55" window digital screen, external facing
Date of Decision : 26.08.21
Decision : **Advertisement Consent is GRANTED**

40. Application No : 21/00849/COND
Date Received : 02.08.21
Location : Land To West Of A1(M) And South Of Stevenage Road Todds Green Stevenage Herts
Proposal : Discharge of condition 3 (Materials) attached to planning permission number 19/00123/FPM
Date of Decision : 19.08.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
41. Application No : 21/00879/CLPD
Date Received : 10.08.21
Location : 16 St. Albans Drive Stevenage Herts SG1 4RU
Proposal : Certificate of lawfulness for proposed single storey side extension
Date of Decision : 24.08.21
Decision : **Certificate of Lawfulness is APPROVED**

BACKGROUND PAPERS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
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 February 2019 and Planning Policy Guidance March 2014.

Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 7 September 2021

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242837

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

1. APPEALS RECEIVED

- 1.1 20/00198/FPH, 55A Whitney Drive. Appeals against refusal of planning permission for a single storey front garage.

2. DECISIONS AWAITED

- 2.1 None.

3. DECISIONS RECEIVED

- 3.1 19/00474/FPM, Land West of Lytton Way. Appeal against refusal of planning permission for the demolition of existing office building (Use Class B1) and structures, and the construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works.

3.1.1 Main Issues

- Character and appearance of the area in terms of the proposal's height, design, appearance and intensity;
- The supply of market and affordable housing;
- The demand for and provision of supporting infrastructure.

3.1.2 Reasons

Character and appearance - Loss of existing building

It was agreed that the loss of existing employment floorspace and land and a change in its character to a residential use is acceptable. The Council made no claim that the existing building has any value as a non-designated heritage asset. It was considered that the building had a striking design which was well detailed and assembled with an impressive atrium entrance which is impressive both spatially and its rich use of materials.

The building, whilst not of first rank architecture, is a fine building of its time. It was considered that its angular use of patent glazing and red brick circulation cores is probably inspired by the engineering aesthetic of James Stirling (demonstrated most famously in his trio of University buildings in Leicester, Cambridge and Oxford), applied in this case to a commercial building.

However, it is accepted the inevitability of its demolition due to the lack of demand for the building in its present use combined with its overall layout with respect to the office space. The inspector considered that the loss of the considerable contribution which the current building makes to the character and appearance of the local area of Stevenage as a whole and a matter of regret and a factor taken into account in the overall planning balance.

Character and appearance - Quality of the replacement buildings

The inspector did not agree with the TVIA's conclusions that the impact would be beneficial or neutral in all other cases. The inspector considered that the site addresses wide streets which are augmented with wide verges, height of itself not be harmful. There are also large expanses of open car parking. In such a context, the inspector sets out that tall buildings would not be out of proportion and so would not be intrinsically harmful. The wide spaces make the site relatively isolated, in which a development presenting its own character, not necessarily closely related to nearby development, could be acceptable.

The mere fact that one can see the development would not make it harmful. The inspector advises that its effect will be largely down to sculptural form and its consequent effect on the skyline of the town.

Analysis of building forms

The inspector in his report sets out a detailed analysis of the layout of buildings as well his review of the appellants evidence. This looked at the scheme had evolved from eight elements of equal width with heights varying in a catenary pattern, through patterns of two types of element with taller, slimmer elements forming firstly bookends, then entrance gateways, to a pairing of the two types of element with greater and lesser spaces between them. The inspector also talks about composition of the development in terms of gateway, pavilion and wayfinding and concludes that the only fact distinguishing the buildings was their height. The gateway and wayfinder types consist of footprint modules turned through 90 degrees so the narrower facades face Lytton Way.

In the final iteration of the proposal, the formerly separated elements are joined in pairs to form buildings which would still be tall but of much more squat proportions. The core which links the elements of blocks 2 and 5 would be slightly recessed, with a slightly lower parapet than the elements on either side and would comprise brickwork of a different colour so that it would visually separate the elements on either side. In contrast, although the two elements of blocks 1, 3, 4, 6 and 7 would be distinguished by differently coloured brickwork, the two elements would simply butt together, articulated solely by their differing depth and so likely to be perceived as a single geometrical form, of greater bulk than the two elements separately.

Symmetry and proportion

The inspector considered that the individual buildings display a degree of symmetry which is only compromised by a difference of one storey in the height of balancing blocks 2 and 5, the asymmetry of block 7 and the slightly asymmetrical adjustment of the building line to follow the alignment of the Lytton Way frontage. The inspector states "its symmetry is likely to be seen with a degree of satisfaction" (paragraph 24).

In form, blocks 1 and 6 are more or less identical but handed, with block 6 having an extended plant room at ground floor level, the effect of this can be discounted in its effects on the skyline as viewed from longer distances. The longer elevations of these blocks when viewed from the roundabouts would not be symmetrical, but have less public presence. On the more prominent long elevations, the inspector considered that whilst they would be acceptably pleasant to look at, both would give a sense of not quite achieving perfection.

Blocks 2 and 5 were considered to balance each other in terms of the developments composition but are not identical. Whilst each block would have its own elevational symmetry which are appreciated up close, in longer views the difference in the height of these blocks would compromise feelings of satisfaction from an enjoyment of symmetry. The use of contrasting materials and recognised as harmonious in terms of the blocks proportions.

In longer distance views, the variation in brickwork colour between the two main elements and their linking element would be less noticeable. The height difference of the linking element would be barely perceptible. Consequently, blocks 2 and 5 would be seen not as four conjoined elements but as two single entities each with a continuous flat roof.

The form of blocks 3 and 4, their longer elevations, facing each other across the access to the site would have symmetry but other elevations would not. The proportions of the lower elements would be the same as those of blocks 1 and 6. The taller elements would be less tall and so, less elegant, with proportions of the narrower elevations facing Lytton Way. Their form was also considered least satisfactory in terms of relationship between the height of the two blocks. They would appear dull, even lumpen.

Each element of the longer elevations of block 7 would have reasonably satisfactory proportions.

The Skyline

The Inspector sets out in his report that although the heights would not, in themselves, be excessive in relation to the width of the highway and its verges, the gaps between the buildings narrow to their rear. Consequently, seen sidelong in passing, the inspector states that the "extent of deeply planned side elevations would be more apparent than the gaps between buildings and so, the gaps would barely relieve the relentless extent of a series of elevations never less than eight stories in height" (Paragraph 42). In contrast to the rest of the town centre, which is surrounded by individual, but widely-spaced tall buildings on its fringe, in these views, the scheme, as set out by the inspector, would draw attention to itself by its combination of height and the intensity of a closely-spaced, but also extensive, agglomeration of tall buildings

Consequently, the inspector stipulated that the scheme would draw attention to itself in this way would do so with a skyline which would be no more than competent or workmanlike in providing visual interest and would be, in parts, disappointing. Because of its height and extent, the scheme would be widely visible. NPPF paragraphs 126 and 128 refer to the creation of high quality, beautiful and sustainable buildings and places as fundamental to what the planning and development process should achieve. The sustainability of this development is not in question. In detail and in parts it would be of high quality. But, in its skyline and in its contribution to the character of Stevenage in its broadest extent, it would not be beautiful or of the highest quality and so, it would not be a worthy successor to the building which it would replace.

The Conservation Area

The inspector sets out here that whilst the development would be visible from the Old Town Conservation Area, he felt that it would have no physical effect on the heritage asset, which thereby be preserved. As such, it was determined that the development that the significance of the conservation area would not be adversely affected by the presence of the proposed development. It felt the development would be able to co-exist side by side with the conservation area as being two separate entities.

Intensity

Here, the inspector considered that due to the high intensity of development, it means that the scheme would have to be serviced by substantial areas of bin stores, undercroft parking and cycle stores. These predominate in the frontages of the buildings at ground floor level. The inspectors set out that it would not be realistic to expect these frontages onto the open areas would be enlivened by pubs, bars, cafes because the schemes internal circulation area is a cul-de-sac. Nevertheless, the inspector does state in his report that the “succession of undercroft car parks, bin stores and cycle stores would make for a somewhat anonymous frontage at street level and would be a physical manifestation of the high density of the scheme” (Paragraph 57).

Separately, the inspector sets out that the developments overall intensity would be more noticeable in the living environment in terms of privacy. This is mainly down to the close proximity of facing windows across the amenity terraces and would form an adverse impression of the intense character of this development as a result.

The inspector did emphasise the sites sustainable location in terms of its location in relation to the railway station, but station and town centre.

Conclusions on character and appearance

Whilst the scheme does not have a direct pedestrian link to the town centre, the inspector concluded that the site is sufficiently close to the railway station and the town centre to justify a higher density scheme. The site is identified as being relatively isolated from its context by the railway, wide roads and extensive open car parking, so a scheme with its own character as seen as justified.

However, the inspector did explicitly set out in his decision that a user of the site would “experience the high density in terms of the dominance of car parking, the utilitarian nature of street frontages largely comprising bin stores, cycle and undercroft car parking and the effect of tall buildings abutting the small amenity terraces but none of these would be unacceptable or contrary to policy” (Paragraph 67).

In addition to the above, due to the layout of the development, a number of flats proposed would experience substandard levels of privacy. The use of the site would, as set out in the report, would experience high quality of detailing, but, this would not be so when viewed from long distances. In addition, the sculptural quality of the scheme is disappointing. In terms of the concept of the taller buildings at the end of the site can be justified, the building are insufficiently striking or seen as memorable landmarks.

The inspector also considered that there would not be sufficient variation in the skyline which gives an impression of an extensive residential quarter of intensity of development which is greater than that experienced in the town centre itself. The inspector therefore concluded, that the scheme would have an adverse effect on the character and appearance of the area in terms of the proposals height, design and appearance.

Supply of housing – Housing delivery test and the benefit of housing

Five-year housing land supply was challenged on the methodology of dealing with previous shortfalls and the deliverability of certain sites within the five years. However, the Inspector concluded that the methodology being used by SBC was correct and that there was no shortage of identified land capable of delivering a five years' supply of housing (Paragraph 82).

Furthermore, the Inspector notes that the appeal site itself is contained within the Council's five-year housing trajectory with an expected delivery of 100 units per year

from 2023. The Inspector concludes that this means that if this appeal is dismissed without expectation of a successful alternative, the Council would not be able to demonstrate a five-year housing land supply.

The appeal site is providing 52 affordable housing units. The Inspector considers the affordable housing to be a **significant benefit**, particularly given the past delivery of affordable housing (since the start of the plan period this has been limited to 282 units, an average of 31 homes per annum) (para 84 of Appeal Decision).

Supporting Infrastructure

The Council did not explicitly state what matters will be met from CIL contribution, but it pursues contributions amounting to £2,071,019 [Paragraph 87 of the report lists the obligations in detail].

In terms of the primary education contribution, a primary education contribution of up to £1,670,732 was sought and defended by HCC through the appeal. The appellant argued that the primary education contribution did not meet the CIL tests given that it was not proportional in comparison to those contributions sought from other developments in the area and that access had not been granted to HCC's pupil yield Model. However, the appellant noted that if the Inspector considered that a primary education contribution met the CIL tests that it should be capped at a maximum of £907,676 (figure based on comparable contributions sought from other developments in the area).

The primary education contribution requested from this development, as advised by the Inspector, was seen as an exemplary application of government advice. He also disagreed with the appellants arguments that their primary education contribution should be reduced such that it was proportionally similar to contributions sought from other sites in the area (which were calculated using an alternative methodology which produced lower contributions) and that there should be a reduction given the CIL charging zone the site is located in.

When assessing the legitimacy of the primary education contribution the Inspector firstly considered whether it met the statutory CIL tests, namely:

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development; and*
- *Fairly and reasonably related to it in scale and kind.*

The Inspector notes that National Planning Practice Guidance (NPPG) is clear that authorities can choose to pool funding from different routes to fund the same infrastructure provided that authorities set out in their Infrastructure Funding Statements (IFS) which infrastructure they expect to fund through the Levy (para 91 of Appeal Decision). This is the case for the primary education project (new 2 form of entry primary school in Stevenage Town Centre), for which the intention is that it would be primarily funded through S106 obligations with CIL proposed to be used to "top-up" any funding shortfall. Furthermore, the new primary school is included in SBCs Infrastructure Funding Statement. The primary education contribution therefore meets the Inspectors rationale.

In addition, the Inspector notes local authorities can use planning obligations to supplement CIL payments only if CIL is not meeting the cost of the project in full (para 92 of Appeal Decision). Again, this is not the case for the primary education project as CIL is not proposed to be used for 100% of the project, so based on this statement S106 obligations can also be sought.

However, the Inspector then progresses to offer his definition on what a local authorities IFS should include. He notes that the IFS should identify infrastructure needs, the total cost of this infrastructure, anticipated funding from developer

contributions, and the choices the authority has made about how these contributions will be used (para 90 of Appeal Decision).

The Inspector notes that SBCs IFS (published in December 2020) includes the following information; “Reiterating that the Council does not expect to spend any CIL receipts this year and that it is not yet in a position to publish a detailed infrastructure list, for the sake of meeting Regulation 121A paragraph 1(a), the Council expects to spend collected CIL receipts, other than those to which regulation 59e and 59f applies, to wholly or partly fund:

- Schemes within the SBC Infrastructure Delivery Plan as a priority, and
- Where possible, schemes within Council policy documents,” [These are then listed] (para 93 of Appeal Decision). Therefore, importantly, the SBC IFS does not set out specifically how the CIL monies will be spent and exactly how much will be allocated for each project. This is not an unusual position for a CIL authority given the length of time it takes to collect CIL and that funding priorities may change.

The Inspector notes that currently no monies have been committed from SBC’s CIL receipts to fund the town centre primary school (para 96 of Appeal Decision). In addition, the inspector argues, that there is inconsistency between the way the Primary Education contribution has been calculate and the way the NHS contribution has been calculated. Consequently, the inspector, therefore, argued that for consistency, and to ensure the contribution would be fairly and reasonably related to the development in scale and kind, the contribution was reduced to 20% of the figure sought, that is £334,146.

Sustainable transport contribution

The inspector set out in the report that the planning obligations for sustainable transport i.e. to improve cycle routes connecting the development to the town centre, were not necessary due to the sites sustainable location. As such, he did not consider the obligation was necessary to the make the development acceptable, nor would it be related to the development either directly or reasonably in scale and kind. However, the inspector did take account of the planning obligations to travel planning monitoring and car club and concluded these obligations were acceptable.

Planning balance

The Inspector concluded in his decision that the benefits of the development would be considerable and tangible in that it would bring a vacant brownfield site back in use, with the economic benefits of job creation during construction and household expenditure during subsequent occupation. The inspector also considered that the scheme would contribute approximately 15% of the Council’s housing requirements for each of the five years. In addition, the affordable housing provided would be the equivalent of that provided in an average year and a half on previous performance.

The inspector considered that the adverse impacts of the development would be less tangible but also considerable. Nearly a quarter of flats would have substandard living accommodation in terms of privacy. In addition some of the buildings were deemed to be less well-proportionated and although some of the buildings would have high quality detailing, some would be less well-proportionated and the sculptural quality of the scheme was seen as disappointing overall. The larger blocks located at the ends of the site would be seen as imperfectly proportionated and would be not seen as striking to be adequate as memorable landmarks. The variation in building height was seen as insufficient to avoid the effect of a wall of development at least 8 stories high along Lytton Way. In addition, in longer views, the scheme fails to respect the traditional character of Stevenage and not as appropriate in its town centre fringe frontage.

Other than the effect on living conditions of potential future occupants, these adverse impacts would be disappointing rather than actual harm. They would not

significantly and demonstrably outweigh the benefits. Therefore, in accordance with the advice set out in the NPPF.

3.1.3 Conclusion

The appeal is allowed (decision attached).

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Appeal Decision

Inquiry Held on 20-23 and 27 July 2021

Site visit made on 27 July 2021

by P W Clark MA(Oxon) MA(TRP) MRTPI MCM1

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/K1935/W/20/3255692

Land to the west of Lytton Way, Stevenage SG1 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hill Residential Ltd against the decision of Stevenage Borough Council.
 - The application Ref 19/00474/FPM, dated 1 August 2019, was refused by notice dated 6 March 2020.
 - The development proposed is demolition of existing office building (B1 use) and structures, and the construction of seven apartment buildings comprising 576 dwellings (C3 use), together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing office building (E use) and structures, and the construction of seven apartment buildings comprising 576 dwellings (C3 use), together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works on Land to the west of Lytton Way, Stevenage SG1 1AG in accordance with the terms of the application, Ref 19/00474/FPM, dated 1 August 2019, subject to the eighteen conditions appended to this decision.

Procedural matters

2. Subsequent to the making of the application, use class B1 has been abolished. I have taken the reference in the description of development to the use class of the existing building to refer to use class E.
3. Subsequent to the submission of the appeal, the Council has revised its requirements for cycle parking. The appellant has produced revised drawings which show how the proposal could be amended to meet the Council's new standards. The appellant has not asked for the appeal to be determined on the basis of an amended scheme, which has not been advertised, but has suggested that, if the appeal is allowed, a condition require the submission of an amendment to show compliance with the revised cycle parking standards.
4. The main parties reached agreement on a number of matters in Statements of Common Ground. But, these are not binding on third parties who raised other issues and who pursued issues on matters agreed between the main parties. Moreover, when an appeal is made, the proposal is considered afresh in its

entirety and so this decision is not bound but is informed by the agreements reached.

Main Issues

5. There are three. They are the effects of the proposal on:
 - The character and appearance of the area in terms of the proposal's height, design, appearance and intensity
 - The supply of market and affordable housing
 - The demand for and provision of supporting infrastructure

Reasons

Character and appearance

Loss of existing building

6. The two main parties are agreed that the loss of existing employment floorspace and land would be acceptable and compliant with policy EC7 of the Stevenage Borough Local Plan 2011-2031 adopted on 22 May 2019 (the Local Plan). This provides that planning permission for the loss of employment land on sites not allocated for any specific purpose will be granted where (amongst other matters) there is sufficient suitable and employment land available elsewhere, or it can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant, over a considerable period of time. All these criteria are met in this case and so, I agree with the main parties that the loss of existing employment floorspace and land and a change in its character to a residential use is acceptable.
7. The Council makes no claim that the existing building has any value as a non-designated heritage asset. Many third parties disagree. I concur with Richard Coleman, the appellant's own adviser, who refers (in paragraph 2.3.2 of his Statement on Design, Townscape and Heritage) to its striking design. He points out (in his paragraph 2.5.1) that it is very well detailed and assembled and the atrium entrance is particularly impressive both spatially and in its rich use of materials.
8. Although not of the first rank of architecture, it is nevertheless a fine building of its time (1989). I agree with Richard Coleman that its angular use of patent glazing and red brick circulation cores is probably inspired by the engineering aesthetic of James Stirling (demonstrated most famously in his trio of University buildings in Leicester, Cambridge and Oxford), applied in this case to a commercial building. The way that the accommodation is supported by a concrete A frame is reminiscent of Stirling's Florey Building in Oxford. In architectural terms, the existing building on site is probably one of the more distinguished buildings in Stevenage.
9. The undisputed evidence is that there is no demand for the building in its present use. Its layout produces long, thin areas of office space difficult to arrange efficiently. Its very quality puts off potential occupants. I therefore accept the inevitability of its demolition but the loss of the considerable contribution which the current building makes to the character and appearance of the local area and of Stevenage as a whole is a matter of regret and a factor to be taken into account in the overall planning balance.

Quality of replacement buildings

10. The appellant claims that the quality of its replacement would be high. At close quarters, I have no doubt that the attention to detail shown in the submitted plans of the building and of the landscape strategy would be appreciated. These include, on the buildings, an extensive use of symmetry, a quality which is often much appreciated, as figure 46 of the National Model Design Code Guidance Notes acknowledges. The use of brickwork provides human scale and interesting texture. There is subtlety in the way balconies are placed on alternate floors and in the use of alternate dispositions of clear and patterned glass. But these detailed features would be less identifiable and therefore, less influential, from further away.
11. In longer distance views, I am unconvinced by the repeated assertions in the appellant's Townscape and Visual Impact Appraisal (TVIA) that where the development makes a significant appearance, its quality would be high. Both parties agree, and I concur, that the appellant's TVIA has done a thorough job in identifying representative viewpoints (RV) from which the scheme's impact on the character and appearance of the town can be judged.
12. Those with the greatest impact appear to be the following;
 - RV1, view along Lytton Way from the north
 - RVs 5 and 6, views south along Letchmore Road
 - RVs 7, 8 and 9, views across King George V playing field, Millenium Gardens and Gates Way
 - RVs 10, 11 and 16, views west along Fairlands Way approaching the site
 - RV12, view from Town Centre Gardens
 - RV15, view from station bridge over Lytton Way
 - RV18, view east along Fairlands Way from Argyle Way
 - RV19, view east along Chequers Bridge Road.
13. But, like the Council's expert Mr Buckle, I do not share the TVIA's conclusions that the impact would be beneficial or neutral in all of these cases. In the following paragraphs, I explain why I have come to that opinion.
14. Firstly, let me state that because the site addresses wide streets augmented with wide verges, height of itself would not be harmful. Lytton Way and Fairlands Way are big spaces. South thereof are large expanses of open car parking. In such a context, tall buildings would not be out of proportion and so would not be intrinsically harmful. Moreover, the big wide spaces make the site relatively isolated, in which a development presenting its own character, not necessarily closely related to nearby development, could be acceptable.
15. Secondly, the mere fact that one can see the development would not make it harmful. Its effect, whether harmful or otherwise, is largely down to the sculptural form of the development overall and its consequent effect on the skyline of the town. Both parties agree that this is largely a matter of judgement, leaving it to me to form my own opinion based on the drawings of the scheme, the representative viewpoints of the TVIA and the evidence of my

own eyes when visiting the site and locality without offering much objective analysis on which to form that opinion. I therefore make no excuse for the exercise of judgement which follows.

Analysis of building forms

16. From an examination of the plans, one can see that the layout of each building derives from two floorplan modules, one approximately 16m x 20m, the other approximately 16m x 17.5m. A pair of the first modules, one turned through ninety degrees, combine to form blocks 1, 3, 4, 6 and 7. A pair of the second modules, linked with a service core, form blocks 2 and 5.
17. In his evidence to the Inquiry, Mr Kelly the scheme's architect explained how the chosen form of the Lytton Way frontage evolved from eight elements of equal width with heights varying in a catenary pattern, through patterns of two types of element with taller, slimmer elements forming firstly bookends, then entrance gateways, to a pairing of the two types of element with greater and lesser spaces between them. Finally, with the involvement of the landscape architect, paired elements (or, as I have called them, modules) were joined together to enlarge the spaces between the blocks and the block numbers reduced from eight to six (formed of twelve modules, each pair economically sharing a service core).
18. Section 4.9 of Mr Kelly's proof classifies the twelve elements of the composition into three types; gateway, pavilion and wayfinder but in fact all that distinguishes them is their differing height. The gateway and wayfinder types consist of examples of the same 16m x 20m footprint module turned through ninety degrees so that their narrower facades face Lytton Way. They would have more storeys than the pavilion type. The latter consists of modules of both dimensions but with their longer facades facing Lytton Way.
19. In the earlier iterations of the scheme design, each element of the composition had vertical proportions of varying degrees of elegance. In the final iteration which forms the submitted scheme, the formerly separate elements are joined in pairs to form buildings which would still be tall but of much more squat proportions.
20. The core which links the elements of blocks 2 and 5 would be slightly recessed, with a slightly lower parapet than the elements on either side and would comprise brickwork of a different colour so that it would visually separate the elements on either side. In contrast, although the two elements of blocks 1, 3, 4, 6 and 7 would be distinguished by differently coloured brickwork, the two elements would simply butt together, articulated solely by their differing depth and so likely to be perceived as a single geometrical form, of greater bulk than the two elements separately.

Symmetry and proportion

21. The Guidance Notes of the National Model Design Code point out that symmetry, or a conscious asymmetry, is a factor in ensuring that buildings are attractive, both from a distance and close-up. They also advise that the form and silhouette of tall buildings need to be carefully considered. The long and short elevations need to be well proportioned in terms of their slenderness.
22. In response to my question, Mr Kelly confirmed that the composition of the scheme was arrived at pragmatically. Its aesthetic effect was not tested by the

- application of any system of proportions. It is instructive to look at the proportions which have resulted. The following commentary derives from an examination and analysis of drawings printed from those submitted electronically and so may be subject to distortions on printing. All the figures must therefore be regarded as approximate rather than precise.
23. There are many theories and systems of proportion but, it is generally accepted that the so-called "golden ratio" of 1:1.61803 is usually associated with a perception of beauty. Other proportions often found to give satisfaction are squares (1:1), double or triple squares (1:2 or 1:3) or a ratio of 2:3 (1:1.5, not far off the golden ratio).
 24. In this scheme, individual buildings display a degree of symmetry, as already noted. The scheme as a whole is more or less symmetrical, compromised only by a difference of one storey in the height of balancing blocks 2 and 5, the asymmetry of block 7 and the slightly asymmetrical adjustment of the building line to follow the alignment of the Lytton Way frontage. Overall, its symmetry is likely to be seen with a degree of satisfaction.
 25. In form, blocks 1 and 6 are more or less identical but handed. Block 6 would have an extended plant room at ground floor level but the effects of this can be discounted in its effects on the skyline and on the townscape in longer distance views.
 26. The longer elevations of blocks 1 and 6, facing respectively on to the Lytton Way/Trinity Road roundabout or the Lytton Way/Fairlands Way roundabout and into the interior of the site, would not be symmetrical. The narrower end elevations would be symmetrical but these would have less public presence. Consequently, appreciation of symmetry would not figure greatly in their local effects on the townscape
 27. The drawings show that the taller of the end elevations of block 1 and 6 would have a proportion between width and height of 1:2.34, neither a double square, nor a triple square and so, not a very meaningful proportion. The lower of their two end elevations would have approximately a 1:2 proportion and so would give some satisfaction.
 28. On the more prominent long elevations, the drawings suggest that the taller element would have a proportion between width and height of 1:2.95. This would fall a little short of a 1:3 proportion but would probably be seen as elegant. The lower element is shown to have a width to height ratio of 1:1.69, not quite the golden ratio but, a reasonably comfortable ratio. Although acceptably pleasant to look at, both would give a sense of not quite achieving perfection.
 29. However, these two elements are not seen separately but are joined together to form a single building. Measured off the drawings, the ratio between the heights of the two elements would be 1:1.425. This would not be a notably beautiful or satisfying ratio. It would not be a relationship which would excite admiration and so the effects of these two blocks on the townscape would be disappointing. Yet these two blocks would be located at key intersections in Stevenage's road network where they would be expected to form memorable landmarks and impress themselves on travellers' minds as part of the image of Stevenage.

30. Blocks 2 and 5 would balance each other in the development's composition but they are not identical. Although each block would have its own elevational symmetry which could be appreciated at close quarters, block 2 would be eight storeys high; block 5, nine. In longer distance views of the development, this difference would compromise feelings of satisfaction derived from an enjoyment of symmetry.
31. Both blocks 2 and 5 would be composed of two elements in a darker brown brick linked by a slightly recessed element in lighter brick and with a fractionally lowered parapet and cornice line. At closer quarters the elements could be separately appreciated. In block 2, the drawings indicate that each element would have width to height ratios of 1:1.5, which is often recognised as a harmonious, though stolid, proportion. Block 5 would have a more satisfying width to height ratio of 1:1.67.
32. Because of the juxtaposition of blocks 2 and 5 with other blocks, their end elevations would be less clearly on display. The drawings show that they would have end elevations of the same proportions as those elements fronting Lytton Way but that is not consistent with the plan drawings which show slightly different dimensions. The difference is minor, may be due to distortion on printing and would be of little consequence.
33. In longer distance views, the variation in brickwork colour between the two main elements and their linking element would be less noticeable. The height difference of the linking element would be barely perceptible. Consequently, blocks 2 and 5 would be seen not as four conjoined elements but as two single entities each with a continuous flat roof. Their length would be greater than their height in the proportions of about 1:1.38 for block 5 and 1:1.53 for block 2, the latter reasonably close to a harmonious but stolid 1:1.5, the former's greater height emphasising its greater stolidity of form.
34. In many ways, blocks 3 and 4, handed on either side of the site entrance, engender comments similar to those for blocks 1 and 6. They would be composed of a juxtaposition of two elements. Their longer elevations, facing each other across the access to the site would have symmetry but other elevations would not. The proportions of the lower elements would be the same as those of blocks 1 and 6. The taller elements would be less tall and so, less elegant, with proportions of the narrower elevations facing Lytton Way at 1:2.46 falling mid way between a double and a triple square. The proportions of the facades facing each other across the access would be about 1:1.9, falling just short of a double square.
35. The form of blocks 3 and 4 would be least satisfactory in terms of the relationship between the heights of the two, higher and lower, elements in each block. At approximately 1:1.17, this would appear dull, even lumpen.
36. That ratio would also be the ratio between the height and width of the lower end elevation of block 7. The higher end elevation, facing Chequers Bridge Road, would also have a dull proportion of 1:1.37. Both these elevations would offer elevational symmetry but only that of Chequers Bridge Road would have much public presence.
37. Each element of the longer elevations of block 7 would have reasonably satisfactory proportions. That of the taller element would be 1:1.72, not far off the golden ratio. That of the lower element would be almost square at 1:1.04.

The ratio between the heights of the two elements would be 1:1.47; stolid but harmonious.

The skyline

38. So far, I have commented on the form, composition and proportions of each block in turn. But, it is when seen as a group that the development would have the most telling effect on the character and appearance of the area.
39. Earlier paragraphs comment on the disappointing or dull relationships between the heights of the elements which comprise blocks 1, 3, 4, 6 and 7. Here, I turn to the relationship between the heights of adjoining blocks which, in the appellant's TVIA, is repeatedly claimed to provide variety and interest on the skyline.
40. Block 5, nine storeys high, would be positioned between the eleven storey elements of blocks 4 and 6. The relationship between their heights would be in the ratio of approximately 1:1.2; in other words, a difference of about 20%. Block 2, eight storeys high would be positioned between the eleven storey elements of blocks 1 and 3. The relationship between their heights would be in the ratio of approximately 1:1.33; in other words, a difference of about 30%, more noticeable but still not dramatic. The absence of drama in the development's skyline would be emphasised by the choice of flat roofs, the least interesting choice of roofline possible, for each of the blocks.
41. In sidelong views, such as those in TVIA view RV1, along Lytton Way approaching the town centre from the north, or from the south (RV15) this relative undifferentiation is likely to matter least as perspective would cause foreshortening. The end views of blocks 1 and 6 would be likely to establish the effects of the scheme. These, as I have said above, would be no worse than disappointing.
42. However, I do agree with Mr Buckle that the effect of the scheme as one would pass in front of it, along Lytton Way, would be somewhat formidable for the following reasons. Although the heights would not, in themselves, be excessive in relation to the width of the highway and its verges, the gaps between the buildings narrow to their rear. Consequently, seen sidelong in passing, the extent of deeply planned side elevations would be more apparent than the gaps between buildings and so, the gaps would barely relieve the relentless extent of a series of elevations never less than eight stories in height.
43. As the point of view swings around to the east, so the full effect of the extent of development and the insufficiently differentiated heights of the assembly of buildings would become more apparent. In the views along Letchmore Road (RVs 5 and 6), this begins to become noticeable. The missed townscape opportunity of a focal point to terminate the views along Letchmore Road is obvious but the relatively undifferentiated mass of buildings is also noticeable in both RVs.
44. It is the RVs from the east, across Gates Way, Millenium Gardens, King George V Playing field and along Fairlands Way (RVs 7, 8, 9, 10, 11 and 16) which convince me that the townscape impact of this scheme would be harmful to the character of Stevenage. In contrast to the rest of the town centre, which is surrounded by individual, but widely-spaced tall buildings on its fringe, in these views, the scheme would draw attention to itself by its combination of height

and the intensity of a closely-spaced, but also extensive, agglomeration of tall buildings. Attention-drawing, of itself, particularly to transport junctions on the road network, would not necessarily be harmful, but it makes little sense, in urban design terms, for the whole of a residential quarter on the fringe of the town centre to be more noticeable in townscape views than the town centre itself.

45. Even less acceptable is that a scheme which would draw attention to itself in this way would do so with a skyline which would be no more than competent or workmanlike in providing visual interest and would be, in parts, disappointing. Because of its height and extent, the scheme would be widely visible. NPPF paragraphs 126 and 128 refer to the creation of high quality, beautiful and sustainable buildings and places as fundamental to what the planning and development process should achieve. The sustainability of this development is not in question. In detail and in parts it would be of high quality. But, in its skyline and in its contribution to the character of Stevenage in its broadest extent, it would not be beautiful or of the highest quality and so, it would not be a worthy successor to the building which it would replace.

The Conservation Area

46. The development would be visible from the southern end of the Old Town Conservation Area, as is apparent from RVs 8 and 9. There is a statutory test relating to the preservation or enhancement of the character or appearance of conservation areas. Both main parties agree that the test is met in this case.
47. The Council's Old Town High Street Conservation Area Management Plan Supplementary Planning Document analyses the character and appearance of the conservation area. It recognises five distinct character zones, of which the southern end, from which RVs 8 and 9 were taken, is one. From my site visit and from this document, it would appear that the special interest of the conservation area is that it represents a market town and a coaching post on the former Great North Road. The southern edge of the conservation area contains significant hedges, trees, buildings of local importance and two significant views, to the south along the former Great North Road, and to the south-east across the cricket ground.
48. The view towards the site would be in the opposite direction from these two significant views and so would not adversely affect them. Although the development would be visible, it would have no physical effect on the heritage asset, which would thereby be preserved. I therefore concur that the significance of the conservation area would not be adversely affected by the presence nearby of this new residential quarter. It would be sufficiently separate for it and the conservation area to co-exist side by side as two separate entities, each with their own character. In townscape terms the presence of an intense development on the far side of Lytton Way would make sense of, and give purpose to, the wide pedestrian approach to the underpass visible in RV9.

Intensity

49. Hitherto, my consideration of the effects of the proposal on the character and appearance of the area has focused on aspects of appearance and townscape. I now turn to the effects on character which would result from the high density of development proposed.

50. Density, of itself, is no more than a mathematical calculation, the outcome of which is as much a matter of the area of land included within the calculation as of the characteristics of the development proposed. (In the present case, the figure is lowered somewhat by the inclusion within the site area of extensive areas of highway verge; land owned by the developer but dedicated to the highway and so not within the developable area of the site).
51. The acceptability of a site's density in terms of character turns not so much on the outcome of the mathematical calculation of density but more in terms of the qualities of development such as in terms of open areas and how they are used, privacy and overshadowing etc. Nor does it turn on whether quantifiable standards in relation to those qualities are met (the council does not present an argument that there is conflict with adopted policies in relation to the living conditions of potential occupants or existing neighbours) but more on how these qualities are perceived by those experiencing the development.
52. The existing building on site is placed close to the railway line on its western boundary. Most of the open areas of parking and landscaping are to the east and north of the building. The proposal would tend to reverse this disposition, with six of the seven blocks placed close to the eastern edge of the flat developable area at the top of the embankments which slope down to the pedestrian and cycle way which runs alongside Lytton Way. The open, undeveloped part of the site would mostly lie to the west of the line of six buildings fronting Lytton Way. There would be four small fingers of open space ("amenity terraces") between the Lytton Way frontage blocks.
53. Paragraph 5.110 of the appellant's original Statement of Case (July 2020) accepted that the open space provision would be less than sought in the Council's Design Guide. But this statement was in error because it took account only of the flats' balconies and the 900 sq m sunken garden¹, not the amenity terraces or other ancillary open space which would be provided. The matter was corrected in paragraph 3.3.12 of Mr Allen's evidence. The sunken open space, the four amenity terraces, two other areas of usable open space and the 556 balconies would provide 5,564 sq m of usable amenity space between them. That represents 96.6% of the 5,760 sq m sought by the application of the Stevenage Design Guide.
54. In addition, the development is surrounded by 5,902 sq m of sloping embankments which, although much is technically dedicated highway verge, would serve as part of the site's amenity space. Quantitatively therefore, the scheme would be provided with an adequate amount of open space, complying with local plan policy and not providing evidence for an unacceptably high intensity of development. I now turn to consider its quality.
55. Most of the open area would be laid out as circulation space for pedestrians and vehicles and as parking for cars. The efficiency of the car parking layout would be exemplary and so it would not take up more of the open space than would be absolutely necessary. It would also be exquisitely detailed and landscaped. But there is no avoiding the impression that the open space would be dominated by car parking.
56. Where buildings face each other across the car parking at what the appellant terms the arrival square, the separating distance is about 22m between

¹ Corrected to 1,000 sq m in Mr Allen's oral evidence

buildings about 35m high, a comfortable proportional relationship of about 1:1.6, not far off the golden ratio. I concur with Mr Buckle's verdict in paragraph 2.3.7 of his proof; Arrival Square would have "some form of definition and the potential for identity through the buildings that define it, the proportions of the space and the landscape treatment." The four amenity terraces would each be little bigger than a large suburban garden bounded on two sides by walls 8, 9 or 11 storeys high so would feel somewhat overwhelmed but they would be open to wider vistas on their other two sides. Elsewhere on site, the linearity of the layout means that the open areas would appear reasonably extensive and so the high density of the development would not result in an oppressive feel in terms of its external environment.

57. The high intensity of development means that the scheme would have to be serviced by substantial areas of bin stores, undercroft parking and cycle stores. These predominate in the frontages at ground level. It would not be realistic to expect that frontages onto the open area would be enlivened by pubs, bars, cafes or the like because the scheme's internal circulation area is a cul-de-sac. It would not be on a through route to anywhere and despite the intensity of development, there is unlikely to be a high pedestrian footfall. Nevertheless, the succession of undercroft car parks, bin stores and cycle stores would make for a somewhat anonymous frontage at street level and would be a physical manifestation of the high density of the scheme.
58. The intensity of the development would be most noticeable in the living conditions of potential future inhabitants in terms of their privacy. This consideration does not appear in the appellant's Design and Access Statement and is somewhat lightly dismissed in paragraph 7.5.4 of the Council's committee report which asserts that the majority of the development has a side-to-side relationship but that blocks 3 and 4 would have a rear to front relationship. However, that terminology (side to side, front to rear) only makes sense in the context of rows of houses, not in the context of blocks of flats where all four sides can provide a dwelling's principal aspect. The Council's committee report recognises that "this could be an issue" but abrogates responsibility to future occupiers of the development who "would, therefore, be aware of this prior to deciding to occupy the dwellings." The consideration does not appear in the Council's reasons for refusal. Such a "caveat emptor"² approach does not sit well with the advice given in NPPF paragraph 130(f) that planning decisions should ensure that developments create places with a high standard of amenity for future users.
59. Local Plan policy GD1(f) requires development to comply with the separation distances for dwellings set out in the Local Plan. Paragraph 7.5.1 of the Council's Committee report records that the Council's Design Guide seeks distances of 30m between back to back elevations (ie with facing windows) or 20m between back to side elevations (ie a window facing a blank wall). Specific standards relating to separation distances for new and existing dwellings contained in Appendix C of the Local Plan repeat these requirements.
60. Mr Coleman, for the appellant, in paragraph 3.4.51 of his Supplementary Statement on Design, Townscape and Heritage dated August 2020 does not assert that the development complies with these standards. But he does assert that the separation distances provided between the blocks are appropriate. Mr

² A Latin phrase meaning "let the buyer beware"

Buckle, for the Council, points out that the distance between directly facing habitable rooms in blocks 2 and 3 is in the order of 12 metres. Mr Coleman confirms that it would be 13.5m. Other blocks have an angled relationship so the distances between directly facing windows varies somewhat but would usually be between approximately 11 and 13 metres.

61. Inspection of the submitted drawings shows that approximately 20 flats in block 1, 28 flats in block 2, 20 flats in block 3, 20 flats in block 4, 32 flats in block 5 and 20 flats in block 6 would contravene local plan policy GD1(f). In most cases, the flats would also have unaffected windows on other elevations but, 10 flats in block 3, 10 flats in block 4 and 32 flats in block 5 would all have rooms where the only windows provided would be subject to this degree of lack of privacy.
62. Although this precise consequence of the high density of this particular scheme might not necessarily be apparent to the average passer-by, it is probable that they would be struck, in general terms, by the close proximity of facing windows across the amenity terraces and would form an adverse impression of the intense character of this development as a result. It would certainly be apparent to the residents of the 140 flats concerned (24% of the development).
63. The developer seeks to justify the high density of the development proposed by reference to the site's close proximity to the town centre and railway stations and by its allegedly good access to public transport. Although a justified claim, care should be taken not to exaggerate the attributes of the site.
64. Because the Fairlands Way/Lytton Way roundabout does not have a pedestrian underpass beneath its south-east quadrant, access to the town centre on foot or by bicycle is indirect, either via the underpass to Gates Way, then south along Ditchmore Lane to the Tesco car park (as illustrated in figure 5 of the appellant's Transport Note HCC003), or, south along the footpath/cycleway to the station and then by the footbridge over Lytton Way. Similarly, close examination of the bus timetables included with the appellant's evidence shows that most of the routes identified extend to the Argyle Way and Gunnels Wood bus stops only in peak hours, about every half hour. Conversely, routes 8 and 9 serving Chequers Bridge Road do so only in off-peak hours, hourly. At other times, its route omits this stop. Moreover, with the exception of the (northbound only) stop in Chequers Bridge Road, use of the bus stops identified would involve a walk of 400m or more, sometimes contrary to the desired direction of travel. In most cases it would be more advantageous to walk to the town centre bus station to access bus services.
65. The frequency shown in table 4-2 of the appellant's transport statement is, as is noted, the frequency of buses at the bus station, approximately ten minutes' walk from the site, not at the stops serving the site itself. These observations do not undermine the appellant's basic premise, namely that the site is well located in relation to the railway station, bus station and town centre but it is not as well favoured as might appear at first sight.

Conclusions on character and appearance

66. Even without a direct pedestrian link to the town centre, this site is sufficiently close to the railway station and the town centre to justify a higher density scheme. The site is relatively isolated from its context by the railway, wide

- roads and extensive open car parking, so a scheme which generates its own character would be justified.
67. A user of the site would experience the high density in terms of the dominance of car parking, the utilitarian nature of street frontages largely comprising bin stores, cycle and undercroft car parking and the effect of tall buildings abutting the small amenity terraces but none of these would be unacceptable or contrary to policy. Indeed, there would be a surprisingly open feel to the interior of the development because of the acceptable quantity of open space and the way it would be laid out.
68. An unwelcome downside to that layout would be the fact that 24% of the flats proposed would experience substandard levels of privacy, clearly contrary to policy GD1(f).
69. A user of the site would also experience the high quality of its detailing. But, that high quality would not be apparent from a distance. The proportions of the buildings themselves have not been systematically considered, as the architect acknowledged in response to my question. Some would be satisfactory, others less so.
70. In responding to my request to describe the aesthetic of the scheme, Mr Coleman included the observations that the buildings do not shout out as great pieces of architecture. They are simple rectilinear buildings arranged in an organic way. In my view, the sculptural quality of the scheme overall would be disappointing. It would not be a worthy successor to the present building on site.
71. Although the concept of marking road junctions with taller buildings would be justified, blocks 1 and 6 would be imperfectly proportioned and would be insufficiently striking to be adequate as memorable landmarks. Although there would be variation in the height of the rest of the scheme, there would be insufficient variation to avoid the effect of a wall of development at least eight stories high extending more or less continuously the length of Lytton Way between the two roundabouts.
72. Nor would there be sufficient variation in the skyline to hide the fact that, in distant views from a wide area of the town to the east and south, there would be the appearance of an extensive residential quarter of an intensity of development apparently greater than that of the town centre itself. Stevenage is the first of the new towns built after the end of the second world war. Their masterplans dictated low density development with large amounts of open space.
73. That model is perhaps now seen as unsustainable. In any event, Stevenage is now changing, as the evidence relating to the redevelopment of the SG1, Matalan and BHS sites within the town centre shows. But this appeal site is not within the town centre; it is on its fringe. The form and silhouette of the proposal would not only be inimical to the traditional character of Stevenage but would be seen to be inimical to a degree not appropriate in its fringe location.
74. I therefore conclude that the scheme would have an adverse effect on the character and appearance of the area in terms of the proposal's height, design, appearance and intensity. It would be consistent with those parts of Local Plan

policies SP7, SP8 and GD1 which, amongst other matters, seek to; provide at least 7,600 new homes within Stevenage between 2011 and 2031, including land on unallocated sites, 60% of which should be on previously developed land; preserve the most important areas of Stevenage; implement the government's optional Technical Standards; create a safe environment that designs out crime and; create areas of public open space. It would however be contrary to those elements of policy SP8 which require substantial improvements to the image and quality of the town's built fabric and preservation of the most important characteristics of Stevenage and to those elements of policy GD1 which, amongst other matters, require development; to make a positive contribution to its location and surrounds; not to lead to an adverse impact on the amenity of future occupiers and; to comply with the separation distances for dwellings set out in the plan.

Supply of housing

Housing Delivery Test

75. Paragraph 6.01.22 of the Statement of Common Ground records that, in the Housing Delivery Test (HDT) 2020 published in January 2021, for the three-year period between 2017/18 and 2019/20, Stevenage delivered 702 homes against a requirement of 1,094. That represents 64% of target. NPPF paragraph 11(d) and footnote 8 advises that where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years, the policies most relevant for determining an application (or, in this case, appeal) should be regarded as out of date and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole. The courts have held (and NPPF paragraph 12 concurs) that this advice does not override the statutory status of the development plan as the starting point for decision making. I return to this matter when reaching my overall conclusions on the appeal.

Five-year supply

76. The courts have also held that the weight to be given to the benefits of providing housing should be proportionate to the degree of housing shortfall which pertains. The Council's two previous HDTs showed results of 100% and 113%. It maintains that the 2020 HDT result was a unique blip, caused by developers holding back on submitting planning applications for contentious sites while the adoption of the local plan was delayed because of a ministerial holding direction. That can only be a presumption, however plausible. Its current Five-year Housing Land Supply update, published in June 2021, claims a 5.46 years' supply.
77. That figure is challenged on two grounds; firstly on the method of dealing with previous shortfalls within the housing supply trajectory; secondly on the deliverability of certain sites within the trajectory, particularly those which fall within category (b) of the definition of deliverable set out within Annex 2 of the NPPF.

Liverpool v Sedgefield

78. The first issue is simply dealt with. National Planning Practice Guidance paragraph 031 Reference ID: 68-031-20190722 advises that; "The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach)" and; "If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal." So, it should not be for me, on a case-by-case basis in this appeal to depart from anything that may have been established as part of the plan-making and examination process.
79. The plan-making and examination process for Stevenage Borough Council Local Plan 2011-2031 has considered and determined the issue. In paragraph 139 of her report on the examination of the plan, Inspector Louise Crosby writes; "Using the Sedgefield approach to dealing with previous shortfall would require the delivery of around 700 homes per year for the first 5 years. This is wholly unrealistic when considering previous delivery rates. Spreading the delivery of the previous shortfall over the Plan period is not ideal as it delays providing the shortfall over an even longer period. However, in this case there are a particular set of circumstances that mean it is the only sensible option." That is conclusive and no more need be said.

Deliverability

80. The NPPF glossary advises that to be considered deliverable, a site for housing should be achievable with a realistic prospect that housing will be delivered within five years. The phrase "realistic prospect" implies an assessment of probability. However, the definition goes on, in respect of sites which do not have a detailed consent, to advise that a site should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. The word "will" has been taken by the appellant (supported by quotations from appeal decision APP/Q3115/W/20/3265861) to imply a guarantee of certainty.
81. In my view, that is an unrealistic expectation. It is not reasonable, on a given day in 2021 to expect certainty that, five years' hence, a finite number of dwellings will have been completed within a period of four years and 364 days (and so fall within a five-year supply) rather than four years and 366 days (and so fall outside a five-year supply) on a site identified, for example, by an allocation in a local plan. A degree of probability must be expected within the calculation, together with an acceptance of the possibility that the figure reached by an exercise in probability will turn out to be wrong.
82. There are seven sites in contention between the parties.
- For "Matalan", the dispute turns on whether 70 out of 526 units will be delivered within a few months on the right side of the five-year threshold, or within a few months beyond it. From this distance in time, there can be no certainty but I consider that the Council has established a "realistic prospect" of delivery.
 - For "SG1" the Council's inventive way of dealing with the opposition shown by one landowner to a later phase of the scheme demonstrates

that it is tackling technical legal and financial issues such as that raised by the appellant concerning the equitability of financial contributions to infrastructure provision and so, there is a realistic prospect of delivery within the five-year period.

- For “HO3 north of Stevenage”, full delivery depends on build-out rates. Whilst accepting that there can be no certainty of the build-out rates assumed by the Council, they are not unattainable and so, there is a realistic prospect of delivery within the five-year period.
- For “BHS”, detailed planning permission was expected to be delivered imminently after the last day of the Inquiry. The issue raised by the appellant concerning the equitability of financial contributions to infrastructure provision is as unlikely to be an insuperable obstacle to the progress of this scheme any more than it is to the appeal scheme itself.
- Technical Studies have been commissioned in accordance with the timetable set out in the SOCG for the delivery of housing at “HO1/6 Pin Green School”, which is evidence that the Council is tackling technical, legal and financial issues in the way expected in appeal decision APP/Q3115/W/20/3265861 as evidence of a realistic prospect of delivery within the five-year period.
- Natural England accepts that its objections to “HO2 west of Stevenage phase 1” would be overcome by the use of conditions. A request from Historic England for more information does not even imply an objection. As with “HO3 north of Stevenage”, whilst accepting that there can be no certainty of the build-out rates assumed by the Council, they are not unattainable and so, there is a realistic prospect of delivery within the five-year period.
- The delivery of site “HO1/11 West of North Road Rugby Club” is dependent on the grant of permission for the development of a new rugby club within the Green Belt in a different local authority area. I agree that this would be fraught with uncertainties and, until permission for that development within the Green Belt has been given, I would not consider that there is a reasonable prospect of this site being delivered. That would remove 160 units from the Council’s trajectory but would still leave it with a calculated supply in excess of five years.

I therefore conclude that there is no shortage of identified land capable of delivering a five years’ supply of housing. There would therefore be no disproportionate benefit arising from the supply of housing from this appeal proposal.

The benefit of housing

83. Of greater moment is the fact that the appeal site itself is contained within the Council’s five-year housing trajectory with an expected delivery of 100 units per year from 2023. That means that if this appeal is dismissed without expectation of a successful alternative, the Council would not be able to demonstrate a five-year housing land supply. It also demonstrates that this site alone would be expected to contribute about 15-16% of the Council’s housing requirements for each of the five years or so it would take to

construct. That is the measure of the significance of the benefit which would result from allowing the appeal. It is clearly substantial.

84. All parties agree that, because of viability constraints, the 52 units of affordable housing which would be provided would comply with local plan policy SP7(f(i)) notwithstanding that the policy seeks at least 20% of all new homes over the plan period to be Affordable Housing. The benefit of the affordable housing which would be provided is unarguable. Since the start of the plan period, delivery of affordable housing has been limited to 282 units, an average of 31 homes per annum. The 52 affordable housing units which the appeal would provide would therefore provide a significant benefit.

Supporting infrastructure

85. Subsequent to the decision to refuse permission, the Council has adopted a CIL charging regime. The CIL compliance statement advises that although the precise amount is yet to be determined, the liability is expected to be in the order of £4.3 million.

86. At the time the application was determined, without the CIL requirement, various authorities were seeking financial contributions totalling £9,694,121 towards;

- Outdoor sport and children's play space improvements
- A new primary school in Stevenage Town centre
- A new secondary school
- A new pre-school facility
- The reprovision of the Bowes Lyon young people's centre
- Sustainable transport improvements to cycle routes connecting the new development to the town centre and Gunnels Wood or to improvements to Stevenage rail station or to improvements to bus services between new development sites and the town centre
- Either the replacement or the enlargement of the County Council's waste facility at Caxton Way
- NHS GP provision
- NHS acute, mental health and community costs
- Indoor sports facilities
- Outdoor sports facilities
- Sports changing room provision

The appellant was willing to enter into a planning obligation to provide £1,662,322 of funding (as reported in paragraph 7.3.11 of the Council's committee report) and the scheme was recommended for approval on that basis.

87. The Council does not explicitly state what matters will be met from CIL contributions but it pursues planning obligation contributions amounting to £2,071,919 comprising;

- A monitoring fee of £25,000
- A Primary Education Contribution of up to £1,670,732
- An NHS contribution of £81,538
- Travel planning monitoring fee of £6,000
- A sustainable transport contribution of £266,075
- A car club contribution of £22,574.33
- The Council's legal costs

A planning obligation has been delivered which would include these provisions but contains a "blue-pencil clause" which allows me to amend or to delete any contribution through this decision.

88. The appellant contests part of the Primary Education Contribution and the sustainable transport contribution, seeking to reduce the financial payment to £1,042,788.

89. NPPF paragraph 57 advises that planning obligations must only be sought where they meet three tests;

- Necessary to make the development acceptable in planning terms
- Directly related to the development and
- Fairly and reasonably related to it in scale and kind.

90. From December 2020, local authorities must publish an infrastructure funding statement. The infrastructure funding statement should identify infrastructure needs, the total cost of this infrastructure, anticipated funding from developer contributions, and the choices the authority has made about how these contributions will be used.

The Primary Education contribution

91. National Planning Practice Guidance (Guidance) advises that authorities can choose to pool funding from different routes to fund the same infrastructure provided that authorities set out in their infrastructure funding statements which infrastructure they expect to fund through the levy. (Paragraph: 166 Reference ID: 25-166-20190901). Paragraph: 169 Reference ID: 25-169-20190901 of Guidance continues; "Authorities can choose to use funding from different routes to fund the same infrastructure. Authorities should set out in infrastructure funding statements which infrastructure they expect to fund through the levy and through planning obligations (see regulation 121A). For example, a local authority may set out in their plan that they will use section 106 planning obligations to deliver a new school to serve additional pupils arising as a result of a new development on a strategic site. The local authority may also use levy funds to deliver the school and help support development elsewhere in the area."

92. Although Guidance is clear that local authorities can use planning obligations to supplement CIL payments, it cannot be said that a planning obligation meets the test of necessity where the infrastructure funding statement allocates CIL

- contributions which, by themselves, could meet the costs of a necessary item in full.
93. The Council's Infrastructure Funding Statement published in December 2020 includes the following; "Reiterating that the Council does not expect to spend any CIL receipts this year and that it is not yet in a position to publish a detailed infrastructure list, for the sake of meeting Regulation 121A paragraph 1(a), the Council expects to spend collected CIL receipts, other than those to which regulation 59e and 59f applies, to wholly or partly fund:
- Schemes within the SBC Infrastructure Delivery Plan as a priority, and
 - Where possible, schemes within Council policy documents," [These are then listed]
94. It is clear from that statement that the Council intends to spend CIL receipts to fund either wholly or in part schemes within its Infrastructure Delivery Plan as a priority. Mr Proietti's evidence is that a 2FE primary school within the town centre is needed to serve the pupil needs arising from the appeal proposal. Appendix 1 of the Council's Infrastructure Delivery Plan March 2021 (the IDP) includes a 2FE school within the town centre as one of four items totalling £48.3m and so, it may be presumed that it is the council's intention to spend CIL receipts on this scheme as a priority.
95. However, paragraph 3.53 of the IDP states the expectation that the County Council's need for £44m of funding for primary schooling will be realised in the form of developer contributions. Likewise, paragraphs 9.9-9.12 of the Borough Council's supplementary Planning Document "Developer Contributions" adopted in March 2021 advise that the County Council is likely to seek financial contributions towards build costs and purchasing land for the Town Centre school from nearby developments.
96. The evidence from the County Council is that as things stand no monies have been committed from the SBCs CIL receipts to fund the town centre primary school. Be that as it may, there is considerable ambiguity and uncertainty about whether, and the degree to which, CIL receipts would fund the town centre school. I cannot therefore be certain that the provision within the submitted planning obligation meets the first test for compliance with the CIL regulations.
97. The appellant does not challenge the requested contribution on this ground and so, for the purposes of this decision, I will adopt the presumption that, even if CIL monies were to be allocated in due course to the new town centre primary school, they would be inadequate to pay for it in full and that a contribution from planning obligations is therefore necessary. However, to ensure that my decision does not conflict with the CIL regulations, I conclude that, in the event that the Borough Council does commit CIL receipts to the funding of the town centre school, the financial contribution resulting from the planning obligation should be reduced pro rata to the proportion of the school's cost which would be met from CIL receipts.
98. The way that the County Council has calculated the financial contribution requested from this development is an exemplary application of government advice. The contention that the calculation in respect of two other developments in Stevenage was less than exemplary is unfortunate but I do

not consider that the contribution sought in this appeal should be reduced or found to be non-compliant with the CIL regulations for that reason. For similar reasons, I do not find that because this scheme lies in a different CIL charging zone to other schemes which would also contribute to the town centre school the contribution sought would be non-compliant with the CIL regulations.

99. However, there is an inconsistency between the way the Primary Education contribution has been calculated and the way the NHS contribution has been calculated. Paragraph 7.3.19 of the Council's committee report presents the appellant's argument that amongst the biggest drivers of household formation are people living longer or downsizing. Consequently, a significant number of new homes house people already living within the area who will therefore not add to the demand for NHS services by moving into the development. To the extent that they are new households formed by fragmentation of existing larger households, their vacated dwellings will not be taken up by incomers.
100. A similar calculation needs to be made in respect of education demand. In response to a question, Mr Hardy confirmed that the Council's method for calculating the number of school pupils arising from a development does not make an adjustment to allow for pupils already within the system because there is no government guidance on how this adjustment should be calculated. It follows from his response that the County's system presumes that all pupils arising from the development would be new to the Hertfordshire schools system. As a result, I deduce that the financial contribution sought would be greater than can be truly justified.
101. There is no evidence before me to indicate how this adjustment should be calculated, other than that used for calculating the adjustment to the NHS contribution. For consistency therefore, and to ensure that the contribution would be fairly and reasonably related to the development in scale and kind, I find that the Primary Education Contribution should be reduced to 20% of the figure sought; that is; £334,146. I take account of the planning obligation's Primary Education contribution only to that extent.

Sustainable transport contribution

102. In its comments on the application, dated 6 February 2020, Hertfordshire County Council (HCC) seeks financial contributions of £381,851 to improve cycle routes connecting new development to the town centre and Gunnels Wood employment area via cycleway network, improvements to Stevenage rail station, North-South high-quality bus corridors, improvements to bus services between new development sites and the town centre, to mitigate the incremental increase in traffic impact from developments and maximise the sustainability of the site in transport terms. The response goes on to elaborate the basis on which the contribution is sought. It explains that, in the absence of a CIL scheme, HCC operates a two-strand approach to planning obligations. The first strand addresses the immediate impacts of the new development. The second strand addresses the cumulative impacts of all development on non-car networks.
103. In the first strand are a travel plan evaluation and supporting fee of £6,000, provision for a car club, and works to improve pedestrian and cycle connections to the subway under Lytton Way. I concur that these are necessary to make the development acceptable, directly related to the development and fairly and reasonably related to it in scale and kind.

104. In the second strand, the amount sought is based on a unit rate of the number of bedrooms in the scheme related to the site's accessibility. It would be spent on two packages; a) Package 1 (Gunnels Wood and Town Centre): Cycle routes connecting new development in North Stevenage to the town centre and Gunnels Wood employment area via cycleway network, Improvements to Stevenage rail station, North-South high-quality bus corridors b) Package 2 (North and West Stevenage): Cycle routes connecting new development in North Stevenage to the town centre via cycleway network, Improvements to bus services between new development sites and the town centre, as identified in the North Central Hertfordshire Growth and Transport Plan, in order to facilitate access by sustainable modes to Gunnels Wood industrial Estate and the town centre and between new development in north and west Stevenage. The County Council's note explains that a "walking and cycling audit" to key destinations demonstrates clearly that the residential use will have a wider and more profound impact on the existing walking, cycling and public transport facilities in the area, than the previous use as an office.
105. Be that as it may, an examination of packages 1 and 2 in the North Central Hertfordshire Growth and Transport Plan identifies little that would enhance the walking, cycling and public transport facilities likely to be used by residents of the development proposed. As noted earlier, in the discussion on the intensity of development proposed, the site is well located in relation to the town centre and bus and railway stations but is unlikely to find local bus stops advantageous to use and the only specific improvement to the pedestrian and cycle network which would benefit the site would be a subway link beneath the south eastern quadrant of the Lytton Way/Fairlands Way roundabout, which does not appear to be a proposal in either of the packages of the North Central Hertfordshire Growth and Transport Plan.
106. Schedule 10 of the planning obligation refers (amongst other matters) to the upgrading of two bus stops on Lytton way with real time information screens. My site visit identified that one of the two bus stops concerned has been temporarily removed for the construction of the town's new bus station. The other is already equipped with real time information screens. Therefore, this provision of the planning obligation is unnecessary and I have taken no account of it in my decision.
107. I conclude that the financial contributions sought in relation to the HCC's second strand of its approach to planning obligations would not be necessary to make the development acceptable, nor would it be related to the development either directly or reasonably in scale and kind. Although I take account of the planning obligation's provision in relation to travel plan monitoring and car club, I take no account of the sustainable transport contribution.

Conclusion on infrastructure

108. The combination of condition (4), which would secure improved connections to the footway and cycleway network, together with those of the financial contributions towards CIL, education and health infrastructure which I endorse, would ensure that the scheme would make adequate provision for supporting infrastructure. It would therefore comply with local plan policy SP5 which seeks to ensure that the infrastructure required to support its targets and proposals is provided.

The planning balance

109. As noted earlier, the operation of the Housing Delivery Test means that the policies most relevant for determining this appeal should be regarded as out of date and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. The courts have held (and NPPF paragraph 12 concurs) that this advice does not override the statutory status of the development plan as the starting point for decision making.
110. The benefits would be considerable and tangible. A vacant brownfield site would be brought back into use, with the economic benefits in terms of job creation during construction and household expenditure during subsequent occupation that would ensue. The Council depends upon the delivery of the site as part of its five-year housing land supply, to which the scheme would contribute about 15-16% of the Council's housing requirements for each of the five years or so it would take to construct. The affordable housing provided would be the equivalent of that provided in an average year and a half of previous performance.
111. The adverse impacts would be less tangible but also considerable. Nearly a quarter of the flats would offer substandard living conditions in terms of privacy. Although all the buildings would have high quality detailing, some would be less well-proportioned than others. In terms of placemaking, the arrival square would be well-proportioned but the sculptural quality of the scheme overall would be disappointing. The two blocks intended to mark the roundabouts at either end of the scheme would be imperfectly proportioned and would be insufficiently striking to be adequate as memorable landmarks. The variation in the height of the rest of the scheme would be insufficient to avoid the effect of a wall of development at least eight stories high along Lytton Way. In longer distance views, the form and silhouette of the proposal would not only be inimical to the traditional character of Stevenage but would be seen to be inimical to a degree not appropriate in its town centre fringe location.
112. Other than the effect on living conditions of potential future occupants, these adverse impacts would be disappointments rather than actual harm. They would not significantly and demonstrably outweigh the benefits and so, in accordance with the advice set out in NPPF paragraph 11(d) and footnote 8, I allow the appeal.

Conditions

113. In a Statement of Common Ground, both parties agree to recommend thirty conditions in the event that the appeal is allowed. I have considered these in the light of national guidance and the tests set out in the NPPF, preferring where appropriate the model wording of the annex to the otherwise superseded circular 11/95, *the use of conditions in planning permissions*. I have also re-ordered the conditions so that pre-commencement conditions are stated first.
114. The plans list in condition (2) has been amended to include the two detailed landscaping plans in place of the sketch landscape masterplan drawing. There is reportedly a further revision (B) to drawing 2660-LA-01 but that was not

before me. In any event, condition (4) and possibly condition (5) will require further amendments to drawings 2660-LA-01 and 02.

115. The acceptability of the scheme partly depends upon the quality of the materials to be used and so I have adopted suggested condition (3) as condition (10). Suggested condition (4) would have required the submission of a scheme of landscaping but, in fact, a scheme of landscaping has already been submitted (drawings 2660-LA-01 and 02) and, at the Council's request has been included within the list of drawings in condition (2) in accordance with which the development must be carried out. Implementation of the landscaping scheme is covered by condition (13) which is a combination of suggested conditions (5) and (27). Consequently, there is no need for suggested condition (4).
116. The existing mature landscaping surrounding the site is a feature which all parties agree should be protected during construction but there is no need for the submission of a detailed scheme of protection since one has already been submitted within the appellant's Arboricultural Impact Assessment and so I have adapted suggested condition (6) (tree protection) to require the implementation of that document's recommendations as condition (6). In consequence, there is no need for suggested condition (7).
117. Suggested condition (8) would duplicate the provisions of other legislation and so is not necessary.
118. The nature of any public lighting on site is a safety concern of Network Rail and so suggested condition (9) is adopted as condition (11).
119. I have no doubt that the developer will prepare a construction management plan (and a site waste management plan) for the developer's own purposes but, in the particular circumstances of this site, which is isolated from neighbouring residential development by main roads and railway and has no street frontage across which servicing could take place, it is not necessary for such a document to be submitted to the local planning authority for approval (suggested condition 10).
120. Drawings of foul and surface water drainage submitted as part of the revised Flood Risk Assessment are annotated as preliminary. Suggested conditions (11) (12) and (13) to require final details and their implementation and management are therefore needed and are combined as condition (7) but it is not necessary to specify what the final details should comprise; their acceptability can be left to the local planning authority to determine when the details are submitted. I concur that the dwellings should not be occupied until any necessary soil drainage upgrades have been carried out and so suggested condition (14) is adopted as condition (14).
121. Details of fencing are not included within the submitted landscaping drawings. They are also a safety concern of Network Rail. Consequently, suggested conditions (15) and (25) are necessary and have been combined into condition (5).
122. The appellant's submitted Phase 1 ground investigation report anticipates the need for conditions to deal with potential contamination. I have combined suggested conditions (16), (17) and (18) into one; condition (8). Likewise the need for a condition to deal with the noise environment prevailing at the site is

anticipated by the appellant's Noise Impact Assessment report. Consequently, I have adapted suggested condition (19) and imposed it as condition (9). However, suggested condition 20 would duplicate the provisions of part E of the Building Regulations and so is not necessary.

123. The sustainability of the site's location and its relationship with the Stevenage cycle network is one of the reasons justifying a reduced provision of car parking. It is therefore necessary to require the provision of cycle parking as recommended by suggested condition (21). But, subsequent to the submission of the application, the Council has revised its cycle parking standards and so condition (3) imposed requires the submission of revised details and their subsequent implementation.
124. Similarly, it is necessary to secure improved access to the cycleway network which suggested condition (28) would secure. But, there is ambiguity between the provisions of WSP Technical Note HCC003, the provisions of the s106 planning obligation and the County Council's observations on the application as submitted, as a consequence of which it is not clear that the development would provide both an upgrade of the existing south-facing ramp to make it more suitable for cyclists as well as the provision of a ramp to serve north-bound cyclists and those seeking to reach Gates Way via the subway underneath Lytton Way. Furthermore, on my site visit I noted that the landscaped embankments of the existing development on site had experienced the formation of informal paths from the cycleway onto the site in several places. The layout of the development proposed and the multiple desire lines to the individual entrances of the several blocks proposed is likely to exacerbate the desire to form similar informal paths. These pedestrian desire lines should be accommodated within the scheme from the start and so, in imposing condition (4) I have adapted the suggested condition to require the submission of further details.
125. Suggested conditions (23) and (24) are also necessary to ensure that the development would achieve its sustainable transport objectives and so these are imposed as conditions (15) and (16).
126. Suggested condition (26) accords with the recommendations of the appellant's Biodiversity Net Gain Assessment and so is imposed as condition (17). Suggested condition (28) likewise accorded with the appellant's originally submitted Energy Strategy but, at the Inquiry I was informed that the appellant had reviewed its strategy and now wished to use Air-Source Heat Pumps and so the submission of a revised Energy Strategy is now required by condition (12) as imposed.
127. Suggested condition (29) is necessary to secure an essential part of the development and is therefore imposed as condition (18). However, suggested condition 30 would simply duplicate a provision of the s106 planning obligation and so is not necessary.

P. W Clark

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

James Neill	Of counsel, instructed by Simon Banks, Solicitor to Stevenage Borough Council
He called	
Gemma Fitzpatrick BA(Hons) MRUP MRTPI	Stevenage Borough Council
David Hodbod BA (Hons) MA MSc	Stevenage Borough Council, planning policy team
Antony Proietti BA(Hons) MA	Growth Area Team Leader, Hertfordshire County Council
Dan Hardy BEng(hons)	Senior Planning Officer, School Planning, Hertfordshire County Council
Robin Buckle DipTP DipUD MRTPI	Urban Design Consultant

James Chettleburgh and Rob Walker also took part in the discussions on the planning obligation and on conditions

FOR THE APPELLANT:

Robert Walton QC	Instructed by Colin Campbell, Hill Residential Ltd
He called	
Justin Kelly DipArchTech BArch, DipArch ARB RIBA RIAI MCIAT FCIAT	Partner, BPTW
David Allen DipLA CMLI Richard Coleman DipArch(Cant) ARB RIBA RIAI	Former Managing Director, Allen Pyke Associates Principal, Citydesigner
Joanna Ede MA DipLA CMLI	Director, Turley
Colin Campbell BSc(Hons) DipTP MRTPI	Head of Planning, Hill Residential Ltd

Gemma Dudley also took part in the discussions on the planning obligation and on conditions

DOCUMENT submitted during the Inquiry

Section 106 agreement explanatory note

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Other than as required by conditions 3, 4 and 5 the development hereby permitted shall be carried out in accordance with the following approved plans: 16-019, D050C01, D051C01, D052C01, D053C02, D054C02, D060C02, D100C01, D101C02, D102C03, D111C01, D112C01, D113C01, D114C02, D115C02, D151C01, D152C01, D153C01, D154C01, D200C01, D201C02, D202C02, D203C02, D204C02, D251C01, D252C01, D253C02, D254C01, D300C01, D301C01, D302C01, D311C01, D312C02, D314C02, D351C01, D352C01, D353C01, D354C01, D400C03, D401C01, D402C01, D411C02, D412C02, D413C02, D451C02, D452,C02, D453C02, D454C01, D500C02, D501C02, D502C02, D503C02, D504C02, D551P02, D552C01, D553C02, D554C01, D600C02, D601C02, D602C02, D611C01, D612C01, D613C02, D614C02, D651C02, D652C02, D653C02, D654C01, D700C02, D701C03, D702C03, D706C01, D707C01, D708C02, D709C02, D751C01, D752C01, D753C01, D754P01, 2660-LA-01A, 2660-LA-02A.
- 3) Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, no development shall take place until revised plans showing the provision of at least 948 cycle parking spaces together with the details of their type and design should be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or phase and in accordance with the approved revised details before first occupation of that particular block or phase in the development.
- 4) Notwithstanding condition 2 and the details of improvements to pedestrian and cycle access shown on the submitted plans, no dwelling shall be occupied until the development has been carried out in accordance with revised plans which shall have been submitted to and approved in writing by the Local Planning Authority showing: (i) Provision of new ramp in accordance with Appendix B of WSP Technical Note HCC003 dated 24th January 2020, (ii) upgrading of the existing south-facing ramp (iii) provision of paths, steps or ramps following direct desire lines from the Lytton Way pedestrian and cycle route to each of the amenity terrace open spaces and to each of the entrances to the cycle stores on the Lytton Way frontages of the proposed blocks of flats 1-6. (iv) Provision of a new pedestrian and cycle access to Trinity Road as identified under Appendix C of WSP Technical Note HCC003 dated 24th January 2020.
- 5) Notwithstanding condition 2, details of the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping work taking place. The approved boundary treatments shall be completed in accordance with the approved details before the use hereby permitted is commenced or before the building(s) is occupied and thereafter permanently retained. No part of the development shall be occupied until an Armco or similar barrier has been installed in positions where vehicles may be in a position to drive or roll onto the railway.

- 6) No development, including any site clearance or demolition works, shall commence until all trees within the development site which are to be retained as identified in the Tree Protection Plan, drawing number 67135-02 contained within Appendix 4 of the submitted Arboricultural Impact Assessment (AIA) dated 31/10/2018 reference 67135 (V2) by Landscape Planning have been protected by fencing or other means of enclosure in accordance with Appendix 8 of the AIA, located as shown on the Tree Protection Plan, which protection shall be retained in place until the conclusion of all site and building operations. Within the tree protection areas, there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.
- 7) No development apart from demolition and site preparation works shall take place until the final design of the soil and surface water drainage schemes and their maintenance regimes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority before any part of the development is occupied.
- 9) Construction work shall not take place until a scheme for protecting the proposed dwellings from noise from road, rail and air transport sources shall have been submitted to and approved in writing by the Local Planning Authority. Before any dwelling is occupied all works intended to protect that dwelling which form part of the scheme shall be completed and retained thereafter.
- 10) No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 11) Prior to commencement of works above slab level, details of any external lighting, including the intensity of illumination and predicted light

contours, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the details so approved.

- 12) Prior to commencement of works above slab level, an energy strategy to achieve 65% carbon reduction against Part L of the Building Regulations 2013 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained thereafter in accordance with the approved details of the energy strategy and in accordance with the water consumption targets contained within the approved Whitecode Design Associates Energy Strategy 10293-S-EBER-0001 Revision 5 dated 30 July 2019.
- 13) No more than 50% of the dwellings in the development overall and no dwelling in block 7 shall be occupied until the open space/play area adjacent to block 7 has been completed and made available for use. All other planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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.
- 14) No part of the development shall be occupied until written confirmation has been provided that either:-
 - (i) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
 - (ii) A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
- 15) Prior to the occupation of the development hereby permitted, details of the siting, type and specification of Electric Vehicle Charging Points (EVCPs) for 28 vehicles, their energy sources, a timetable for their delivery and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed and subsequently retained operational in accordance with the approved details and timetable.
- 16) No part of the development hereby permitted shall be occupied prior to the implementation of WSP's approved Residential Travel Plan Doc Ref No. 70020570-RTP-001 Dated July 2019 or any replacement thereof subsequently approved in writing by the Local Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
- 17) Prior to the first occupation of any dwelling, details of a scheme to provide at least 20 bird and 30 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

include details of the timing of provision. The development shall be carried out in accordance with the approved details.

- 18) Prior to the first occupation of the dwellings hereby permitted the approved refuse and recycle stores shall be constructed in accordance with the details submitted with this application and shall be permanently retained thereafter.