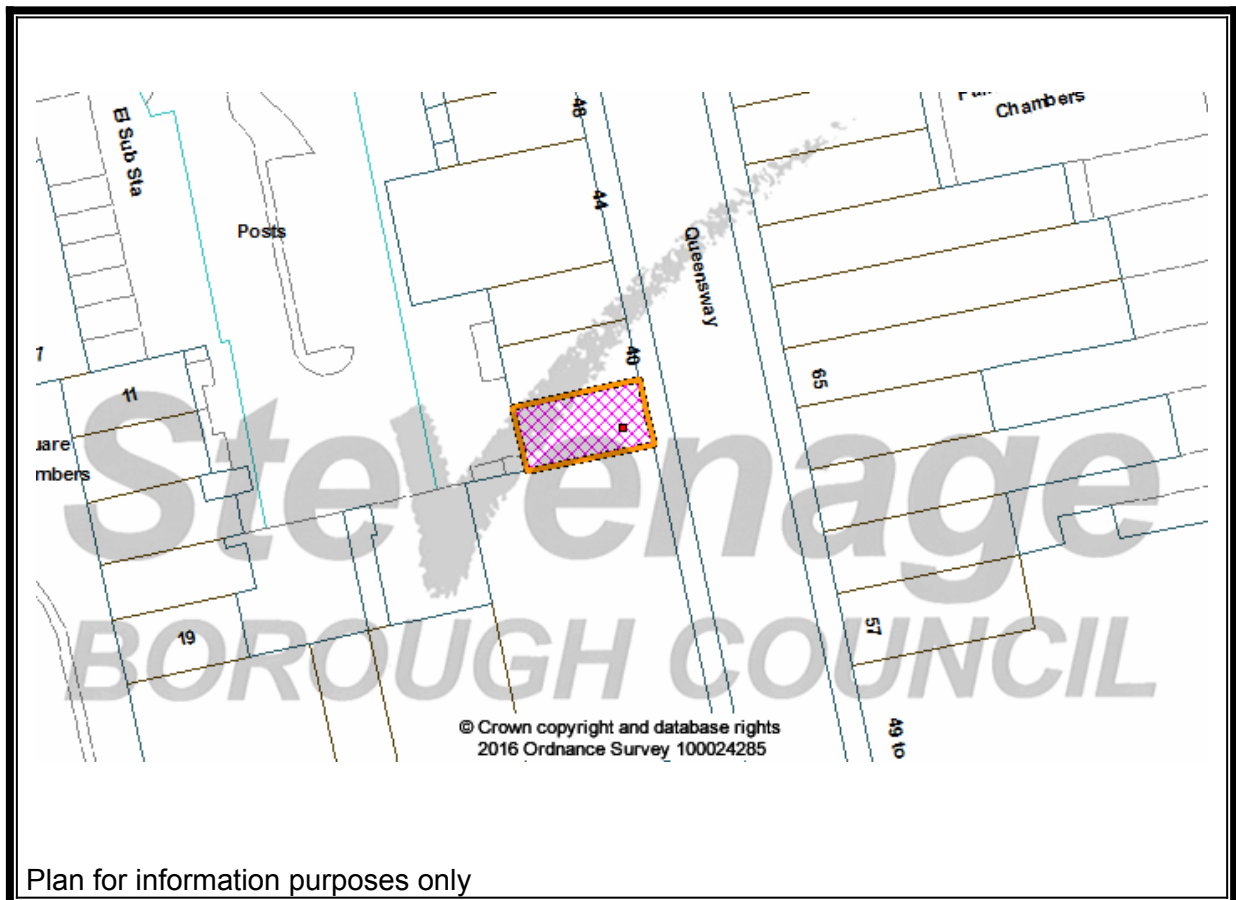


Meeting:	Planning and Development Committee	Agenda Item:
Date:	11 September 2018	
Author:	James Chettleburgh	01438 242266
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Application No:	18/00427/FP
Location:	38C Queensway, Stevenage, Hertfordshire, SG1 1EB.
Proposal:	Installation of new extract ductwork on the rear elevation and flat roof area.
Drawing Nos.:	BS13007-U5-01A; BS13007-U5-02; BS13005-U5-03
Applicant:	Stevenage Borough Council
Date Valid:	2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

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

2. RELEVANT PLANNING HISTORY

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

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

3. THE CURRENT APPLICATION

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

4. PUBLIC REPRESENTATIONS

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

5. CONSULTATIONS

5.1 Council's Environmental Health Section

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

5.2 Council's Conservation Advisor (BEAMS)

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

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

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

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

6.2 Central Government Advice

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

6.3 Adopted Local Plan

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

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

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

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

6.5 Supplementary Planning Documents

Stevenage Town Centre Conservation Area Management Plan SPD (2012)

7. APPRAISAL

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

7.2 Visual impact on the conservation area

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

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

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

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

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

7.3 Impact on the environment and amenity

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

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

8. CONCLUSIONS

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

9. RECOMMENDATIONS

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

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

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

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

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

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

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

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

INFORMATIVE

Use of the premises as a Takeaway

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

10. BACKGROUND DOCUMENTS

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

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