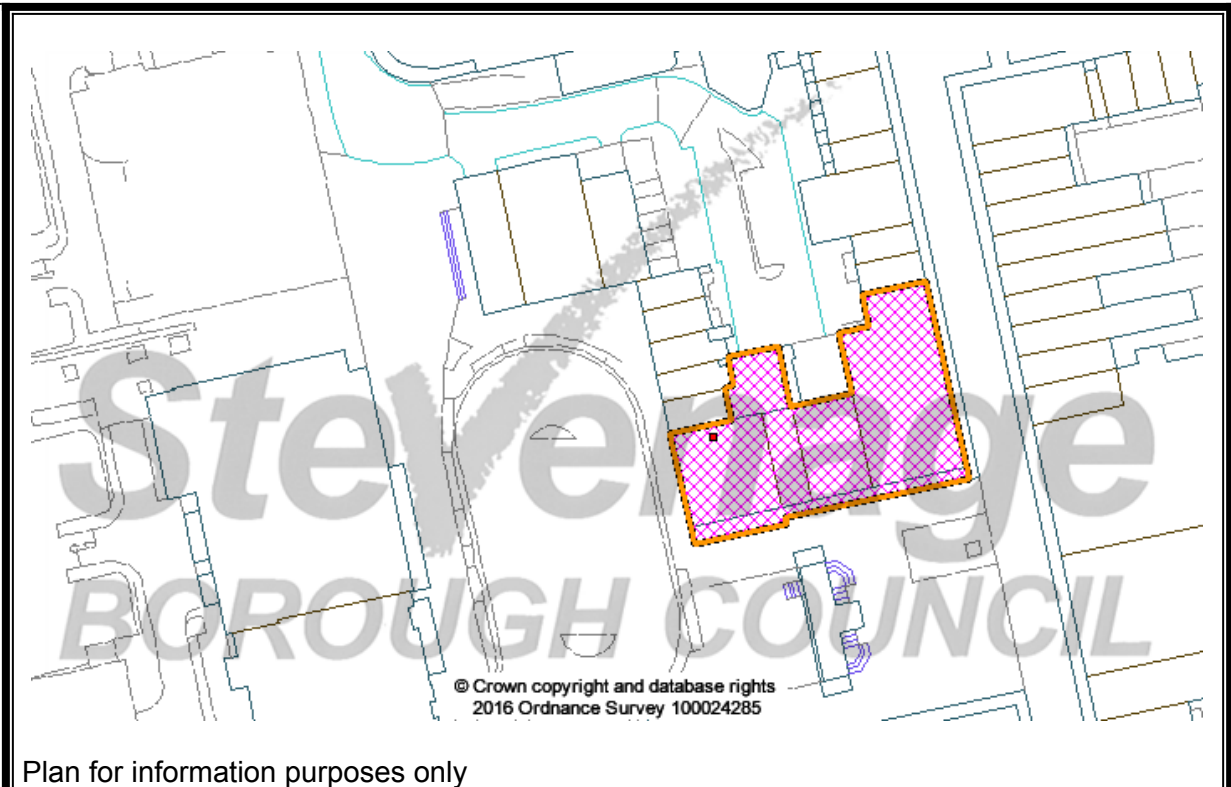


Meeting: Planning and Development Committee **Agenda Item:**
Date: 3 April 2019
Author: James Chettleburgh 01438 242266
Lead Officer: Chris Berry 01438 242257
Contact Officer: James Chettleburgh 01438 242266

Application No: 19/00063/FPM
Location: 21-29 Town Square, Town Centre, Stevenage.
Proposal: Change of use of units 21 to 23 Town Square from Class A3 (Restaurant) to either Class A1 (Retail) or Class A3 (Restaurant and Cafe) space at ground and first floor level, conversion of existing office (Class B1(a)) at first and second floor level of units 25 to 29 Town Square to a mixed use of offices (Class B1(a)) and gallery (Class D1) and replacement of existing betting shop (Sui Generis) with a ground-floor communal lobby. External renovation works, use of rear roof-terrace as events and amenity space and associated plant.
Drawing Nos.: AA7916-2000; AA7916-2001; AA7916-2002; AA7916-2100 A; AA7916-2101 A; AA7916-2102 A; AA7916-2103 A; AA7916-2105 A; AA7916-2106 A; AA7916-2200 B; AA7916-2201 B; AA7916-2202 A; AA7916-2203 A; AA7916-2205 A; AA7916-2206 A.
Applicant: Stevenage Borough Council
Date Valid: 01 February 2019
Recommendation: GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 The application site is located within the designated area of Stevenage Town Centre as well as the Town Square Conservation Area. The site comprises a pre-cast reinforced concrete three-storey flat roofed building which consists of crittall glazed windows, exposed stone aggregate panels, brickwork, mosaics and tiles. In terms of numbers 21 to 23 Town Square (McDonalds), this comprises a colonnade where the supporting columns are clad in tiles. At first floor level above 29 Town Square (Starbucks), there is an existing recessed balcony area with metal railings and across the main elevations of 25 to 29 Town Square there is a timber canopy. The shop fronts at ground floor level comprise of full height aluminium framed windows with low level stall risers with associated fascias above.
- 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. There is also the Grade II Listed Joy Ride which comprises a bronze mother and child sculpture by Franta Belsky. The sculpture is set on top of a platform with stairs and railings to either side. The buildings which form the main shopping parade of Queensway are generally uniform in design, being three-storeys in height with a shopping parade at ground floor level with the fenestration at first and second floor level comprising single-glazed crittall windows. The properties also consist of timber canopies which are original feature of the pedestrianised town centre.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 2/0788/56 was an application for the Town Centre. This application granted in January 1957.
- 2.2 Planning application 2/0002/58 was an application for the Town Centre. This application was refused planning permission in February 1958.
- 2.3 Planning application 2/0041/58 was an application for Fine Fare Store Block 9. This application was granted in April 1958.
- 2.4 Planning application 2/0100/59 was an application for the Town Centre – Part A. This application was granted in May 1959.
- 2.5 Planning application 2/0250/59 was an application for the Town Centre. This application was granted January 1960.
- 2.6 Planning application 2/0082/63 for the re-siting of entrance doors to shop, removal of shop window at rear of premises and build up opening and form bin store. This application was approved in July 1963.
- 2.7 Planning application 2/0007/64 for the extension to showroom to provide mess room accommodation. This application was approved in February 1964.
- 2.8 Planning application 2/0021/66 for a change of use from offices to showroom and sales room. This application was approved in April 1968.
- 2.9 Planning application 2/0079/68 for a first floor extension to 21 to 23 Town Square. This application was approved in July 1978.
- 2.10 Planning application 2/0057/69 for extension of first floor and staircase enclosure. This application was approved in May 1969.
- 2.11 Planning application 2/0213/69 for alterations to existing shop front. This application was approved in January 1970.

- 2.12 Planning application 2/0214/69 for the installation of illuminated perspex letters to shop front. This application was approved in January 1970.
- 2.13 Planning application 2/0227/79 for a change of use of first floor (part only) hairdressing salon to hairdressing school. This application was approved in August 1979.
- 2.14 Planning application 2/0419/80 for a new shop front. This application was approved in February 1981.
- 2.15 Planning application 2/0001/84 for change of use from retail shop to restaurant with ancillary storage, office and staff facilities. This application was approved in February 1984.
- 2.16 Planning application 2/0094/84 for a new shop front at 21 to 23 Town Square. This application was approved in April 1984.
- 2.17 Planning application 2/0095/84 for alterations to service yard, plant and tank enclosure in rear yard of 21 to 23 Town Square. This application was approved in April 1984.
- 2.18 Planning application 2/0382/85 for a change of use of second floor from offices to medical dental and orthodontic surgery. This application was approved in November 1985.
- 2.19 Planning application 2/0360/86 for a mild steel escape stairs from second floor at the rear of 27 Town Square. This application was approved in November 1986.
- 2.20 Planning application 2/0558/87 for a new shop front. This application was approved in February 1988.
- 2.21 Planning application 2/0010/94 for new shop front. This application was approved in March 1994.
- 2.22 Planning application 2/0234/95 for a change of use of first and second floors from hairdressers (Class A1) to Employment Agency (Class A2). This application was approved in October 1995.
- 2.23 Planning application 2/0253/96 for the installation of electronic roller shutters to shop fronts. This application was approved in October 1996.
- 2.24 Planning application 99/00311/FP for change of use from Class A1 (shops) to Class A3 (Food and drink). This application was approved in November 1999.
- 2.25 Planning application 00/00511/FP for the retention of new shop front. This application was approved in December 2000.
- 2.26 Planning application 01/00206/FP for the installation of new shop fronts at 21 to 23 Town Square. This application was approved in May 2001.
- 2.27 Planning application 01/00521/FP for the installation of new shopfronts. This application was approved in October 2001.
- 2.28 Planning application 02/00072/FP for a change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services). This application was approved in April 2002.
- 2.29 Planning application 02/00359/FP for the installation of new shopfront and two wall mounted condenser units to rear. This application was approved in September 2002.

- 2.30 Planning application 08/00125/FP for external refurbishment of 21 to 23 Town Square. This application was approved in April 2008.
- 2.31 Planning application 08/00601/FP for alteration to shopfront following sub-division of retail unit. This application was not proceeded with.
- 2.32 Planning application 09/00019/FP for alterations to shopfront following sub-division of retail unit. This application was not proceeded with.
- 2.33 Planning application 09/00352/FP for the subdivision of unit into 2 no. retail shops (Use Class A1). This application was approved in December 2009.
- 2.34 Planning application 16/00315/FP for a shop fit out including new shopfront. This application was approved in June 2016.
- 2.35 Planning application 16/00370/FP for the change of use from Use Class A1 (shop) to Mixed Use A1/A3 (Coffee Shop). This application was approved in July 2016.
- 2.36 Planning application 17/00737/FP for the installation of an ATM. This application was approved in December 2017.
- 2.37 There have also been a number of applications for advertisement consent which have been submitted over the years at the various premises.

3. THE CURRENT APPLICATION

- 3.1 The proposed development comprises a change of use of units 21 to 23 Town Square from Class A3 (Restaurant) to a flexible permission for either Class A1 (Retail) or Class A3 (Restaurant and Café) space at ground and first floor level. The proposal also consists of the conversion of existing office (Class B1(a)) at first and second floor level on units 25 to 29 Town Square to a mixed use of offices (Class B1(a)) and gallery (Class D1) and replacement of existing betting shop (Sui Generis) with a ground-floor communal lobby.
- 3.2 The proposed development also seeks to utilise the existing rear terrace as an events space, outdoor break-out space and office amenity. This area would also comprise the provision of mechanical plant which would be enclosed by an acoustic enclosure. The development also comprises as part of the development works, to convert 25 Town Square (Ladbroke's) to a communal lobby area which would serve the upper floors of the building i.e. the offices and gallery. In addition, there would be the installation of full height curtain wall glazing to 25 Town Square with an internally illuminated steel canopy over the main lobby entrance.
- 3.3 The proposal will also comprise new curtain wall glazing at ground, first and second floor levels of numbers 21 to 23 Town Square. There would also be the replacement of existing concrete cladding at 27 and 29 Town Square with modern pre-cast cladding panels finished in a stone colour. Further, the proposal would also seek to refurbish the existing timber canopies on the building along with the cleaning and refurbishment of the existing concrete façade and the east and west elevations of 21 to 23 Town Square as well as the south and east elevations of 29 Town Square. Moreover, the proposal seeks to replace existing windows with double-glazed aluminium/composite windows, the repainting of the existing first-floor balcony balustrade at 27 to 29 Town Square along with the cleaning and refurbishment of existing pre-cast columns.
- 3.4 This application has been referred to the Planning and Development Committee as Stevenage Borough Council is the applicant and landowner. In addition, the application is also 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 located within the Town Square Conservation Area. An objection was received from RR Planning on behalf of 25 Town Square (Ladbroke's). A summary of the objections raised are as follows:-

- The betting shop is a valued leisure use which has a positive impact on the vitality and viability of Stevenage Town Centre;
- The proposal does not propose a relocation of the existing betting shop;
- The applicant has not demonstrated that there is no longer a need for the existing use;
- The proposed development would result in the loss of 5 jobs;
- The proposed developments fails to accord with Policy TC8 of the Emerging Local Plan;
- The proposed A1/A3 units are sui-generis and at odds with the Council's Policies;
- The communal lobby does not make the best use of prime retail frontage which will not be as vital and viable as the existing use of the premises;
- The applicant has not demonstrated that the development would improve the vitality and viability of the town centre;
- In addition, the site has not been actively marketed for A1 or A2 use for 6 months in line with Council policy.

4.2 Please note that the aforementioned is not a verbatim of the comments which have been received. A full copy of the comments can 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 that the proposed development would not cause any highway issues.

5.2 Council's Conservation Advisor (Wood PLC)

5.2.1 Units 21-23 and 25-29 Town Square Stevenage make up the north side of the Town Square. They are located within the Town Square conservation area and are north of the grade II listed Joyride and Clock Tower. These buildings, at upper levels, will appear in the backdrop of views of both heritage assets when looking north.

5.2.2 As originally constructed the buildings make up part of the historic core of the town centre, the first pedestrianised centre in the UK. The structural simplicity of the buildings and their relative uniformity discuses an intricate patterning of subtly different material, fenestration patterns and upper floor uses as expressed by external architecture.

5.2.3 External works to the building include a new canopy onto the town square and new three-storey glazed façade to the office entrance. Refurbishment of the façade, including window upgrades, cladding replacement, refurbishment of retained canopy and refurbishment of balcony balustrade. The application will also bring into use currently underused, upper levels within the town centre.

5.2.4 Proposed changes to the ground floor involve the conversion of a shop unit to a circulation core and reception to service the upper levels of the building. This involves the insertion of a new façade pattern to front onto the town square that reflects the proportions of the

glazing in the adjacent buildings and introduces a new glazed façade type to the town centre. Proposals to change the fenestration to the Town Square and replace cladding materials should be secured by condition.

5.2.5 The proposals to insert a new canopy over the entrance marks a bold intervention into the conservation area, however one that signals new use of the building and defines the entrance to the new uses.

5.2.6 In regards to suggested conditions, it is recommended a condition should be imposed requiring samples of materials to be used to the concrete cladding should be submitted to the Council as the Local Planning Authority (LPA) for its approval. In addition, a condition should be imposed requiring details of the replacement fenestration has been supplied showing the detail and proportions of glazing bars compared to existing fenestration for the front elevations to Danestrete, Town Square and Queensway to be submitted to the Council as the LPA for its approval. These conditions would ensure the development preserves the character and appearance of the conservation area.

5.3 Council's Environmental Health Section

5.3.1 The proposed development is considered acceptable subject to conditions on ground contamination, hours of construction, and control on operations which includes noise, dust, smoke and lighting as well as a condition on external plant.

5.4 Lead Local Flood Authority

5.4.1 The development is not increasing the hardstanding and no external works are being undertaken, in addition the vulnerability not increasing. It is advised that there would be no objection on flood risk grounds.

5.5 Police Crime Prevention Design Officer

5.5.1 It appears none of the documents state how the applicant intends to deal with the issues around crime, disorder and the fear of crime. This is despite national and local policies and guidance regarding this matter. Having spoken with the local Police Team there are concerns with some of the units there and a lot of work was done to reduce the issues of ASB and violence. Unfortunately this is beginning to increase again.

5.5.2 There are substantive concerns regarding the proposed public lobby as there does not appear to be any means of access control or concierge shown on the plans but the Design and Access Statement state on page 11 that there will be a 'Contemporary new public circulate core with reception and waiting space.'. This is somewhat confusing and needs clarifying. It would be the recommendation from the Police Crime Prevention Design Advisor to have a reception desk and access control to prevent unauthorised access into the 'back of house' areas. It is recommended that the project design team contact the Police Crime Prevention Section in order to ensure that crime etc. is designed out of this development.

5.5.3 There are also substantive concerns regarding refuse storage. On a recent visit to the rear of McDonalds it was noted that the waste bins were pushed against the fire exit gates. To ensure that this does not happen I would recommend that the bins are either stored in a secure area or chained to the ground via ground anchors.

5.5.4 Overall, the Police Crime Prevention Design Service cannot support this application in its current form. If however the Regeneration team engage with the local Crime Prevention Design Advisor with a view to seeking full accreditation to the Police preferred minimum security standard then we would be in a position to fully support the application.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

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

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

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

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. 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 TW8: Environmental Safeguards;
Policy TW9: Quality in Design;
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 TR1: Town Centre;
Policy TR3: Retail Frontages;
Policy TR4: Loss of Retail Floorspace;
Policy TR7: Loss of Office Accommodation;
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 SP4: A Vital Town Centre;
Policy SP5: Infrastructure;
Policy SP6: Sustainable Transport;
Policy SP8: Good Design;
Policy SP9: Healthy communities;
Policy SP11: Climate Change, Flooding and Pollution;
Policy SP13: The historic environment;
Policy EC7: Employment development on unallocated sites;
Policy TC1: Town Centre;
Policy TC5: Central Core Major Opportunity Area;
Policy TC8: Town Centre Shopping Area;
Policy HC7: New and refurbished leisure and cultural facilities;
Policy IT3: Infrastructure;
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 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.
Town Square Conservation Area Management Plan July 2012.

7. APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, visual impact on the conservation area, impact upon neighbouring amenity, impact on the highway network, parking provision and development and flood risk.

7.2 Land Use Policy Considerations

Impact on the vitality and viability of the town centre.

- 7.2.1 The application site is identified within the Town Centre Policy Area in the Stevenage District Plan Second Review 1991-2011, where policy TR1 applies. Policy TR1 states that “Within the town centre policy area, as identified on the proposals map, permission will be granted for “inter alia” retailing, leisure, cultural, community and social uses provided that it does not conflict with the Council’s adopted vision or strategy for the town centre or other policies.
- 7.2.2 The ground floor units between 21 to 25 Town Square are classed as secondary retail frontages whilst 29 Town Square is classed as a primary retail frontage under the District Plan (2004). In regards to primary retail frontages, Policy TR3 of the District Plan sets out that only proposals for Use Class A1 (shops) will be permitted. However, with respect to secondary frontages, proposals for A2 or A3 or other uses appropriate in a town centre retail street will be permitted. With respect to Policy TR4 of the same document, this states that proposals that result in the overall loss of retail (A1), food and drink (A3) and service floorspace (A2) in the town centre, will be resisted except for changes of use to social, community, leisure and cultural use.
- 7.2.3 Turning to the Stevenage Borough Local Plan 2011 – 2031 publication draft 2016, Policy TC8 of this document identifies numbers 25 to 29 Town Square as falling in Primary Retail frontage. However, with respect to numbers 21 to 23 Town Square, this part of the building is no longer identified as falling within either primary or secondary retail frontages.
- 7.2.4 The proposal would involve a change of use of Units 21 to 23 (currently occupied by McDonalds) to a flexible permission for use A1 (shop) or A3 (restaurant and café). The proposed flexible use of the property would be in accordance with the policies set out in the District Plan (2004) as well as the Emerging Local Plan (2016).
- 7.2.5 With respect to the existing betting shop (Ladbrokes) who operate from unit 25 Town Square, the proposed development would result in the loss of 106 sq.m of floorspace in order to create the communal lobby which would serve the offices (Use Class B1(a) and gallery (Use Class D1) which would be located on the upper floors of 21 to 29 Town Square. Whilst the proposal does result in the loss of the betting shop, they are no longer defined as a use falling under Class A2 (financial and professional services). This is because betting shops, including those which are already operating from premises, are now classed as Sui Generis (a termed use to categorise buildings which do not fall within any particular use class) as defined in the Town and Country Planning (Use Classes) (Amendment) Order 2015.
- 7.2.6 Given the above, the existing betting shop is not a use which would generally be acceptable within the secondary retail frontage as defined under Policy TR3 of the District Plan (2004) or primary retail frontage as defined under Policy TC8 of the Emerging Local Plan (2016). Consequently, whilst its loss would not be contrary to the policies contained in both the District Plan and Emerging Local Plan, a justification needs to be made with regards to the creation of a communal lobby as it would result in the loss of premises which could be used for an acceptable use as defined in retail policies in the District and Emerging Local Plan.
- 7.2.7 In terms of the justification for the communal lobby, an assessment needs to be made as to the proposed uses in which it seeks to serve. In regards to the proposed gallery, Policy SP9 of the Emerging Local Plan (2016) identifies that there is currently a lack of galleries and art

spaces within Stevenage Town Centre which would help to diversify the uses in the town and to help improve its overall vitality and viability. Furthermore, the proposal accords with Policy HC7 of the Emerging Local as the provision of a new art gallery would help to address the identified shortfall in gallery space. In addition to this, culture and tourism facilities such as galleries are defined as a Main town centre uses under Annex 2 of the NPPF (2019) and being in the town centre, it also accords with Policy HC7.

- 7.2.8 Turning to the proposed office space, Policy SP3 of the Emerging Local Plan (2016) encourages the intensification of B-class employment uses in the most accessible locations which includes town centre. Furthermore, the National Planning Policy Framework identifies offices as a Main Town Centre use. Moreover, the Employment Technical Paper dated December 2016 which forms part of the evidence base for the Emerging Local Plan identifies that there is a shortfall of 11.5 hectares of employment land in the Borough. As such, the proposal in some way will help to meet some of this shortfall.
- 7.2.9 Given the above, whilst the proposal results in the loss of the betting shop which does provide an element of footfall and employment, and, results in the loss of a unit which could be used by retailers in the future, it is considered necessary to create a communal lobby to provide a suitably defined access and circulation space for the gallery and offices above. In addition, the adopted and emerging policies do not prevent the loss of betting shops. As such, it can be concluded that the overall benefits of the development which help to meet a defined need, would outweigh the loss of the betting shop in this instance.

Employment

- 7.2.10 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)). As such, the proposed offices (Use Class B1(a)) 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.
- 7.2.11 Policy TR7 of the District Plan (2004) states that proposals for the conversion of redevelopment of existing office accommodation in the Town Centre to other uses will be permitted where it can be demonstrated that the accommodation is no longer suitable.
- 7.2.12 The proposed development would result in the loss of office floorspace in order to create the proposed new gallery. In addition, the proposal would also result in the loss Use Class A2 (Financial and Professionals Services) floorspace on the first and second floor levels of 25

to 27 Town Square which was previously occupied by Manpower. However, these areas of floorspace have been vacant for a number of years and the proposed development does provide new and replacement office floorspace within the town centre. In addition, as detailed under paragraph 7.2.7 of this report, there is already a shortfall of employment space in the Borough in which this proposal does seeks to address.

7.2.13 Further to the above, the proposal also comprises of extensive refurbishment and external improvement works which would help to create a more attractive employment for businesses. In view of the aforementioned, the proposed development would help to secure the long term occupation of the upper floors as well improve the vitality and viability of the town centre. The proposed development is therefore considered to be acceptable in land use policy terms.

7.3 Visual impact on the conservation area

7.3.1 In terms of design, Paragraph 127 of the National Planning Policy Framework (NPPF) 2019 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 Town Square Conservation Area along with the Grade II listed clock tower with associated pool and Joy Ride statue, 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 (2019), 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 SPD (2012) identifies that the Town Centre was planned as the first pedestrianised town centre with distinctive and architectural built form. The square itself is framed with low rise three-storey buildings arranged in a block form of rectilinear plots with continual retail frontages. The town square is identified as being relatively unaltered whilst existing public art and flat topped canopies being retained which provide the area with local distinctiveness. In addition, many of the buildings retain their original pre-cast panels and metal casement windows.
- 7.3.5 Whilst a fundamental part of the proposed development comprises the undertaking of internal alterations to deliver the proposed changes of use and new lobby entrance, the proposal also comprises external alteration and refurbishment works to the existing building. Part of the proposed development comprises the installation of full height curtain wall glazing on the principal elevation (facing towards the Town Square) of 25 Town Square which has been designed with a Mondrian pattern. This area of glazing would measure approximately 5.96m in width and 10.92m in height and would also comprise a new entrance canopy. This canopy which would have the same depth and thickness as the existing timber canopy but would be steel framed with internal lighting with new signage “25 Town Square” positioned above the canopy.
- 7.3.6 In addition to the above, the proposed development comprises the refurbishment of the existing timber canopy along 27 to 29 Town Square as well as the canopy along 38A to 38C Queensway. This will include the provision of hardwearing timber/timber composite panelling along with metal trim caps and LED strips which would be concealed in the underside of the canopies. The development also seeks to replace the existing casement windows on the first and second floor level with double glazed composite windows. The replacement windows have been designed to reflect the original design of the windows which are to be replaced. This is to ensure they are sympathetic to the uniform design of the fenestration detailing of the building.
- 7.3.7 The proposal also comprises the replacement at ground floor level of the existing shop front of 21 to 23 Town Square (McDonalds). In regards to the Town Square frontage (South Elevation) this would span 18.28m in width with a height of between 3.60m to 4.65m due to the sloping topography of the application site. This new shop front would comprise of two new shop entrances as the existing unit would be subdivided. In terms of the elevation which faces towards Danestrete and the Bus Station (West Elevation), the replacement shop front would measure 19.05m in width with a height of between 3.47m to 3.69m due to the gentle gradient the existing building sits on. Both elevations would comprise contemporary modern full height curtain wall glazing with associated low level stall risers and fascias. The existing support columns which form a colonnade to the front of the aforementioned units would also be repainted and made good.
- 7.3.8 This application also proposes the replacement of the existing crittall windows at first and second floor level of 21 to 23 Town Square with new curtain wall glazing which will be framed by the existing concrete cladding which is to be cleaned. The replacement curtain wall glazing has been designed to reflect the original window pattern with a run of translucent glazing at both levels. The development also consists of the installation of new cladding panels to replace the existing aggregate based concrete panels along with the repainting of the original balustrade which serves the recessed balcony of 29 Town Square (above Starbucks).
- 7.3.9 To the rear of the building, the proposed events space, outdoor break-out space and office amenity would be provided via the existing terrace. As part of the development works in order to create the outdoor terrace, it would comprise the replacement of the existing casement windows with similar double glazed casement windows with set of glazed doors. In addition, the proposal also seeks to enclose existing and proposed plant with an acoustic timber louvre. This would not only help to screen the plant from public view points it would also help to mitigate the level of noise which is generated by the plant. The proposal also

seeks to replace the existing fire doors and provide new ground floor service doors as well as a replacement of the existing fire escape staircase.

- 7.3.10 Having regard to the aforementioned, the proposed development would include extensive refurbishment and enhancement works which would sensitively modernise the building's façade. As such, it is considered that the proposed works as a whole would preserve and enhance the historic character and appearance of the Town Square Conservation. This is because firstly, whilst the proposed replacement panelling would be a divergence from the existing aggregate based concrete panelling, it would still largely maintain the existing character and appearance of the building. Secondly, the replacement double glazed curtain wall system have been designed to preserve the original fenestration patterns and proportions which does not detract from the original design concept of the building. Thirdly, whilst the proposal comprises substantive alterations to number 25 Town Square through the introduction of full height curtain wall glazing, it helps to create a more active, high quality frontage which is sympathetic to the original architectural composition of the building.
- 7.3.11 With respect to the new canopy, whilst this is a bold intervention, it has been designed to reflect the overall proportions of the original timber canopy but distinguished through the use of modern materials and sensitive lighting. In addition, whilst the canopy would not be long and continuous as per the existing canopy, it forms a transition between the existing canopy and colonnade as well as creating a defined entrance feature to serve the upper floor offices and gallery which is currently lacking in the original built form. Therefore, the overall canopy design does not substantively draw away from the overall appreciation of the general appearance of the canopies which are key architectural feature in the conservation area.
- 7.3.12 Given the aforementioned assessment, the Council's Conservation Advisor considers the development, subject to conditions on the materials and final detailing of glazing bars, would not harm the historic character of the Town Square Conservation Area. In addition to this, it is important to note that Stevenage Town Square Conservation Area was put on the Historic England at Risk Register in 2017. This is because of the conservation areas deteriorating and poor condition. In addition, as the proposal would offer benefits by creating an enhanced active frontage which would outweigh the limited localised harm the development to the conservation area. Consequently, it is considered that the overall architectural enhancements along with the refurbishment and improvement works to the building combined with its public benefits would not have a detrimental impact on the character and appearance of the conservation area. In addition, due to the poor condition of the northern elevation of the building, the proposed works would also provide a higher quality setting for the listed clock tower and joy ride. As such, the development would not have a detrimental impact on the setting of the listed structures in this instance in accordance with the NPPF.

7.4 Impact upon Neighbouring Amenity

- 7.4.1 In terms of impact on amenities, the nearest residential properties are located approximately 168m from the development site and are located above 75 Queensway (Costa Coffee). In addition, there are a number of existing premises in the vicinity of the application site which could also be affected by the proposed development in terms of noise.
- 7.4.2 Given the aforementioned, in order to reduce the impact in terms of construction noise on nearby residential properties and adjoining business operators, it is recommended a condition be imposed which restricts the hours of construction. This will ensure that noisy construction activities are restricted to certain times of the day in order to mitigate the impact these would have on existing businesses. It is also a condition which is recommended by the Council's Environmental Health Section.

- 7.4.3 Turning to the proposed external plant and equipment, this would comprise of sixteen air cooled condensers and would be located to the rear of the building. In this regard, the applicant has submitted a noise impact assessment as part of the application submission with detailed mitigation measures. The mitigation measures suggested includes the installation of an acoustic louvered screen which would enclose the air cooled condenser units. Following consultation with the Council's Environmental Health Section, they have not raised any objections to the proposed installation of the air condensers. In addition, this is combined with the fact that the building itself helps to physically contain the noise to a localised area which would reduce the impact on nearby residential properties and businesses.
- 7.4.4 However, to ensure the development does not impact on nearby businesses and residential premises, a condition should be imposed to require the acoustic louvered screen be installed prior to the first use of the external plant. In addition, the condition will require the plant and equipment to be maintained in accordance with the manufacturer's specifications.
- 7.4.5 It is also recommended a condition be imposed regarding the installation of external plant and equipment which could be installed in the future. This will require any future occupiers of the development to provide details of any plant or equipment, including ventilation to be submitted to the Council for its written approval. This condition ensures that the level of noise generated by any equipment can be assessed by the Council and to ensure, if there is a restaurant or café use, any odours generated from cooking can also be controlled. This is to ensure that such uses do not cause a nuisance to nearby businesses and residential premises.

7.5 Impact on the highway network

- 7.5.1 The application site is currently accessed off Danestrete which is currently an un-adopted road which is managed by Stevenage Borough Council as landowner. The proposed development does not seek to alter or undertake any improvements works on the vehicular highway.
- 7.5.2 Looking at traffic generation, the proposed development does not seek to increase the existing level of floorspace within the building. As a result, the proposal would not lead to an increase in vehicle trips to and from the site over and above the existing uses. The application site is also located in a sustainable location due to being in the town centre. As such, the site is located in close proximity to Stevenage Bus Station as well as Stevenage Train Station which is approximately 300m to the west. The site is also accessible by bicycle due to the town centre being connected to the extensive cycle network.
- 7.5.3 Given the above, Hertfordshire County Council as Highways Authority does not consider the proposed development would prejudice the safety and operation of the highway network.

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 as follows:-
- 1 space per 30m² gross floor area of office floor space;

- 1 space per 5m² of floorspace of dining area (Restaurant/Cafes) plus 3 spaces per 4 employees; and
- 2 spaces plus 1 space per 30m² of public floorspace (Miscellaneous cultural buildings – gallery).

7.6.3 The proposed development would comprise of approximately 644 sq.m of Class A3 (Restaurants and Cafes) floorspace (approximately 578 sq.m of dining area), 1,015 sq.m of B1 (a) (Office) floorspace and 326 sq.m of D1 (Non-residential institutions – gallery) floorspace. Taking the floorspace into consideration, there would be a requirement to provide 145 off-street parking spaces. Notwithstanding this, the application site is located within non-residential accessibility zone 1, as such the level of parking can be reduced to 0% to 25% of the maximum number of parking spaces which are required. Therefore, between 0 and 29 parking spaces would be required to serve the development.

7.6.4 The proposed development, as is the current situation, does not consist of include the provision of any off-street parking. Notwithstanding this, the application site is well served by public transport with a number of surface car parks in and around the Town Centre. Therefore, notwithstanding the lack of provision off-street parking, the proposed development would be in accordance with the Council's Car Parking Standards SPD (2012) and would not therefore, worsen the existing situation.

7.6.5 With regards to cycle parking, the proposed development as currently detailed does not seek to provide any additional cycle parking provision. Notwithstanding this, in order to help encourage a modal shift from the motor car and to support sustainable forms of transport in line with the Council's Mobility Strategy, it is recommended a condition be imposed if permission were to be granted. This condition will require details of cycle parking to be provided as part of the development which will need to be agreed in writing by the Council.

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 as the proposed development comprises a change of use where no additional floorspace via extensions are being undertaken or the creation of additional hardsurfacing, they raise no objection to the development on flood risk grounds.

7.8 Other Matters

Sustainable construction and climate change

7.8.1 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.

7.8.2 Taking the aforementioned policies into consideration, the applicant has not provided details of how the development would be adaptable to climate change. Therefore, if planning permission was to be granted, a condition can be imposed to any permission issues requiring the applicant to submit details of measures they will utilise to ensure the development is made adaptable to climate change. These details would have to be agreed in writing by the Council as the Local Planning Authority.

Environmental Health Condition

7.8.3 The Council's Environmental Health Section has sought conditions to be imposed with respect to dust control, smoke and lighting. It is considered that such conditions are not reasonable given the generally limited size and scale of the development proposed. In addition, any issues with dust, burning of waste and construction noise if it is causing a statutory nuisance can be enforced against by the Council's Environmental Health Section under separate legislation.

7.8.4 The Council's Environmental Health Condition has also sought a condition be imposed in regards contaminated materials etc. However, the proposed development does not seek to undertake any extensions to the building which would require the breaking of ground. In addition, any materials which contain asbestos are controlled under Health and Safety Regulations which fall outside the control of planning. Therefore, it is considered that such conditions would fail to accord with the relevant tests specifies in the NPPF (2019).

Crime Prevention

7.8.5 Whilst a number of concerns have been raised by the Police with respect to the proposed development, these concerns relate to the management of the building in terms of the refuse area and how the reception area of the lobby is manned. The concerns raised are therefore, matters which fall outside the control of planning legislation and law. Notwithstanding this, the applicant's agent has confirmed that there will be an access control provided for the main doors. Furthermore, access control would be provided for all doors in the lobby area so as to further restrict unwanted access to back of house.

7.8.6 In addition to the above, whilst it is dependent on the future occupiers of the building, it is likely a fob entry system would be installed. Furthermore, the proposed development would seek to significantly improve the rear of the building with the refuse areas serving the relevant premises to be located within independent, secure storage areas.

7.8.7 The aforementioned measures would address the concerns which have been raised by the Police Crime Prevention Design Officer.

Loss of the existing premises (objector)

7.8.8 It is noted that an objection has been raised by Ladbrokes which is the existing betting office which currently operates from 25 Town Square. They have argued that as they are an established "leisure use", the proposed communal circulation space/lobby area would result in the loss of this established leisure use with no replacement facility being provided on-site or in the town centre. Consequently, they argue that the proposed development would be in conflict with Policy TR8 (Protection or leisure, social and community uses) of the District Plan (2004) and Policy TC8 (Town Centre Shopping Area) of the Emerging Local Plan (2016).

7.8.9 It is considered that whilst the proposed development would result in the loss of the existing betting office, they are currently classed as a "Sui Generis" (a use that does not fall within a

particular use class) use and therefore, do not fall within the tradition A class uses. Furthermore, leisure uses as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) generally fall under Use Class D2. In addition to this, there is no planning case law which defines betting offices as established being "leisure uses".

- 7.8.10 Taking into consideration the above, the District Plan (2004) and Emerging Local Plan (2016) do not have any specific policies which require "betting offices" to be retained as part of any development. In regards to the concerns raised about active frontages and reduced footfall, the proposed development as set out earlier in the report would retain and enhance the active frontage of the building with the provision of a high quality and contemporary modern lobby entrance feature. The circulation space is also required to provide direct access to the upper floor office and gallery space which are defined as appropriate used in the town centre.
- 7.8.11 Further to the above, whilst concerns have also been raised that the property has not been actively marketed which they consider again conflicts with policy, the existing use is not within Use Class A1 or A2. Further, the wider building at the upper floors is currently vacant due to the poor condition of the building and the below standard internal circulation space and lack of a clearly defined entrance feature. Consequently, the proposed development would help to increase footfall by helping to create high quality office space and a new gallery combined with the undertaking of substantive external refurbishment works. These would on balance, outweigh the loss of the existing betting office in this instance.

8. CONCLUSIONS

- 8.1 In summary, the principle of the development would be acceptable as it would help to improve the vitality and viability of the town centre and would help to bring vacant premises back into operation. In addition, subject to conditions, the proposed development would not have a detrimental impact on the historic character of the Town Square Conservation Area or the setting of the nearby listed clock tower with associated pool and the joy ride statute. Furthermore, subject to conditions, the proposed would not have a detrimental impact on the amenities of nearby businesses and operators. Finally, the proposed development would not prejudice highway safety or generate or is susceptible to flooding.
- 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 (2019) 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:
- AA7916-2000; AA7916-2001; AA7916-2002; AA7916-2100 A; AA7916-2101 A; AA7916-2102 A; AA7916-2103 A; AA7916-2105 A; AA7916-2106 A; AA7916-2200 B; AA7916-2201 B; AA7916-2202 A; AA7916-2203 A; AA7916-2205 A; AA7916-2206 A.
- 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 Prior to the undertaking of external concrete cladding works to the application building, samples of the materials to be used to replace the concrete cladding of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON:- To ensure the finished appearance of the development enhances the character and appearance of the building as well as preserve and enhance the character and appearance of the Town Centre Conservation Area.
- 4 Prior to the undertaking of external fenestration works to the application building, drawn details of the replacement fenestration showing the detail and proportions of glazing bars compared to existing fenestration for the front elevations to Danestrete, Town Square and Queensway shall be submitted to and approved in writing but the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON:- To ensure the finished appearance of the development enhances the character and appearance of the building as well as preserve and enhance the character and appearance of the Town Centre Conservation Area.
- 5 Prior to the first occupation of a Class A3 (Restaurants and Cafes) as detailed in the submitted application, a scheme for the installation of equipment to control the emissions of fumes and smell from these premises shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first use of the premises as Class A3 (Restaurants and Cafes). All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
REASON:- In order to protect the amenities of the occupiers of adjoining properties.
- 6 Before any plant and/or machinery is installed on the premises as detailed in the application submission, details of the acoustic louvered screen shall be submitted to and approved in writing by the Local Planning Authority. The acoustic screen shall be installed in accordance with the approved details prior to the first operation of the plant and/or machinery.
REASON:- In order to protect the amenities of nearby premises.
- 7 No demolition of 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:- In order to safeguard the amenities of the occupiers of neighbouring properties.
- 8 Prior to the occupation the building, details of measures to address adaptation to climate change shall be submitted to and approved in writing by the Local Planning Authority. These measures shall then 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.
- 9 Prior to the occupation of the building, details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be erected in accordance with the approved details.
REASON:- To encourage a modal shift to more sustainable forms of transport and to ensure the development accords with the Council's adopted Parking Standards.

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.

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 February 2019 and Planning Policy Guidance March 2014.