

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

Date: 7 September 2021

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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 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.

- 7.4.10 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.