

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

**Date:** 5 February 2019

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

## **2. RELEVANT PLANNING HISTORY**

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

## **3. THE CURRENT APPLICATION**

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

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

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

## **4. PUBLIC REPRESENTATIONS**

4.1 This planning application has been publicised by way of a site notice and neighbouring properties have been notified about the application via a letter. The application was also published in the local press as it is a major application. At the time of drafting this report 16 objections have been received from numbers 5, 9, 11, 17 22, 24, 25, 27, 32, 33, 37, 38, 39, 42, 43, 44 George House, Primett Road.

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

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

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

## **5. CONSULTATIONS**

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

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

## **5.2 Hertfordshire County Council Growth and Infrastructure Unit**

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

## **5.3 Hertfordshire County Council as Lead Local Flood Authority**

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

## **5.4 Hertfordshire Constabulary as the Crime Prevention Design Service**

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

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

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

## **5.6 Council's Car Parking Manager**

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

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

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

## **5.8 UK Power Networks**

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

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

## **5.9 Thames Water**

5.9.1 No comment

## **5.10 Hertfordshire County Council Mineral and Waste Section**

5.10.1 No comment.

## **5.11 Affinity Water**

5.11.1 No comment.

## **5.12 Environment Agency**

5.12.1 No comment.

# **6. RELEVANT PLANNING POLICIES**

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

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

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

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

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

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

## **6.2 Central Government Advice**

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

## **6.3 Adopted Local Plan**

Policy TW1: Sustainable Development;  
Policy TW2: Structural Open Space;  
Policy TW8: Environmental Safeguards;  
Policy TW9: Quality in Design;  
Policy TW10: Crime Prevention;  
Policy TW11: Planning Requirements;  
Policy E7: Employment uses outside employment areas and homeworking;  
Policy T6: Design Standard;  
Policy T12: Bus Provision;  
Policy T13: Cycleways;  
Policy T14: Pedestrians;  
Policy T15: Car Parking Strategy;  
Policy EN27: Noise Pollution;  
Policy EN29: Light Pollution;  
Policy EN36: Water Conservation;  
Policy EN38: Energy Conservation and Supply;

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

Policy SP1: Presumption in favour of sustainable development;  
Policy SP2: Sustainable Development in Stevenage;  
Policy SP3: A strong, competitive economy;  
Policy SP5: Infrastructure;  
Policy SP6: Sustainable Transport;  
Policy SP8: Good Design;  
Policy SP11: Climate Change, Flooding and Pollution;  
Policy SP13: The historic environment;  
Policy EC7: Employment development on unallocated sites;  
Policy TC13: Retail impact assessments;  
Policy IT3: Infrastructure;  
Policy IT4: Transport Assessments and Travel Plans;  
Policy IT5: Parking and Access;

Policy IT6: Sustainable Transport;  
Policy IT7: New and improved links for pedestrians and cyclists;  
Policy GD1: High Quality Design;  
Policy FP1: Climate Change;  
Policy FP2: Flood Risk in Flood Zone 1;  
Policy FP7: Pollution;  
Policy NH10: Conservation areas.

## 6.5 Supplementary Planning Documents

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

## 7. APPRAISAL

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

### 7.2 Land Use Policy Considerations

#### Employment

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

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

7.2.2 The proposed extension and refurbishment works to the existing office building would help to enhance the limited available Office space within the district of Stevenage. The proposal would also provide a modern, high quality office development which would help to address the current shortfall in employment floorspace (especially modern, high quality office spaces) within the Borough. To support this case, the Council's Employment Technical Paper dated December 2015 which forms part of the evidence base for the Emerging Local Plan, outlines that it is forecasted, as set out under paragraph 2.54 of this Technical Paper that there will be a requirement to provide 30 hectares of employment land over the plan period between 2011-2031. However, through the undertaking of the SLAA (Strategic Land Availability Assessment) it can be seen that a total of 19.4 hectares of land has been

identified on the supply side. Therefore, the opportunities identified will therefore deliver 56% of the required quantum employment (paragraphs 3.40 to 3.42). The aforementioned Employment Technical Paper was updated in December 2016. A synthesis of the supply-side and demand-side data suggests that there is insufficient land available to meet the trend-based requirement for at least 30ha. The opportunities identified will deliver approximately 62% of the required quantum of employment land, resulting in a shortfall of approximately 11.5ha (paragraphs 3.10 and 4.4).

- 7.2.3 Given the above evidence base, it has been established that Stevenage can only accommodate about half of its predicted employment growth over the Local Plan period (this has included the release of Green Belt land in order to meet the necessary demand). Therefore, the Council has had to rely on neighbouring authorities to support the necessary employment growth which would be generated over the local plan period. Emerging Local Plan Policy SP3 criterion e. identifies that we as the Council will work with Central Bedfordshire and North Hertfordshire District Council and paragraph 5.23 sets out that there is a shortfall of employment land of 11.5ha. Consequently, the provision of an additional 6,283 sq.m of office floor space (0.6 hectares) would help to meet some of this shortfall.
- 7.2.4 Taking the above into consideration combined with the fact that the proposed development does not seek a reduction or the loss of an existing established employment use, it is considered that the proposed development would accord with the policies set out in the adopted Local Plan (2004) and Emerging Local Plan (2016) along with the aims and objective set out in the National Planning Policy Framework (2018).

#### Retail impact and the sequential test

- 7.2.5 The NPPF reaffirms the Government's objectives for ensuring the vitality and viability of town centres. For proposals that are not in an existing centre, the NPPF states that a sequential test must be undertaken giving preference to town centre sites and then edge of centre sites before consideration is given to out of centre sites. For reference, under Annex 2: Glossary of the NPPF, offices are identified as main town centre uses. Additional to this, the NPPF states that for proposals of this nature (above the default threshold of 2,500m<sup>2</sup> – if there is no locally set threshold) an impact assessment must be undertaken which has to consider the following:-
- a) the impact of the development on existing, committed and planning public investment in a centre or centres in the catchment area of the proposal; and
  - b) the impact of the development on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.
- 7.2.6 The Planning Practice Guidance (PPG) (2014) reaffirms the 'town centre first' principle, that compliance with the sequential and impact tests does not guarantee that permission will be granted and that the Local Planning Authority will have to take into account all material considerations in reaching a decision. With regards to the sequential test, the PPG states that the applicant must demonstrate flexibility. A town centre site does not have to accommodate precisely the scale and form of the proposed development and consideration should be given to the contribution that more central sites are able to make.
- 7.2.7 The relevant adopted Local Plan Policies TR5 and TR6 of the Stevenage District Plan Second Review 1991 – 2011 adopted 2004, which relate to retail development, were not saved from September 2007. However, emerging Policy TC13: Retail impact assessments states that for main town centre uses, an impact assessment is required for any proposal in excess of 300m<sup>2</sup> 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 300m<sup>2</sup>, in line with Policy TC13 of the Emerging Local Plan (2016), an impact assessment is required. Consequently, account should be taken of the impact the proposal would have on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. However, this policy was drawn up under the superseded National Planning Policy Framework (2012) which stated under paragraph 26, “when assessing applications for retail, leisure and office development outside of town centres.....local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold”.
- 7.2.10 The requirement to assess the impact of office developments has now been dropped under the National Planning Policy Framework (2018). The NPPF now states under paragraph 89 “when assessing applications for retail and leisure development outside town centres”. Given this, as the Emerging Local Plan (2016) has not been formally adopted due to the holding direction placed by the Ministry of Housing, Communities and Local Government and the NPPF is national policy, the Council is unable to assess the impact the development would have on the town centre. Therefore, it has to be determined that the development would not have a detrimental impact on the vitality and viability of the town centre in this instance.

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

- 7.3.1 In terms of design, Paragraph 127 of the National Planning Policy Framework (NPPF) 2018 stipulates that planning decisions should ensure development functions well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fail to make available opportunities available for improving the character and quality of an area and the way it functions”.
- 7.3.2 Turning to the impact on the setting of the Old Town Conservation Area and the Marquis of Lorne which is a Grade II Listed Building, paragraphs 193 to 196 of the NPPF have to be considered in the determination of this planning application. This is because, as established through case law, if there is any harm to these heritage assets, great weight has to be given as to the impact the development may have on these assets. Dealing with Paragraph 193, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial

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

- 7.3.3 Policy TW9 of the District Plan (2004) requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design. Policy GD1 of the emerging Local Plan (2016) generally reflects the above policy. Policy NH10 of the same document states that development proposals affecting a conservation area should have regard to the relevant Conservation Area Management Plan SPD.
- 7.3.4 The Conservation Area Management Plan for the Old Town identifies that the High Street comprises of medieval burgage plot layout which include a number of carriage entrances. There are a number of listed buildings within the conservation area which include a 16<sup>th</sup> 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 15<sup>th</sup> and 16<sup>th</sup> Century buildings through to Victorian properties which run along the length of the High Street. The buildings along the High Street are generally two to three storeys in height.
- 7.3.5 The application site, which falls just outside of the Old Town Conservation Area, comprises a modern two-storey office building with basement car parking. The building is constructed from red brick at ground floor level with a hipped roof clad in grey roof tiles with two gable-end projections. On the principal elevation of the building is a glazed atrium incorporating a gable-end stone canopy supported by stone columns. At first floor level, the building is finished in stone with brick detailing below. For vertical emphasis, there is stone detailing which runs up the front elevation of the building. The fenestration detail is evenly spaced and comprises steel framed windows. The side and rear elevations of the building have been designed to reflect the architectural appearance of the principal elevation. The building is set back from Primett Road by a hardsurfaced car park.
- 7.3.6 To the south of the application site is George House which is a modern five storey building operated by McCarthy and Stone. To the east of the application is the modern residential development at Howarde Court which is two and three-storeys in height. There are also modern offices which front onto Primett Road. Beyond these buildings is the historic core of the Old Town Conservation Area. To the north of the application site is Primett Road surface car park and to the west beyond Lytton Way is Monument Court which is a seven storey modern residential development.
- 7.3.7 Given the above, the existing building is set within a modern context with the application building itself not overtly contributing positively to the conservation area, especially given the presence of the surface car park which does not create a positive high quality environment.

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

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

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

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

## **7.4 Impact upon Neighbouring Amenity**

### Privacy and outlook

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

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

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

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

#### Daylight

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

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

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

## Sunlight

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

## Overshadowing

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

## External lighting

- 7.4.20 In regard to external lighting, the applicant has not submitted any details of lighting which would be installed on the development or around the application site. However, to ensure that any external lighting does not affect the amenities of nearby residential properties, it is recommended a condition be imposed to any permission granted in order to deal with external lighting. This condition will require details of any external lighting to be installed to be submitted to the Council as Local Planning Authority for its approval prior to it first being installed.

## **7.5 Impact on the highway network**

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

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

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

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

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

7.5.8 In summary, subject to a S106 Agreement securing the relevant monetary contributions, and imposition of conditions, the proposed development, as advised by HCC as the Highways Authority, would not have a detrimental impact on the safety and operation of the highway network. In addition, any works to be undertaken on the highway would have to be agreed via a S278 Agreement of the Highways Act with the County Council.

## **7.6 Parking Provision**

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

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

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

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

## **7.7 Development and flood risk**

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

## **7.8 Land contamination**

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

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

## **7.9 Other Matters**

### Sustainable construction and climate change

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

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

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

- 7.9.3 The proposed development also comprises energy efficient mechanical ventilation systems and air source heat pumps, thermally efficient walls (including internal walls) which would be air tight. Furthermore, energy efficient lighting with dimming controls and photovoltaic panels would be provided on the roof. The development would also utilise efficient water appliances and systems. Finally the proposed development would have a suitable drainage system to ensure the development does not overload the existing sewer network.
- 7.9.4 Given the above, it is considered that the development has been designed in order to be adaptable to climate change through the use of sustainable technologies and construction.

#### Impact on property values

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

#### Odour

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

#### UK Power Networks objection

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

#### Electric Vehicle Charging Points

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

### Loss of views

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

### Noise

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

### Dust, air pollution and construction traffic

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

## **8. CONCLUSIONS**

- 8.1 In summary, the principle of office development on this site is acceptable and it would help to deliver employment space which the evidence base of the Emerging Local Plan identifies there is a need for. The development has been carefully designed so as not to have a detrimental impact on the setting of the Old Town Conservation and the nearby Grade II Listed Building as well as the wider street scene. Furthermore, the proposed development would not have a detrimental impact on the amenities of neighbouring properties and the development would not prejudice highway safety.
- 8.2 Additionally, whilst there is a shortfall in parking on-site, an agreement has been reached with the Council's Car Parking Manager to secure permits to allow staff to park within the nearby Council owned car parks. Further to this, the site is deemed to be in a sustainable location with the provision of secured cycling facilities for staff. In addition, the site is accessible to the High Street where there are local facilities for future employees including bus stops and nearby cycleway. The development would have an acceptable drainage strategy and subject to conditions, issues with contamination would be carefully controlled.
- 8.3 Given the above, the proposed development accords with the Policies contained within the adopted Local Plan (2004), the Council's Emerging Local Plan (2016), the Council's Supplementary Planning Documents, the NPPF (2018) and NPPG (2014).

## **9. RECOMMENDATIONS**

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into and completed a S106 legal agreement to secure/provide financial contributions towards:-
- A financial contribution towards sustainable transport infrastructure in Stevenage Town Centre and cycle network; and
  - The cost of assessing and evaluating the Travel Plan.

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

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

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

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

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

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

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

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

- 4 Notwithstanding the details specified in the application submission, no landscaping works shall commence until a scheme of soft and hard landscaping and details of the treatment of all hard surfaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all new planting to take place including species, size and method of planting as well as details of landscape management (including long term design objectives, management responsibilities and maintenance responsibilities for all landscape areas). The approved landscaping scheme shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner.

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

- 5 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

- 6 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.

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

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

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

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

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

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

9 No development, including site clearance or demolition works, shall commence until a scheme of dust control measures has been submitted to and approved in writing by the Local Planning Authority and shall be adhered to throughout the construction period. Dust and airborne particles from operations on site shall be minimised by spraying with water or by carrying out of other such works that maybe necessary.

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

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

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

- 11 No development shall take place until a detailed Site Waste Management Plan (SWMP) to detail how waste materials generated as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level and type of soil to be imported to the site as part of the development has been submitted to and approved in writing by the Local Planning Authority.  
**REASON:-** In order to reduce the level of waste generated during the demolition and construction phases of development and to recycle all waste materials where possible.
- 12 Prior to the first occupation of the development hereby permitted the approved secure cycle parking areas and public cycle parking shall be constructed in accordance with the approved details submitted with this planning application and shall be permanently retained in that form thereafter.  
**REASON:-** To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings and the development as a whole on site in perpetuity.
- 13 Prior to the first occupation of the development hereby permitted the approved refuse and recycle stores shall be constructed in accordance with the details submitted with this application and shall be permanently retained in the form.  
**REASON:-** To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity.
- 14 Prior to the first occupation of the development hereby permitted the basement car parking area shall have been fully constructed, surfaced and permanently marked out. The car parking areas so provided shall be maintained and retained permanently and shall be used for no other purpose at any time.  
**REASON:-** To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway.
- 15 No development shall take place (excluding demolition and site clearance) until details of Electric Vehicle Charging Points have been submitted to and approved in writing by the Council as the Local Planning Authority. The approved Electric Vehicle Charge Points shall be installed in accordance with the approved details and thereafter permanently retained.  
**REASON:-** In order to provide facilities to charge electric vehicles and to help reduce the impact of vehicle emissions on the local environment.
- 16 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy, prepared by Create Consulting Engineers Ltd, Ref. JJ/CS/P17-1397/02, dated 4 June 2018 and the following mitigation measures detailed within the drainage strategy:
1. Limiting the surface water run off generated by the 1 in 100 year + 40% for climate change critical storm to a maximum rate of 12.0 l/s.
  2. Implementing appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer, including SuDS features as indicated on drawing title Proposed Ground flood plan (Permeable paving area), Project number BH17-PL-A202, date 16/03/18; Proposed Roof plan (Blue roof), project number BH17-PL-A210 date 16/03/18 and Proposed basement plan (Geocellular storage), project number BH17PL-A201, date 16/03/18.
  3. Providing attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

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

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

17 No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;

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

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

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

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

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

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

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

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

18 Upon completion of the development a final management and maintenance plan must be supported by a full set of as-built drawings, a post construction location plan of the SuDS components cross-referenced with a maintenance diagram to secure the operation of the scheme throughout its lifetime.

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

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets,
- woodland and service lines and pipes,

- adjoining land,
- groundwaters and surface waters,
- ecological systems.

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

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition.

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

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

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

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

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

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

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

### **Pro-active Statement**

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

## **INFORMATIVE**

### **Hertfordshire Constabulary Crime Prevention Design Advisor.**

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

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

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

#### **REASON:**

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

Prior to commencement of the development the applicant shall contact Network Management North at [NM.North@hertfordshire.gov.uk](mailto:NM.North@hertfordshire.gov.uk) or call on 0300 1234 047 to obtain the requirements to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads.

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2018 and Planning Policy Guidance March 2014.