

Committee: Planning and Development

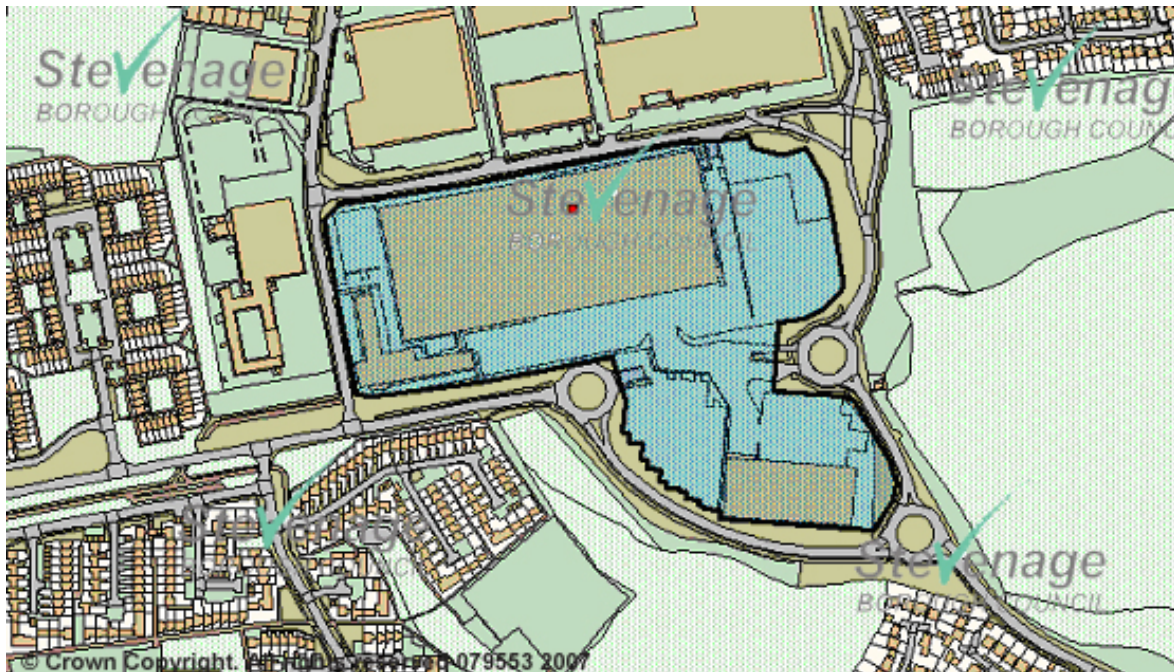
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Date: 20th March 2007

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Application No :	06/00365/OP
Location :	Mastercare Service And Distribution Ltd Wedgwood Way Stevenage Herts
Proposal :	Application for outline permission for erection of up to 386 dwellings and enhanced primary health care centre and associated access, following demolition of existing buildings
Drawing Nos.:	30450_P(O)001; 260611-P-01; 30450_P008A; 30450/P(O)015;
Applicant :	DSG Retail Limited
Date Valid:	29th June 2006
Recommendation :	REFUSAL OF OUTLINE PLANNING PERMISSION



1.0 SITE DESCRIPTION

- 1.1 The application site, which measures approximately 8.3 hectares in area, is located in the southern part of the Pin Green employment area and is bounded by Cartwright Road to the north, Great Ashby Way and Gresley Way to the east, Martins Way to the south and Wedgwood Way to the west. The site is occupied by a distribution warehouse on the northern part of the site, which measures approximately 26,800 sqm in area with an office located to the west of this measuring approximately 3,400 sqm. Lorry parking and a container park lie to the east of these buildings. To the south is a further building used as a returns warehouse measuring approximately 3,400 sqm. Car parking is located to the north of the office building and to the west of the returns building. Access to the site is taken from Wedgwood Way, Cartwright Road and also from roundabouts on Martins Way and Gresley Way.
- 1.2 The site slopes downwards from north to south and adjoins industrial premises to the north and east. In particular, the Allied Bakeries building, a 24-hour a day 365 days a year operation, is located due north of site on the opposite side of Cartwright Road. Residential dwellings in Ascot Crescent are located to the south, opposite the junction of Wedgwood Way and Martins Way, with woodland to the east of this which continues eastwards to the south of the site toward Gresley Way. To the east of the site on the opposite side of Gresley Way and Great Ashby Way is the Lobs Hole nature reserve. North east of the site are further residential properties off Great Ashby Way.

2.0 RELEVANT PLANNING HISTORY

- 2.1 There have been a number of planning applications submitted in the past the most relevant of which are set out below.
- 2.2 Permission granted in 1968 under ref 2/0117/68 for the development of the north east industrial area, now known as the Pin Green Industrial Area.
- 2.3 Permission granted in December 1984 under ref 2/0400/84 for two storey rear extension to the original warehouse to form loading bay with office area.
- 2.4 Permission granted in July 1986 under ref 2/0204/86 for use of land for container storage and car parking facilities.
- 2.5 Permission granted in July 1996 under ref 2/0145/96 for use of former Provident Mutual site and land known as Lobs Hole for storage and distribution purposes (Class B8) to include extension to existing warehouse, erection of returns building, re-routing of Martins Way and formation of new vehicular accesses and provision of parking areas.

3.0 THE CURRENT APPLICATION

- 3.1 The current application seeks demolition of the existing buildings at the site to be replaced by a mixed use development comprising up to 386 dwellings and an enhanced primary care centre measuring approximately 4000 sqm over two floors. The application has been submitted in outline form with only means of access being considered at this stage. However, drawings identifying how the layout of the development could be accommodated on the site and elevational drawings showing the possible appearance of the buildings fronting onto Cartwright Road have been provided for illustrative purposes.

- 3.2 In terms of general layout, the illustrative master plan identifies the enhanced primary care centre located in the south west corner of the site bounded by Wedgwood Way to the west and Martins Way to the south. Access to the facility and its associated parking area would be taken from Wedgwood Way. The remainder of the site would be redeveloped for residential purposes. The illustrative plan indicates a mixture of 2, 2.5, 3 and 4 storey units. The higher three and four storey units are indicated in blocks located along the northern and eastern part of the site opposite existing industrial units and would accommodate flats. These would be sited and designed to act as a buffer between the adjoining employment use and the remainder of the site to the south. The applicants have provided a noise assessment and illustrative drawings as part of the proposal in order to demonstrate that these could be designed to a standard which would provide acceptable living standards for prospective occupants. The remaining area of the site would comprise a mixture of 2, 2.5 and 3 storey units comprising a range of dwellings and flats. The application seeks approval in principle for the erection of up to 386 residential units and the suggested breakdown of units is given as 204 one, two and three bed apartments and 182 two, three and four bed houses. Affordable housing provision in accordance with the Council's policies is proposed which would, based on the maximum number, equate to 96 units. Access to the residential elements would be taken from two of the existing roundabouts which presently serve the site, namely the one to the south of the site on Martins Way and from a roundabout to the east of the site linking Great Ashby Way with Gresley Way. Overall a minimum of 1 parking space per 1, 2 and 3 bed units and 2 spaces per 4 bed unit is proposed with 125 parking spaces proposed to serve the enhanced health care facility. Existing landscaping around the site will be retained and supplemented with additional new planting. The illustrative master plan indicates three play areas, one of which would be equipped, within the overall development.
- 3.3 With regard to the Enhanced Primary Health Care Facility and how this would operate, the supporting documentation states that such a facility at Martins Way would provide additional GP space to cope with the demand of the local population in managing their health needs in a more proactive community based way. This suggests that a centre of the size suggested at this location could support approximately 30,000 patients with outpatient, diagnostic and therapy facilities. At present there are 3 Practices (a total of 7 principal GPs) at St Nicholas', Manor Surgery and Canterbury Way Surgery, which have expressed an interest in co-locating onto the site. Patients presently attending these practices are residents of the St Nicholas, Martins Wood, Manor and Great Ashby areas of Stevenage. Furthermore the supporting documentation suggests that a significant proportion of patients using an enhanced primary care centre on this site would be registered with one of these Practices.
- 3.4 This facility would be managed and delivered alongside other projects in Bedfordshire and Buckinghamshire, by a South East Midlands LIFT team (Local Improvement Finance Trust). LIFT schemes are joint ventures between the Department of Health, the local NHS and the private sector to develop new facilities in local communities to dovetail with the strategic direction on a national, regional and local level.

The objectives of the Enhanced Primary Care Centre include:

- Co-locating GP practices with nursing and administration support services and the potential to take on trainee GPs.
- PCT led integrated health and social care services, a minor operations unit and potentially some appropriate revenue generating services such as a pharmacy or opticians.
- Deliver modern healthcare services in a community setting close to and readily accessible by the local population it serves.
- Offer hospital outreach/relocated acute services and community health agenda services, and to allow other appropriate services to book and deliver essential services from the building.
- Provide comprehensive healthcare services to the residents of Stevenage- within the capacity of the building.

- Relocating services from acute settings to the new centre, and supporting a wider range of people in the northern area of Stevenage, as appropriate.
- Improving services to those with long-term conditions, increasing their ability to live independently.
- Reducing travel journeys to hospital.
- Increase recruitment and retention of healthcare professionals by offering flexible working and prioritising training and skills development for staff, service users and volunteers and improving existing GP and PCT accommodation.
- Maximising the use of the building by the wider community.

3.5 In summary, it is suggested that a new Enhanced Primary Care Centre will provide the PCT with the ability to commission hospital outreach / relocated acute service support, as well as community health agenda services. If agreed, an Enhanced Primary Care Centre on this site will provide comprehensive healthcare services to the north of Stevenage. It is further advocated that there are significant challenges to be met, brought about by population growth and increased service demands, and that state of the art facilities will be needed to recruit and retain the high calibre of GPs and other primary care staff needed to support the local community. The aim of this project is to increase local accessibility to services, so less, rather than more transport should be required.

4.0 PUBLIC REPRESENTATIONS

4.1 The application was advertised by means of site and press notices and letters to the occupiers of neighbouring properties. In response a number of letters have been received making the following comments:

4.2 **Head teacher Martins Wood Primary School** – suggest that the development could contribute to a number of projects at Martins Wood School which would benefit the wider community.

4.3 **Occupier 41 Ascot Crescent** – Whilst not objecting to the proposal is concerned at the increase in traffic that may be generated from the development and if any dwelling was higher than a standard house.

4.4 **Occupier 39 Ascot Crescent** – States that a further bus stop would cause disruption to traffic, mean another stop on the opposite side of the road and could lead to groups of people congregating near No.39, all of which could increase traffic, noise levels and potential for more traffic accidents on a busy road. Additionally, would not wish to see any loss of trees as they act as a screen from the site. With regard to the health facility, queries the proposed height and availability of funding and what would happen to this part of the site if funding was withdrawn. Queries that if the health facility is to be made available for outside hire, what would this entail.

4.5 **Great Ashby Community Group (GACG)** – Accept that the PCT is no longer proposing to provide medical services in the way it has previously done and that there is a move toward enhanced facilities to serve a larger population. Support the proposals for an enhanced medical facility at the site, as it would be available for residents of Great Ashby. Query when the medical facility would be constructed. Suggest that adequate public transport be provided as part of the proposal and that a pharmacy should form part of the medical facility. Have concerns about the additional pressure the new homes would put on schools and other facilities and the potential for anti social behaviour from more housing. Express concern that if the housing is not constructed that the health facility will be withdrawn. The GACG request that a section 106 agreement forms part of any planning permission to ensure that the PCT is obliged to provide the medical facility at the site. Given the fact the original section 106 agreement requiring a health facility at the Great Ashby development was lifted, residents of Great Ashby would be extremely unhappy and feel badly let down were this situation to arise again.

- 4.6 **Oliver Heald MP** – Whilst accepting that the application needs to be considered in light of current planning law and guidance, supports the proposal, particularly on the basis that it would provide much needed GP facilities to Great Ashby. It is the proposed enhanced medical facility which is key to me and my constituents and would wish that the Borough Council give very serious consideration as to how the medical facility goes ahead.
- 4.7 **Councillor Sal Jarvis** – As a NHDC Councillor who represents the residents of Great Ashby is in favour of permission being granted. The super surgery in this application would provide a much needed resource in this fast growing area. Consideration should be given to bus routes and other forms of public transport to ensure easy access to residents of Stevenage and N. Herts.
- 4.8 **Rapleys Town Planning Consultancy** writing on behalf of Allied Bakeries (adjoining the site) objects to the proposal on the basis of adverse residential amenity and possible prejudicial effects on the operation of the bakery. In particular, such bakeries might be considered intrusive to residential amenity by reason of odour, noise and activity. Have strong concerns about introducing residential development in this location, particularly as operational machinery and plant face toward the proposed residential properties and that the bakery operates 24 hours a day all year. Added to this is noise from vehicles using the site 24 hours a day and particularly through the early hours of the morning. The proposal is contrary to the development plan designation as an employment site and is counter to the objective of separating the employment areas from residential areas. The proposal would not accord with the advice in Planning Policy Guidance Note 24 – Noise (PPG24) and whilst mitigating measures are proposed as part of the proposal it has not been demonstrated that alternative quieter sites are available. Suggest that no absolute evidence has been provided that the noise impact will be reduced by the proposed mitigation measures. Finally, it is suggested that there is no justification for additional windfall housing as the Council is currently exceeding its targets in this regard.
- 4.9 **Beattie Brothers Transport Ltd, Wedgewood Way** – Urges refusal as introducing residential development in this location would be likely to increase crime and anti social behaviour in the area. The grant of permission would open the door to further residential development and loss of employment. The company would have to consider their position were permission to be granted. Traffic congestion would worsen. The Martins Way/Wedgwood Road junction would need improvements.
- 4.10 **Pin Green Business Partnership** – This is the representative body for businesses in the Pin Green Industrial Area and objects to the application for the following reasons. Loss of employment land, as nearly 25% of the employment area would be lost. If permission were granted it would suggest that the Pin Green Industrial Area is unimportant with regard to employment within Stevenage and may result in the loss of other such sites in the employment area. Suggest that the site could be used for either B1 or R&D office use. The site is unsuitable for residential use due to noise, smell and vehicular activity 24 hours a day. Traffic congestion and safety problems would be exacerbated should permission be granted. Residential development in this location would worsen security and vandalism in the area.
- 4.11 **Hertfordshire Chamber of Commerce & Industry** – Oppose the proposal as it would result in a significant loss of employment land. Ability to meet the targets set out in the East of England Plan would be difficult to deliver from a reduced commercial land base. Suggest that there are sufficient alternative Brownfield sites elsewhere in the borough to deliver housing requirements. The site is unsuitable for residential use due to noise, smell and vehicular activity 24 hours a day. Traffic congestion and safety problems would be exacerbated should permission be granted. If permission is granted it could lead to more businesses moving out. Crime and anti social behaviour from local residents is likely to increase.

5 CONSULTATIONS

- 5.1 Hertfordshire Highways - The application has been supported by a Transport Assessment (TA) to establish the likely impact the development would have on the local road network.

There will be three points of vehicular access, the residential development would be served from two reconstructed roundabout connections on Martins Way classified as a Local Distributor Road with a speed limit restricted to 40 mph and Great Ashby Way that is a Local Distributor Road with a speed limit restricted to 30 mph. The Primary Care Trust Unit (PCTU) would be served from a simple priority junction constructed on Wedgwood Way that is classified as a local access road with a speed limit restricted to 30 mph. Visibility from these junctions accords with the standards set out in Design Manual for Roads and Bridges. There were extensive pre-application discussions between the Developers and HCC regarding the principles required prior to the submission of the highway design as part of the proposal. The proposals, if permitted, would implement the following highway improvements:

- Signalisation of the junction of Martins Way/Wedgwood Way including the widening of the carriageway approaches on Martins Way and provision of a Toucan crossing. This design has been subject to a stage one Safety Audit and all recommendations made by the safety audit team have been taken on board.
- Completion of a cycleway/footway from Gresley Way/Great Ashby Way roundabout to Thirlmere along the west side of Great Ashby Way that includes the link to the footway of Cartwright Road.
- Improved crossing facilities at Martins Way adjacent to the reconstructed roundabout incorporated into the signalised junction.
- A controlled pedestrian crossing facility on Wedgwood Way.
- Provision of pedestrian/cycle routes to Wedgwood Way Cartwright Road and Great Ashby Way
- Incorporate the existing horse trail into the new development.

Having analysed the transport assessment submitted with the application the Highway Authority's formal recommendation is that planning permission should be subject to a number of planning conditions as well as applicant entering into a Section 106 Agreement to provide financial contributions toward sustainable transport measures, which would be used for improving bus shelters to the required DDA standards, provision of 'real time' information for passengers and improvement for frequency and reliability of passenger transport. Additionally, it would be a requirement for the applicant to provide a Travel Plan to inform and promote public transport services to staff at the Enhanced Primary Health Care Facility. The applicants will also be required to enter into legal agreements with the Highway Authority under the highways legislation in order to cover the design, construction, implementation and adoption of the highway works within the existing public highway and adoptable highway works on third party land.

5.2 Head of Environmental Health – Confirms that in assessing the application officers have had regard to two Environmental Noise Assessment reports and supplementary information from the applicant's acoustic consultants, including a review of the original noise reports and information by a second noise consultant appointed by the applicant. They have considered the dialogue of two meetings with these acoustic consultants. They have examined a number of appeal decisions some of which have been provided by the applicants as well as Leading Counsel's Opinion on which British Standard is appropriate to use in the assessment of noise from an existing industrial source, as it will affect new residents at the proposed development. They have also been provided with wind velocity data for Heathrow Airport from 1992 to 2002. Added to this they have procured an independent consultant to provide an independent review of the noise data provided by acoustic consultants acting for the applicants.

Environmental Health Officers have raised concerns in respect of noise and odour produced by Allied Bakery, which is opposite the proposed development. The bakery operates 24 hours a day, 365 days of the year and represents an existing source of significant noise, and that the noise continues unabated throughout the night. They raise concerns that (a) the proposed

dwelling will provide unacceptable living conditions for the residents, having regard to ambient noise and odour produced by the bakery; (b) the proposed dwellings will be adversely affected by existing industrial sources other than from Allied Bakery; and (c) complaints will be received by residents of the proposed dwellings, resulting in enforcement action against the bakery for the abatement of statutory nuisance from noise and/or odour.

There is a fundamental difference between the applicant and the Council's Environmental Health Officers on which British Standard to apply in the assessment of noise affecting occupiers of the proposed development. The two Standards involved are: British Standard 8233 (1999) "Sound Insulation and Noise Reduction for Buildings", and British Standard 4142 (1997) "Method for rating industrial noise affecting mixed residential and industrial areas". The applicants rely upon BS 8233, which provides a table of design range noise levels to give good and reasonable levels in a range of typical situations including good/reasonable levels in living rooms and bedrooms. They claim that the proposed dwellings will meet the good or reasonable levels throughout the proposal, even with partially open windows. The officers are requesting that in addition to the information already provided, the applicant also carry out a noise assessment in accordance with BS 4142, whereby the background noise levels are measured, and then compared with the industrial noise level. The purpose of BS 4142 is to assess whether complaints are likely, and if the industrial noise rating level exceeds the background by 10dB or more, the Standard states that complaints are likely. Thus far, the applicant refuses to carry out an assessment under BS 4142, despite having been requested to do so verbally at both meetings referred to, and in writing. Furthermore, the British Standard that the applicants refer to (BS 8233) advocates assessment of industrial noise sources in accordance with BS 4142. Added to this they consider that the noise information provided is substandard for the following reasons:

1. There is no night time data provided for the transport noise sources. Despite this, night time levels have been given in the report. These are purely an estimate without foundation.
2. That a background noise level in accordance with BS 4142 has not been provided, against which the industrial noise can be assessed.
3. A rooftop and thus unrepresentative measurement location has been used at the northern boundary of the site. There is insufficient information provided by the applicant to determine whether road transport and industrial noise has been screened from the measurement position.
4. Insufficient assessment periods have been used to determine the transport noise.
5. There is no evidence as to the sources of the noise. For example, there are very high maximum noise levels recorded, up to 85dB and typically in the 70's. These exceed the continuous industrial noise sources by 18–23dB. No evidence is presented to explain these individual noisy events. They are sufficient to lead to significant sleep interference.

With regard to odour, they comment that there is the clear possibility that the odour produced by the bakery could also be a statutory nuisance to occupants of the proposed dwellings. They have consistently voiced this concern but the information they have received from the applicant relates to archive wind velocity data for Heathrow Airport for the years 1992 to 2002 and the suggestion that problems will not arise due to the prevailing wind speed and direction and the lack of existing complaints from nearby residents in this regard. However, no account has been taken of turbulence due to nearby buildings, topography etc. There has been no study of odour at the proposed site to show whether or not the proposed residences will be affected by the existing odour, which is without doubt emitted by the bakery every day. Whilst it is accepted that there is no objective standard by which to measure odour, they consider that the applicants could have carried out an odour study and concluded whether there will be an impact or not, but have failed to do so. Odour from domestic cooking activities is expressly excluded from the statutory nuisance regime but that from commercial cooking is included in the regime. The applicant has not provided sufficient information to the officers to show that statutory nuisance from odour will not occur.

In summary, the Environmental Health Officers do not accept that the noise data provided by the applicant in support of the proposal can be relied upon and even if the noise data was to be accepted, which it is not, officers dispute the conclusions reached by the applicant. There is a fundamental disagreement between the Environmental Health Officers and the applicant on which British Standard is most relevant to this application. The applicant has failed to provide noise data to enable a BS 4142 assessment to be carried out. Two of the reports submitted by the applicant appear to be contradictory on this matter. Further noise monitoring data that may be more reliable has not been provided and this lack of information fails to confirm that enforcement action in the future is unlikely to be taken against the Bakery should complaints be received from residents of the proposed housing. Finally, whilst officers have been provided with appeal decisions, there are differences between these and the situation that exists at the application site. Furthermore, none of the developments in these appeal decisions have been completed and, therefore, the potential for statutory noise nuisance to exist cannot be assessed. For these reasons and the concerns in respect of odour, they consider the application to be unacceptable.

With regard to land contamination, recommends the imposition of a planning condition.

- 5.3 **HCC Property Services.** Require appropriate financial contributions in respect of primary and secondary education as well as libraries and youth and childcare facilities. Have also requested that an element of special needs housing be provided. These can be secured by way of a legal agreement.
- 5.4 **HCC Fire and Rescue.** Make reference to the need for fire fighting access, water supplies and compliance with the building regulations legislation.
- 5.5 **HCC Archaeological Officer** – No objection subject to the imposition of a condition requiring the submission of a scheme of archaeological investigation.
- 5.6 **Thames Water** – Increased flow from the development may lead to sewerage flooding. Impact studies of the existing infrastructure will be required in order to determine the magnitude of any new additional capacity required in the system and a suitable connection point. The developer will be required to fund this.
- 5.7 **Environment Agency** – No objection subject to the imposition of conditions.
- 5.8 **Head of Housing Services** – Request that there should be a higher number of dwellings in the affordable housing mix rather than flats and that the accommodation should be ‘pepper potted’ throughout the residential development.
- 5.9 **Sport England** – No objection.
- 5.10 **North Hertfordshire District Council** – Comment that were permission to be granted it will result in a large number of people who would be likely to use the Great Ashby District Park, close to the site but within the administrative boundary of North Hertfordshire District Council. On this basis, they suggest the applicant makes a financial contribution to be used toward improving access to the park from the roundabout of Great Ashby Way adjoining the application site.
- 5.11 **Herts and Middlesex Wildlife Trust** – Although objecting to any pedestrian link to the Great Ashby District Park from Great Ashby Way through the Priors Wood/Box Wood/Lobs Hole nature reserve itself, are supportive of a pedestrian link through the open space to the north of the nature reserve if located along the northern edge of the open space.

6 PLANNING POLICIES

- 6.1 Adopted District Plan

TW1	Sustainable Development
TW8	Environmental Safeguards
TW9	Quality in Design
TW11	Planning Requirements
H8	Density of Residential Development
H11	Dwelling Mix
H13	Affordable Housing Provision
H14	Benefits of Affordability
T1	Transport Implications From Developments
T3	Transport Assessment
T5	Provision of Transport Infrastructure by Developers
T6	Design Standards
T9	Passenger Transport Provision
T12	Bus Provision
T13	Cycleways
T14	Pedestrians
T15	Car Parking Strategy
EN11	Provision of New and Extended Green Links
EN13	Trees in New Developments
EN27	Noise Pollution
EN33	Flood Risk and Drainage
EN34	Groundwater Protection
EN35	Water Supply and Sewerage Infrastructure
L15	Outdoor Sports provision on Residential Developments
L16	Children's Play Space Provision in Residential Developments
L17	Informal Open Space Provision in Residential Developments

6.2 Adopted Environmental Safeguards

Section 2	General Criteria Relating to all Types of Development
Section 3	Residential Developments

7.0 APPRAISAL

7.1 The proposed development involves the erection of up to 386 residential dwellings and an Enhanced Primary Healthcare facility on a site that is included within the designated Pin Green Employment Area. Accordingly, one of the key issues for consideration in the determination of this application is its acceptability in land use policy terms having regard to the Council's policies in respect of employment land, the need for windfall residential housing and the provision of Social and Community Facilities. Other important issues are the acceptability of the proposal in transportation terms, including car parking provision; the effect of the proposed scheme on the amenities of neighbouring occupiers; the quality of the proposed residential environment taking account of noise from adjoining industrial premises; the impact of the proposal on the operating conditions of adjoining businesses; and its impact on the character and appearance of the area.

7.2 Land Use Policy Issue

7.2.1 The application site is located within the Pin Green Employment Area as designated by Policy E2 of the Adopted District Plan and in accordance with policy E4 is appropriate for employment purposes. Therefore, in land use policy terms there are three main issues. First, whether the loss of employment land in this location is acceptable, secondly whether there is a need for housing at this site and, thirdly, the appropriateness of the site and the need for a Primary Care Trust building in this location. After assessing these issues, it would need to be demonstrated whether the development is acceptable as a departure from the Development Plan.

EMPLOYMENT POLICY ISSUES

- 7.2.2 Policy E4 of the District Plan states that, within the designated Employment Areas, a range of employment uses within the B1 (business), B2 (general industrial) and B8 (storage and distribution) use classes will be encouraged. It goes on to state that proposals for employment generating uses that do not fall within the Use Classes Order will be considered on their merits. The application proposal would result in the loss of approximately 8.3 hectares of employment land and on this basis represents a departure from the development plan and has been advertised as such.
- 7.2.3 In support of the proposal, the applicant has provided an employment analysis as part of the submission. This looks at the most up to date land supply data for the period 2005/2006. The definition of supply that is commonly used, and which is used by the Council and its consultants, is development that is in the pipeline plus vacant land/buildings. This would therefore consist of any unimplemented employment allocations plus unimplemented planning permissions plus vacant buildings/land. Obviously, it will not always be the case that supply will contribute to new jobs. For example, a change of use from one type of industrial use to another may not itself result in an increase in jobs. Likewise, redevelopment of an existing occupied building may or may not result in additional jobs. However, because supply is a net figure it considers both losses and increases for any development, and could therefore be considered as broadly accurate. An assessment of existing supply has also indicated that all sites can be considered as delivering new jobs. For example, on the former BAE site, ABB site or at GSK. In essence, any vacant site can be assumed to generate new jobs.
- 7.2.4 Taking into account allocated sites, vacant sites and existing permissions (including the Stevenage West proposals), there is currently a supply of 14.16 hectares employment land available in the Stevenage market. The applicant's analysis when referring to the employment land in Stevenage identifies the Gunnels Wood employment area (which totals 203 hectares) as Stevenage's primary employment area, which is the largest employment area in Hertfordshire. Pin Green is referred to in the report as a secondary market to Gunnels Wood due to its location, generating fewer jobs, which tend to be generally in the B2 manufacturing and B8 warehouse and distribution sectors.
- 7.2.5 The supporting employment analysis refers to The Skills and Employment Study commissioned by the Council in October 2005 which was in response to the proposals set out in the draft Regional Spatial Strategy requiring a potential demand of 14,400 new homes in the Stevenage sub area and likely employment growth. This was to examine, amongst other things, the level of employment Stevenage can expect to deliver in future and which employment sectors offer the greatest opportunity for delivering higher levels of employment. Modelling was undertaken to forecast possible job growth for the period 2001 –2021. These were manifested in four scenarios:
1. Baseline: Applying average regional sectoral growth rates – this identified an additional net land requirement of **2.3 ha**;
 2. Medium: Applying uplift factors (20-30%) to growth rates to reflect better than average performance in Stevenage - this identified an additional net land requirement of **5.5 ha**;
 3. High: Applying increased uplift factors (40-60%) to growth rates to reflect better than average performance in Stevenage and reflect concentrations of employment and sectoral opportunities specific to Stevenage - this identified an additional net land requirement of **9.1 ha**; and
 4. Sustainable communities: Based on rationale of seeking to align job growth with planned housing development - this identified an additional net land requirement of **16.3 ha**.
- 7.2.6 As stated above, current supply stands at around 14 ha. Therefore, in the short-medium term there is sufficient supply to meet expected demand. In the longer term, i.e. up to 2021 there is likely to be a requirement for new employment allocations, regardless of any employment loss. The emerging Local Development Framework is currently identifying sites where employment use would be suitable. Because the DTZ Pinda forecasts use

existing stock/jobs as a base for their assessment, the loss of the Dixons site to other uses can be considered to have an impact on the land requirements up to 2021. In quantitative terms this amount of land needs to be added onto the overall requirement set by DTZ Peda. If this is done, the 2021 forecasts are thus:

Baseline: **10.6 ha** (2.3 + 8.3)

Mid: **13.8 ha** (5.5 + 8.3)

High: **17.4 ha** (9.1 + 8.3)

Sustainable communities: **24.6 ha** (16.3 + 8.3)

- 7.2.7 Based on the above, it is clear that although there is adequate land supply in the short to medium term, it is likely that there will need to be additional employment land allocations in Stevenage if the high and sustainable growth scenarios were to be used. This is particularly so as the Secretary of State's (for Communities and Local Government) response to the draft East of England Plan suggests a jobs target increase from 14,000 to 18,000 split between Stevenage, North Herts and East Herts.
- 7.2.8 Having assessed the supply and demand for employment land, both currently and in the future, the applicants have looked at the qualitative supply of land. They state that the application site is due to become surplus to the requirements of Dixons after March 2007 due to a UK wide re-organisation of their distribution network. It is advanced by the applicant that due to its size there is unlikely to be any demand for the existing facility, a fact they state is substantiated by the Skills and Employment Study, which predicts a decline in B2 uses and minimal growth in B8 uses. Additionally, the applicant suggest that demand from regional or national companies to use the facility as a regional or national distribution centre is likely to be limited due to the poor location, its dated specification, operational cost, proximity to residential areas and competition from alternative sites and properties. It is also suggested that its location will be detrimental to any potential re-allocation for B1 use away from the main transport network and the required investment from occupiers and developers into this secondary area compared with the Gunnels Wood area. As a result the applicants assert that the site will struggle to contribute to the future growth of commercial floor space and employment in the Borough to meet its long-term aims and objectives. Whilst the applicants have confirmed that the site has not been formally marketed, they state that they have identified occupiers with significant B2/B8 requirements in the Northern M25 sector to establish the current level of interest in this type of facility. It is advanced that genuine interest in the site has been limited given the bespoke nature of the facility. The premises are outdated and do not accommodate modern distribution/storage handling requirements. They state that they have visited the site with two well-known potential customers but have received no offers for the site either on a leasehold or freehold basis. Finally, they refer to the fact that Dixons announced the reorganisation of its distribution operations well over a year ago and during this period there has been no evidence of occupier requirements that suggest continuous employment use/demand.
- 7.2.9 Finally, the applicants have assessed employment data for Stevenage. At present Stevenage has an unemployment rate of 4.2%, which is below the national average of 4.8%. They suggest that this level of unemployment can be met within Stevenage given the available employment land supply referred to earlier. Whilst they accept that the redevelopment of the application site will result in a loss of employment land they assert that this would not detrimentally undermine the employment land supply position in Stevenage.
- 7.2.10 In considering these issues and based on the figures provided, it is clear that in the short term there is a surplus of employment land and buildings in Stevenage to fully mitigate the loss of this employment site. In the longer term, this is less certain and is dependant upon a series of growth prediction scenarios up to 2021. It is worth noting that while the Borough Council have not made a judgement over which growth scenario to pursue (as this will be finalised through the LDF process), it is reasonable to assume that a target somewhere between the 'medium' and 'sustainable communities' options is likely to be pursued. Therefore, using these two growth scenarios based on the figures referred to at para 7.2.6,

taking into account the current employment supply and the loss of this site, these predictions suggest that there is likely to be a deficit ranging approximately between 0.4 hectare and 10.4 hectares of employment land.

7.2.11 Furthermore, in terms of its location, the site may be considered to be at variance with government guidance in Planning Policy Statement 1 and Planning Policy Guidance 13 emphasising the importance of locating the highest employment generating uses in the most accessible locations. Added to this, the Council, as set out in the Local Development Framework, will most likely in the future be looking to concentrate employment growth in more accessible locations, namely in and around Gunnels Wood, the town centre and train station and near the A1(M) rather than in peripheral locations, like Pin Green. Technical work is already underway to identify future locations for employment development.

HOUSING NEED ISSUES

7.2.12 In order to assess the additional need for housing in the district it is first necessary to assess the current housing supply. The 1998 Hertfordshire Structure Plan sets Stevenage a requirement of 5,700 new dwellings between 1991 and 2011; this equates to 285 units per annum. Since 1991 there have been 4,318 completions, leaving 1,382 remaining by 2011 (or an annual completion rate of 276). In April 2006 Stevenage's housing supply was 2,036 units, demonstrating that we are capable of exceeding this requirement. Our housing trajectory shows that this is, in fact, likely to be met by around 2010. This target is, however, becoming increasingly immaterial in the light of the East of England Plan. This was the subject of an Examination in Public (EiP) between November 2005 and March 2006. The Secretary of State's proposed changes to the draft revisions to the Plan were published for public consultation in December 2006 giving until 9 March 2007 for consultation responses in respect of the changes to be received. Reflecting the Council's ambition to become an important regional centre and its role as a growth point in the London-Stansted-Cambridge-Peterborough Growth Area, the plan allocates a target of 16,000 dwellings within and on the edge of the built up area of Stevenage between 2001 and 2021. This represents an increase of 1600 dwellings from the draft version of the plan. The plan states that 6,400 should be in the administrative area of Stevenage. This dwelling target should be regarded as a minimum, which the LDF may plan to exceed. Thus it is recommended that the 6,400 target (or 320 per annum) within the borough boundary should be seen as a minimum figure, which the Council may choose to surpass in the light of its status as a growth point. The Council is currently undertaking the technical work to ascertain residential capacity in the town and to develop a strategy for housing development.

7.2.13 Having regard to the aforementioned, it is clear that the Council is meeting the required housing targets as set out in the adopted Local Plan and Structure Plan. However, given the comments referred to in paragraph 7.2.12 above it would appear that there is a likely requirement to increase the housing supply in the District and therefore, the development of windfall sites would aid this process in advance of the adoption of the LDF. The application proposal of up to 386 dwellings would make a significant contribution as a windfall site and would provide a significant number of affordable units of accommodation.

7.2.14 Policy H7 sets out the criteria for windfall residential sites. These are as follows:

- (a) The site is on land classified as previously developed;
- (b) Development of the site would not lead to the loss of structural open spaces or community facilities;
- (c) There is no detrimental environment effect;
- (d) There is access to local facilities; and
- (e) There is access to alternative modes of transport.

7.2.15 The proposal clearly fulfils criteria (a) and (b). In terms of accessibility, whilst the site is some distance from the town centre and main bus and rail stations, it is around 15 minutes walk to The Oval and Great Ashby neighbourhood centres. In terms of public transport accessibility the site is close to bus stops that have frequent bus services to neighbourhood

centres, the town centre and train station. As part of this proposal it is intended to improve the bus stop facilities that serve the area and to improve the frequency and route of buses serving the site. Added to this, the site is well served by the cycle network. With regard to criterion (c) the environmental impact is addressed later in this report.

HEALTH CARE FACILITY

- 7.2.16 The Stevenage and North Hertfordshire Primary Care Trust (PCT) are regarded as the key part of the National Health Service locally which is charged with developing programmes dedicated to improving health and the local community, deciding where local health services are needed, delivering the services and bringing together health and social care. As indicated earlier, in line with government guidance the PCT envisage that, by 2021, the type of care currently provided by GPs should be combined with other primary health care provision. This will generate the need for fewer, larger new enhanced primary care centres to replace the current GP's surgeries. These facilities would need to be well located to serve their catchment population and to be accessible by a number of modes of transport, including buses for those people that do not have access to a car.
- 7.2.17 The Primary Care Trust have indicated that it has been looking for sites to develop Enhanced Primary Care Centres (EPCC) and has been working with the Council to try to identify suitable sites. The areas for initial EPCC have been south Stevenage where the GP premises in the Shephall, Roebuck and surrounding areas have significant space issues and north east Stevenage where similar problems occur in St Nicholas compounded by the additional Great Ashby growth in practice populations. A suitable site has yet to be identified in the south of Stevenage. The Martins Way site is considered by the PCT to be the only available suitable site in the north east of Stevenage, due to its proximity to current GP practices, the size needed for an EPCC and the access that it offers. Although there is no requirement within the Adopted Local Plan in respect of new health facilities of this nature, the Local Development Framework (LDF) Site Specific Policies document refers at Issue SP10 to the question of the location of suitable sites for new primary Health Care Centres and identifies the need for a facility in the central, western and northern neighbourhoods of the town. This document looks at a series of options for locating such a facility, including redeveloping brownfield sites, redundant schools, neighbourhood centres and employment sites where they are no longer needed. Other alternatives are co-location with existing uses such as secondary schools and greenfield sites.
- 7.2.18 Given the supporting information submitted with the application, it is clear that the provision of healthcare at the local level is intended to undergo a major change to these larger facilities. However, by nature of the size of the buildings, proximity to the catchment area and preference not to provide such a facility in greenfield locations, it limits the availability of suitable sites to cater for such facilities. In this regard, the application site provides the only currently available site to cater for such a facility in the northern part of the town. Additional to this, there is an existing primary health care need in this locality due to the lack of a facility in the Great Ashby development and the site is a suitable site in respect of accessibility. The applicant has confirmed that were permission to be granted, the timescale for providing this facility would be in the region of 18 months.

LAND USE POLICY CONCLUSIONS

- 7.2.19 To summarise the land use policy issues, the land is currently in use for employment purposes as a warehouse and distribution centre. It is proposed that the site will be vacated in April 2007. The most up to date monitoring data indicates that there is presently a total supply of 14.16 hectares of employment land in Stevenage. The site measures approximately 8.3 hectares in area. A recent Skills and Employment Study carried out on behalf of the Council has indicated that for the period 2001-2021 there would be a likely requirement for additional employment land in view of potential housing growth predictions. These scenarios when taken in conjunction with the current surplus looking at both the mid and sustainable communities growth scenarios identifies the proposed development would be likely to result in a deficit of between 0.4 hectares and 10.4 hectares by 2021. This study also identifies a likely trend away from manufacturing employment (B2 and B8) toward (B1)

service employment. The applicants suggest that this deficit could be made up through redevelopment of existing sites at a higher density.

- 7.2.20 In terms of its location, the site may be considered to be at variance with government guidance in Planning Policy Statement 1 and Planning Policy Guidance 13 emphasising the importance of locating the highest employment generating uses in the most accessible locations. Added to this, the Council, as set out in the Local Development Framework, will most likely in the future be looking to concentrate employment growth in more accessible locations, namely in and around Gunnels Wood, the town centre and train station and near the A1(M) rather than in peripheral locations, like Pin Green. Technical work is already underway to identify future locations for employment development. This and the suggested lack of demand for a user for the site would indicate that the acceptability of the loss of this employment site is finely balanced.
- 7.2.21 Following on from the above, it has been demonstrated that, whilst the Council is currently exceeding its housing targets for the current plan period, based on the requirements set out in the draft East of England Plan there is likely to be a requirement to provide significant additional dwellings up until 2021 and this application would provide an opportunity to provide a significant number of dwellings on a site that is considered to satisfy the criteria of a windfall site. However, this alone is not considered to be sufficient to justify the loss of the site for employment purposes.
- 7.2.22 As set out earlier in this report, there is a movement away from the way in which Primary Health Care facilities are currently provided at the local level. This move toward significantly larger buildings providing a number of services at one location to serve the local population. These need to be readily accessible to users by a range of modes of transport, particularly for those who do not have access to a car. By virtue of their size, in the region of 4000sqm, and associated car parking and servicing facilities, appropriate and accessible locations for such health facilities are very limited. The current application identifies a suitably located brownfield site in a location where there is an identified need for an Enhanced Primary Care Centre, which is relatively well served by public transport and which, through the receipt of highway contributions secured by way of an appropriate planning legal agreement, would benefit from improved bus services to and from the site.
- 7.2.23 Overall, whilst this issue is very finely balanced, it is considered that the benefits arising from the improvements to health care provision in the area that the proposed facility would bring, together with the contribution that the proposal would make towards meeting longer term housing needs, including affordable provision, outweigh concerns regarding the loss of employment land and constitute material considerations of sufficient weight to justify an exception being made to policy E4 of the adopted District Plan. However, as this conclusion is dependent on the delivery of the health care facility, this would need to be secured by means of a S106 in the event of planning permission being granted. The applicants have indicated their agreement to this.

7.3 Transportation Issues

- 7.3.1 In accordance with policy T3 of the adopted Plan, the applicant has submitted a transport assessment to gauge the effect of the proposed development on the existing transport network and the impact of the development upon junction capacity has also been assessed. The details and data set out in the transport assessment have been considered by the County Council as highway authority and as set out in section 5.1 of this report they are raising no objection to the proposal.
- 7.3.2 In terms of trip generation, the development traffic likely to be generated has been derived from data collected by roadside traffic counts and added to the trip rates for the new development using appropriate traffic modelling growth rates. The assessment encompasses junction capacity to the year 2013 which is five years after the estimated completion date. HCC have indicated that they are satisfied with the results. The volume of predicted traffic growth for the proposed health centre and residential development has been based on the likely trip rates obtained from comparable sites within the TRIPCS trip

generation data base. The junction appraisal indicates that the Martins Way/Wedgwood Way junction is currently operating over capacity during peak periods. The proposed health care facility would increase the traffic using this junction, thereby worsening the capacity problem, and to overcome this issue a signalised junction is proposed in this location, which would include crossing facilities. Apart from this junction improvement there is sufficient capacity within the adjoining highway to cater for the additional trips generated from the development.

7.3.3 In terms of sustainable transport the applicant has agreed with HCC as highway authority a financial contribution of £338,000 to be used for sustainable transport measures, which would be used for a number of purposes including improving bus shelters to the required DDA standards, provision of 'real time' information for passengers, improvements to passenger transport. This contribution will be paid in stages depending on the occupation of the residential units. The applicant has agreed to provide a Travel Plan to inform and promote public transport services to staff at the County Transport Unit. These measures would encourage walking, cycling, car sharing and the use of public transport. There is an additional proposal for an Electronic Public Information Point (ePIP) for which the developer has agreed to pay the sum of £12, 000 prior to first occupation.

7.3.4 In considering car parking standards, it is important to achieve a balance between over provision, that does not encourage sustainable travel, and under provision that will result in displaced parking in nearby residential areas. The proposal consists of providing parking spaces for the residential element of the development and this would need to be in accordance with the Borough Council's Supplementary Planning Guidance in respect of maximum standards. The illustrative layout for the Primary Care Trust indicates the provision of 125 parking spaces to serve this facility. Nevertheless, given that the application is in outline form, precise numbers would be determined at the reserved matters stage.

7.4 Compliance with policies for Housing Developments

7.4.1 Having accepted that the site is capable of being redeveloped as a windfall residential site the proposal needs to be assessed in respect of the current housing policies. Government advice set out in Planning Policy Statement 3 – Housing (PPS3) encourages the provision of intensive housing development in and around existing town centres where there is good transport accessibility and proximity to other facilities. Local authorities are advised to think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment, although the advice also indicates that such developments should be promoted by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking. The development proposed here would result in a density of approximately 46 units per hectare. Policy H8 sets out the Council's position with regard to density. It states that net density should typically be in the range of 30-50 dph, with higher densities being acceptable in the most accessible locations. The issue of public transport has been addressed in paragraph 7.3 above. The application density is within the normal range set out in the local plan, and given its location and proximity to neighbourhood facilities, public transport facilities and non-car modes of transport; it is considered that a density of this level could be accommodated in this edge of town location.

7.4.2 Policy H11 of the adopted Plan relates to the mix of dwellings in residential developments. Although the precise details of the mix of dwellings is not for consideration at this outline stage, the supporting documentation received with the application suggests a mix of 1, 2 and 3 bed apartments and 2, 3 and 4 bed houses could be accommodated at the site.

7.4.3 Policy H13 sets out the Council's requirement with regard to affordable housing provision. It requires that for sites exceeding 1 ha in size or that are to provide 25 dwellings or more, 25% of the total dwellings proposed should be affordable. This should consist of at least 20% social rented and the remaining 2-5% as other types of affordable tenure. Therefore, as the application refers to the provision of up to 386 units being proposed, then based on this figure at least 96 should be affordable. As the application is in outline form and the

precise numbers are not for consideration, the required percentage of affordable housing and its phasing would need to be secured by means of a Section 106 Agreement. Given the indicative nature of the plans at this moment in time it is not known which units would be affordable. However, in terms of location, it would be a requirement of the agreement that the affordable housing be 'pepper potted' within the site, in groups of between 20-25 units, with each of the groups separated from one another.

7.5 Quality of residential environment/effect on operating conditions of adjoining businesses

- 7.5.1 An important factor in the assessment of this application relates to the need to consider any annoyance and disturbance for future residential occupiers and to prevent pressures being placed on existing industrial users that may threaten their continued viability. In particular, the Council's Environmental Health Section has raised this aspect as a significant concern with regard to the adjoining Bakery, located on the north side of Cartwright Road. The applicant acknowledges that this business, which contains high level compressor units facing toward Cartwright Road, along with traffic noise, represent major sources of noise within the vicinity of the application site. In this regard there are two matters to consider, first the appropriate standard to be used in assessing the impact of noise from the adjoining bakery and traffic noise and second, whether the level of noise experienced by the occupiers of the dwellings would enable a satisfactory quality of living environment to be provided.
- 7.5.2 In terms of the method for measuring noise there are two British Standards of relevance in this instance, first BS 4142 published in 1997 that provides guidance for the method of rating industrial noise affecting mixed residential and industrial areas. The second document is BS 8233 published in 1999, which refers to sound insulation and noise reduction for buildings – code of practice. The BS4142 method works by comparing the noise generated by the introduction of a new or existing source over and above a background noise level to which existing residents are accustomed. The likelihood of complaint is determined by how much the industrial source exceeds the existing background, and the likely reaction of residents to that excess. BS8233 notes that noise from outside a building can be reduced by a number of means, one of which is improving the sound insulation of the building envelope. This indicates that by using the design process, with appropriate mitigation measures such as double glazing, fully glazed balconies and acoustic ventilation etc, acceptable internal noise levels within buildings can be achieved.
- 7.5.3 To support the application two noise surveys have been submitted by the applicant, as well as illustrative drawings demonstrating how they consider a building could be designed adjacent to Cartwright Road and a review of these noise assessments by a second consultant appointed by the applicant.
- 7.5.4 Measurements of the existing industrial noise levels were taken at a point on the Dixons Mastercare building opposite the Allied Bakeries building and at positions around the site. The survey was undertaken during the period 26-31 May and consisted of a long term survey to assess noise from the industrial area to the north and in particular the Allied Bakery building. A further noise survey was undertaken to gather road traffic noise on the three other roads, Wedgwood Way, Martins Way and Great Ashby Way. This was conducted on 12 June 2006 between the hours of 1400 and 1700. These were unmanned surveys. The results of these surveys indicated that the compressors at the Allied Bakery site do not turn off at night and are considered to run 24 hours a day, and given that the survey incorporated a Bank Holiday weekend and the levels were unaffected, this confirms that the business operates all year round. This is a fact confirmed by Rapleys Town Planning Consultants in their comments on behalf of the bakery in Section 4 of this report. The applicants in their report suggest that the background noise is static no matter what time of the day and is controlled by the bakery's compressor units.

7.5.5 The noise readings from the survey were assessed against the advice contained in Planning Policy Guidance Note 24 (PPG24) entitled Planning and Noise. This recommends the use of noise exposure categories (NEC) for new dwellings near existing noise sources and are given for day and night noise levels and refer to levels measured at an open site and at the position of the proposed dwellings. The guidance suggests four categories, A, B, C and D, which refer to noise levels. These noise categories and advice for dealing with planning applications are as follows:

NEC Category A

Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.

NEC Category B

Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.

NEC Category C

Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

NEC Category D

Planning permission should normally be refused.

7.5.6 The results of the noise surveys suggest that for traffic noise the site falls within categories B/C for Martins Way and category B for Wedgwood Way and Great Ashby Way. With regard to the industrial noise the applicant's noise consultant states that the factory noise is much greater than the road noise and, therefore, cannot be assessed by PPG24, as this does not cover industrial noise unless it is classed as a mixed use, e.g. traffic and industrial noise. The consultant states that as the industrial noise source is the dominant source then this is not applicable in this instance. In his conclusion he indicates that with appropriate attenuation measures a development can be designed which would have internal noise levels which would accord with the "good" guidance set out in BS8233: 1999. This would involve all those facades with a view or partial view of the roads, requiring standard double-glazing and acoustic ventilation to be fitted and 1.8m high fences to screen gardens to the World Health Organisation guidelines. In terms of industrial noise it is suggested that single aspect dwellings could be provided along the Cartwright Road boundary, which would act as a screen to the dwellings behind. Windows in noise sensitive rooms i.e. bedrooms and living rooms would face southwards into the site away from the bakery. Nevertheless, fenestration is identified in the elevation facing Cartwright Road in order to break up the massing and appearance. This would serve non-noise sensitive rooms such as bathrooms and kitchens. It is suggested that with standard double-glazing to the windows and acoustic ventilation the Bakery should not be an insuperable issue with regard to the residential accommodation. Furthermore, it is indicated that there will be no gardens overlooking the Bakery. It is further asserted that although the application is in outline form, with the final siting and layout to be considered at the reserved matters stage, a housing scheme can be accommodated on the site, which ensures that an acceptable acoustic environment can be achieved for future residents.

7.5.7 The Council's Environmental Health Section has assessed the submitted noise surveys, along with additional information provided in respect of this subject. Furthermore, they have procured an independent consultant assessment on the noise data provided. Two meetings with the applicant's noise consultant's have also taken place. However, from the information submitted and the meetings held it has not been satisfactorily demonstrated that an appropriate level of residential amenity in terms of the level of noise that may be experienced within the buildings can be provided for occupants of the new dwellings adjacent to the Bakery, a result of which could lead to complaints being raised in respect of the noise nuisance. In these circumstances there is the possibility that could have to be

being taken against the Bakery, which could impact upon its current operating conditions. In particular, they are of the view that the applicants have not applied the appropriate British Standard in assessing the background noise readings. Without knowing the background noise, it is asserted that it is not possible to compare the noise from the bakery above that background noise. The applicants, however, are contending that as the Bakery operates for 24 hours a day, all year round, that this in effect is the background noise and that they have demonstrated that a development could be designed which would mitigate any noise nuisance.

7.5.8 The Council's Environmental Health Officers have requested that a noise assessment in accordance with BS 4142:1997 be undertaken to establish the background noise levels which could then be compared with the industrial noise level. The purpose of this is to be able to assess whether complaints are likely. If the industrial noise ratings exceed the background noise level by more than 10 decibels, the standard states that complaints are likely. The applicants have not provided such an assessment, although this is advocated in BS 8233:1999, which they have referred to in their assessment of designing the buildings against noise.

7.5.9 Added to this, concerns are raised in respect of the level of noise data that has been provided as part of the application. In particular no night time data is provided for the transport noise sources, despite which, night time levels are given in the report. It is suggested that these are estimates without support. A rooftop and thus unrepresentative measurement location has been used adjacent to the northern boundary of the site. There is insufficient information provided by the applicant to determine whether road transport and industrial noise has been screened from the measurement position. Added to this, insufficient assessment periods have been used to determine the transport noise. A further concern relates to the sources of the noise. There are high maximum noise readings recorded at certain times, both day and night, which significantly exceed the continuous or average noise levels that have been recorded. No information has been provided to explain what these individual noisy events might be. Having regard to the advice in paragraph 11 of PPG24, this states that:

"Noise characteristics and levels can vary substantially according to their source and the type of activity involved. In the case of industrial development for example, the character of the noise should be taken into account as well as its level. Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone will require special consideration."

There also appear to be anomalies with the weather data suggested in the report and that obtained from archive weather station data. Another concern relates to the timing of the roof top monitoring, which was carried out on a Friday preceding a bank holiday to the following Wednesday within school holidays. Whilst it is accepted that the bakery operates 24 hours a day all year round, this particular weekend is not considered to represent a typical working pattern, especially in terms of traffic noise.

7.5.10 In assessing the application it is clear that there is fundamental difference between the Council's Environmental Health Officers and the applicants as to the correct British Standard that ought to be applied in assessing the noise affecting the future occupants of the proposed development. Regard has been had to a number of appeal decisions and also leading Counsel's opinion which examines which standard it is appropriate to use in this instance (BS 4142:1997 or BS 8233:1999). However, in almost all of these cases a noise assessment has been undertaken in accordance with both of the standards. Given the failure of the applicants to provide the required background noise reading and in the absence of the noise data information referred to above, the Environmental Health Section are of the view that it has not been demonstrated that residential development could be introduced here that would provide an acceptable living environment for future occupants.

7.5.11 An additional issue of concern relates to the effect of odour from the bakery site upon the proposed new dwellings. There is a clear possibility that odour produced by the bakery could also be a statutory nuisance to future occupants of the development. This concern has been raised with the applicant who has responded by stating that the odour emitting sources from the Bakery are primarily to the rear (northern) elevation, suggesting that the main bakery building shields the applicant site from these emission sources. Additionally, they state that the prevailing wind direction in this location is from a westerly or southerly (or between) direction i.e. in the majority of cases winds will blow across the proposed development from either the west or the south towards the Bakery and not from the Bakery to the site. Furthermore, they comment that they are not aware following discussion with the Council of any complaints on this issue from the occupants of the existing residences near the site, even though the odours are blown predominantly towards those houses, and that the houses to the north and east of the Bakery are in very close proximity to the source of the odour emissions. They clarify that they have used wind direction as a factor because it will clearly have an important effect in determining the degree to which odours are perceived by residents of the proposed residential development and in doing so they have used the CIBSE (Chartered Institution of Building Engineers) Guide A entitled "Environmental Design". Added to this, they have stated that there is no standard from which to measure an odour nuisance and that odour nuisance is essentially a subjective assessment matter, a fact that is not disputed by the Council's Environmental Health Officers. Finally, they assert that odour omission and prevailing wind direction circumstances which exist currently at the site are not changed by the proposed development and that the proposed properties closest to the Bakery (where odour emissions will be least diluted) would be single aspect design with smaller windows and kitchens/bathrooms directed towards the Cartwright Road boundary. They suggest these units are therefore less vulnerable to potential odour complaints than the existing properties surrounding the Bakery and they also provide a shield to the remainder of the applicant site. Whilst odour is a concern in respect of the site, given the lack of guidance on how to measure odours and the absence of complaints received from existing residences in the vicinity of the site in this regard, it is not considered that a refusal of permission on this ground could be sustained.

7.5.12 To summarise the environmental issues associated with the application, it is considered that in the absence of a background noise reading under BS 4142: 1997 and in the absence of the noise information referred to earlier in this section, it has not been demonstrated that the proposal could be designed to an acceptable standard without there being the likelihood of complaints being raised by future occupants of the development. Given that the Bakery has objected to the application, specifically in terms of adverse residential amenity and possible prejudicial effects on their operation it is imperative that the issue of noise in particular and odour is carefully and properly assessed, as any future noise complaints from occupiers the new development may result in the Council requiring the Bakery to amend its method of operation. This has not been demonstrated thus far.

7.6 Effect on the Character and Appearance of the Area

7.6.1 Policy H8 of the adopted Plan requires that the density of all residential schemes respects the characteristics of the site and the character and amenity of the surrounding area, whilst policy TW9 states that all new developments will be required to meet a high standard of design including, amongst other things, the form of built development, elevational treatment, materials, integration with the urban fabric of the town, the relationship between buildings and open space, and other aspects of landscape design. As indicated previously, only the access to the site is for consideration as part of this application. However, to aid in the assessment of the development upon the character and appearance of the area, an illustrative layout plan and master plan have been submitted as part of the scheme but as the layout is only indicative, little weight can be placed on the information shown. However, it is reasonable to assume that given the relationship with existing buildings in the locality and the dimensions of the site, 4 story buildings of an appropriate height, design, mix and density can be accommodated at the site, although this would ultimately be for determination at the reserved matters stage. Similarly, it is considered that an appropriately

designed two-storey health facility of the size illustrated on the indicative plan could be accommodated on the site.

7.7 Other Considerations

7.7.1 Although the application site is outside the floodplain shown on the Environment Agency's flood zone maps, in view of the size and density of the development the applicants submitted a flood risk assessment as part of the proposal. This has been considered by the Agency, who raise no objection to the proposal.

7.7.2 In accordance with policy TW11 of the Plan, the applicants have agreed to make financial contributions to Hertfordshire County Council towards transportation matters as set out earlier and the provision of primary and secondary education, libraries, youth and childcare facilities to take account of the additional demand for these facilities that would result from their proposed development. The provision by the applicants of fire hydrants to serve the development has also been agreed. Similarly, it has been agreed that open space and children's play facilities would be provided on the site and that an appropriate financial contribution would be made toward outdoor sport facilities in accordance with policy L15 of the Local Plan. Additionally, it has been agreed that an appropriate contribution toward the provision of a link from Great Ashby Way toward the Great Ashby District Park could be provided. These matters could be dealt with through an appropriately worded Section 106 Agreement.

8.0 CONCLUSION

8.1 It assessing the application against land use policy criteria, the site is located within the Pin Green Employment Area such that the proposed development would represent a departure from the development plan. It has, therefore, been necessary to consider whether the loss of employment land in this location is acceptable, whether there is a need for housing at this site and, the appropriateness of the site and the need for a Primary Care Trust building in this location. These have been addressed in detail in the report.

8.2 In land use policy terms it is concluded that the application is finely balanced, however, it is considered that the benefits arising from the improvements to health care provision in the area that the proposed facility would bring, together with the contribution that the proposal would make towards meeting longer term housing needs, including affordable provision, outweigh concerns regarding the loss of employment land and constitute material considerations of sufficient weight to justify an exception being made to policy E4 of the adopted District Plan, subject to the delivery of the health facility secured by way of a legal agreement.

8.3 In terms of design and layout, the scheme is in outline form with only means of access being considered at this stage. Other than information provided in an illustrative site layout plan, matters such as siting, form and external appearance would need to be considered at the reserved matters stage. Nevertheless, having regard to the character of the site it is considered that the quantum of development that is proposed can be satisfactorily accommodated. Access to the site is considered acceptable, subject to the highway improvement works, which have been agreed by the applicant and the County Highway Authority, being undertaken.

8.4 In terms of the suitability of the site for residential purposes, serious concerns have been raised by the Council's Environmental Health Officers regarding the introduction of dwellings in such close proximity to existing industrial uses and in particular the Allied Bakery building which operates 24 hours a day all year round. The arguments advanced with regard to noise have been addressed at length elsewhere in this report. There is a fundamental difference of opinion between the applicant and the Council's Environmental Health Officers about how noise should be measured and it is concluded that the information that has been submitted is both insufficient and lacking in detail to be able to properly conclude that the scheme could be designed to an acceptable standard, without

there being the likelihood of noise complaints being raised by future occupants of the development. Were this to occur it could result in the Bakery being required to amend its method of operation. For this reason the application is considered unacceptable and it is recommended that planning permission be refused.

9.0 RECOMMENDATION

9.1 That permission be refused for the following reason:

Insufficient information in respect of noise from both adjoining industrial premises and roads has been submitted to demonstrate that an acceptable standard of residential amenity can be provided for future occupants of the proposed development and that there would be no adverse consequences for the future viability of adjoining businesses. The proposal is therefore contrary to policy EN27 of the Stevenage District Plan Second Review 1991-2011.

10.0 BACKGROUND PAPERS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Letters received containing representations referred to in this report.
3. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
4. Stevenage District Plan Second Review 1991-2011 and Environmental Safeguards.
5. Stevenage Borough Council Standard Conditions - February 1999.
6. Stevenage Borough Council Supplementary Planning Guidance – Vehicle Parking Provision – Adopted May 2003
7. Appeal Decisions relating to planning applications at South Bedfordshire District Council, Redditch Borough Council, Sandwell Metropolitan Borough Council, London Borough of Southwark and London Borough of Newham.
8. Leading Counsel's Opinion dated 9 February 2007.
9. Planning Policy Guidance Notes 4, 13, and 24 and Planning Policy Statements 1 and 3.