



**PLANNING AND DEVELOPMENT COMMITTEE**

**Date: Tuesday, 6 September 2022**  
**Time: 6.30pm,**  
**Location: Council Chamber**  
**Contact: Lisa Jerome (01438) 242203**  
**committees@stevenage.gov.uk**

Members: Councillors: M Downing (Chair), A Brown (Vice-Chair), S Barr, T Callaghan, M Creasey, C Howells, G Lawrence CC, Mrs J Lloyd, M McKay, A Mitchell CC, C Parris, G Snell, A Wells and Ashley-Wren.

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**AGENDA**

**PART I**

**1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

**2. MINUTES - 26 JULY 2022**

To approve as a correct record the Minutes of the meeting of the Special Planning and Development Committee on 26 July 2022.  
Pages 3 – 6

**3. MINUTES - 9 AUGUST 2022**

To approve as a correct record the Minutes of the previous meeting held on 9 August 2022.  
Pages 7 – 20

**4. 22/00463/FP - LAND ADJACENT TO 68 STIRLING CLOSE**

To consider the erection of 1 no. four bedroom dwelling.  
Pages 21 – 42

**5. 22/00468/FPM - MBDA, SIX HILLS WAY**

To consider the demolition of an existing storage facility, and erection of a 3-Storey Research and Development Facility.  
Pages 43 – 62

**6. 22/00385/FPM - UNIT 4A, ROARING MEG RETAIL PARK, LONDON ROAD**

To consider the variation of Condition 6 (range of goods restriction) attached to planning permission reference number 14/00680/FPM, external alterations to existing retail unit and ancillary works.  
Pages 63 – 78

**7. 22/00389/FPM - UNIT 4A, ROARING MEG RETAIL PARK, LONDON ROAD**

To consider the installation of mezzanine floorspace.  
Pages 79 – 94

**8. CIL GOVERNANCE REPORT**

To receive an oral update from the Assistant Director Planning and Regulation.

**9. INFORMATION REPORT - DELEGATED DECISIONS**

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.  
Pages 95 – 112

**10. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.  
Pages 113 – 114

**11. URGENT PART I BUSINESS**

To consider any Part I Business accepted by the Chair as urgent.

**12. EXCLUSION OF THE PRESS AND PUBLIC**

To consider the following motions that:

1. Under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as described in paragraphs 1-7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports (if any) being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

**13. URGENT PART II BUSINESS**

To consider any Part II Business accepted by the Chair as urgent.

STEVENAGE BOROUGH COUNCIL

## PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 26 July 2022

Time: 6.30pm

Place: Council Chamber

**Present:** Councillors: Adrian Brown (Chair), Sandra Barr, Matt Creasey, Mrs Joan Lloyd, Adam Mitchell CC, Claire Parris, Graham Snell, Anne Wells, Julie Ashley-Wren, Philip Bibby CC, Rob Broom and Nazmin Chowdhury

**Start / End Time:** Start Time: 06:30 pm  
End Time: 08:32 pm

### 1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Michael Downing, Maureen McKay, Teresa Callaghan, Chris Howells and Graham Lawrence.

Councillors Philip Bibby, Nazmin Chowdhury and Rob Broom were in attendance as substitutes.

There were no declarations of interest.

### 2 22/00369/FPM - BARNWELL LOWER SCHOOL, COLLENSWOOD ROAD, STEVENAGE

Application No:	22/00369/FPM
Location	Barnwell Lower School, Collenswood Road, Stevenage, Herts, SG2 9HQ
Proposal	The erection of a new secondary school and new Stevenage Education Support Centre (SESC) building, together with associated works and refurbishments including the provision of games areas, informal play areas, a substation, landscaping and car parking, following the demolition of the vacant former Collenswood and Barnwell School buildings.
Recommendation:	GRANT PLANNING PERMISSION

The Committee received the planning application seeking permission for erection of a new secondary school and new Stevenage Education Support Centre building, together with associated works and refurbishment including the provision of games areas, informal play areas, a substation, landscaping and car parking, following the

demotion of the vacant former Collenswood and Barwell School building. The Principal Planning Officer presented the application and displayed a map, plans, and photographs to demonstrate the location and character of the site.

The application site was an irregularly shaped plot of land, extending to approximately 8.15 hectares and located between Six Hills Way and Ashtree Primary School. The application site was originally the Collenswood School. After the Barnwell East Campus closed in 2014. Stevenage Education Support Centre began operating from a portion of the western part of the site, with the remainder left vacant and the arrangement continued to the present day.

The Principal Planning Officer explained that since the report was published, one additional letter of representation had been received. This raised the question of whether an additional pedestrian access could be provided to the Michaela Community School from Cromwell Road to reduce the amount of pedestrian traffic using Redwing Close.

Hertfordshire County Council as the Highway Authority confirmed that they raised no objection, subject to the conditions. They had recommended a number of informatives related to the travel plan and construction management plan.

The Council had received 13 letters of objection from residents, which had been summarised in the Officer report on pages 6-7.

The Officer report addressed in detail all the key issues and Officer opinion was that:

- The proposed development would see the site brought back into use as a secondary school accommodating 1,260 pupils at full capacity.
- The proposal met conditions for secondary school needs in accordance with the Policy HC9 of the Local Plan.
- The design of the proposed development was considered to be high quality and respectful of its surroundings and in these respects, it was considered to be in accordance with policies SP8 and GD1 of the Local Plan.
- The proposed development would have significant adverse impact on the living conditions of the neighbouring residents. The site would attract a significant amount of traffic, resulting in noise disturbance, impact on the air quality, and inconvenience for local residents in finding on the street car parking spaces, however the benefits of granting permission were considered to significantly outweigh the adverse impact.

Officer recommendation was therefore that the application be granted permission for the reasons detailed within the Officer report.

The key issues for the Committee to consider were the pedestrian access to the site, the acoustic fencing impact on the nearby residents and the increase in the amount traffic on Redwing Close.

Members debated the application considering the Principal Planning Officer presentation and the Officer report. Members raised major concerns regarding the pedestrian access to the site and noted that neighbours would be impacted by the

increase in the amount of traffic, as parents would likely to use Redwing Close as their drop off and pick up location.

Officers explained that most students were expected to walk and cycle to school, and the proposed development would provide 1,260 spaces which outweighed the concerns for increased traffic.

A motion was proposed and seconded that the application should be deferred to a future meeting of the Committee which would provide the applicant an opportunity to provide further information. After being put to the meeting and a vote taken, the motion was declared and carried.

Member then voted on the amended motion, a vote was taken, and the amended motion was declared carried.

It was **RESOLVED** that the application 22/00369/FPM be deferred to a future meeting of the Committee. The Committee deferred the application and required the applicant to provide further information on the following key issues:

- Redwing Close: The Committee would like to have detailed information on the mitigation for Redwing Close, including marshalling conditions and a potential traffic order for the road. This was to protect the residents of Redwing Close from increased traffic.
- Pedestrian Access: The Committee would like the applicant to explore options for increased pedestrian access to the site. The pedestrian access could be from the Marlborough Road, Collenswood Road or Cromwell Road amongst other options.
- Acoustic Fencing: Further information was required regarding the impact acoustic fencing would have on the nearby residents on Marlborough Road

3 **URGENT PART I BUSINESS**

None.

4 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

5 **URGENT PART II BUSINESS**

None.

**CHAIR**

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STEVENAGE BOROUGH COUNCIL

## PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 9 August 2022

Time: 6.30pm

Place: Council Chamber

**Present:** Councillors: Michael Downing (Chair), Adrian Brown (Vice Chair), Maureen McKay, Sandra Barr, Teresa Callaghan, Matt Creasey, Chris Howells, Graham Lawrence CC, Mrs Joan Lloyd, Adam Mitchell CC, Claire Parris, Graham Snell and Anne Wells

**Start / End Time:** Start Time: 6.30pm  
End Time: 10.30pm

### 1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were submitted on behalf of Councillor Julie Ashley-Wren.

Councillor Andy McGuinness was in attendance as a substitute.

Councillor Chris Howells declared that he would be speaking in relation to Items 5 and 6 on the Agenda as a ward Councillor representing his constituents and as such would take no part in the subsequent debate and would not vote on the items.

At this juncture, the Development Manager gave an update to the Committee in relation to the development at Franklins Park and in particular the current situation regarding the acoustic fence.

Members were advised that in response to concerns raised by residents, an independent noise consultant had been requested to provide a report on the installation of the fence and the resultant reflective noise impact to residents, particularly in the Symonds Green area. A further report to Members would be given on any necessary action once the consultant's report had been received.

### 2 **MINUTES - 14 JULY 2022**

It was **RESOLVED** that the minutes of the Planning and Development Committee held on 14 July 2022 be approved as a correct record and signed by the Chair.

### 3 **ANNUAL MONITORING REPORT 2020-21**

The Committee received a presentation from the Planning Policy Manager and Principal Planning Officer regarding the Annual Monitoring Report (AMR) 2020 – 21.

Members were advised that the AMR reported on the following:

- Local Context and Contextual Indicators – indicators that set the scene/paint the picture of the district being planned for;
- Progress of the Development Plan against the Local Development Scheme (LDS); Duty to Co-operate;
- Community Infrastructure Levy (CIL); and
- Growth/changes in the district in the monitoring year.

Officers reported that the programme of reporting was slightly behind schedule due to the Covid-19 pandemic and staffing issues within the Team but it was hoped that the 2021/22 AMR would be published by December 2022. Members were also advised that early work had begun on the Local Plan Review.

It was **RESOLVED** that the report be noted.

#### 4 **19/00062/OPM - LAND AT MAXWELL ROAD**

The Committee considered a report in respect of application 19/00062/OPM seeking permission for an outline application (with all matters reserved except access) for the demolition of existing buildings and replacement with buildings to accommodate new office and residential floorspace (Class E and Class C3), with associated landscaping, car parking and ancillary works on land at Maxwell Road, Stevenage.

The Assistant Director of Planning and Regulation advised the Committee that the application had previously received planning permission. However this permission had been quashed in May 2020 by the High Court via a Quashing Order on the grounds of sunlight and daylight effects of the development on the Grade II Listed Broomin Green Farmhouse, following a judicial review of the permission.

The Development Manager gave a presentation in respect of the application, including details about the site, context, and the proposed development which had been brought to the Committee for decision.

The Committee was advised that the main issues for consideration of the application was its acceptability in land use policy terms, affordable housing and planning obligations, visual impact of the development, impact of the development on the setting of the listed building and the demolition of the non-designated heritage asset, impact on archaeology, impact upon neighbouring amenities, impact upon future amenities of residents, parking provision, highway implications, development and flood risk, impact on the environment, trees and landscaping and ecology.

The Chair then invited John Somers, an objector and resident of Broomin Green Farmhouse, to address the Committee. Mr Somers objections included:

- The proposed office block behind the farmhouse would take away sunlight and daylight to the main living space;
- The service road for the new office block was within a few metres of the main living room and would bring a considerable amount of noise;
- The amount of vehicles that would be using Maxwell Road was not safe for such a small road;



- The application was an overdevelopment of the site and not in keeping with its current use and have an adverse effect on the local facilities and highway network.

Zoe Coulson, an objector to the application was then invited to address the Committee. Ms Coulson's objections related to the need for family houses and not more flats; noise pollution in the area; and the unacceptable effects on Broomin Green Farmhouse and its occupiers.

Officers reported that an independent Noise Report had been commissioned by Mr and Lady Somers which had been circulated to Members for their consideration.

The Chair thanked Mr Somers and Ms Coulson for their presentations. He then invited Mr Sensecall, Carter Jonas, on behalf of the applicant to address the Committee.

Mr Sensecall advised that the applicants had worked closely with Stevenage Borough Council to ensure the application had been improved since the original application and would be acceptable in planning terms with a mixture of residential and commercial units being brought forward for the scheme. He advised that the site was now no longer fit for purpose and the development and subsequent CIL payments would be to the Town's advantage.

The Chair then thanked all three speakers for their contributions and asked the Development Manger to continue with his report to the Committee.

The Development Manager advised that the proposed commercial building would broadly align with the requirements of the local plan if it was used for light industrial or research and development. However, the development would fail to accord with the Plan as the residential aspect would be located on designated employment land and a subsequent loss of employment potential.

In terms of heritage impact, the Development Manager explained to the Committee that the Planning (Listed Buildings and Conservation Areas) Act 1990 incorporated several statutory duties for decision makers, those which were applicable to the proposed development were:

S.66(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or it setting or any features of special architectural or historic interest which it possesses.

The Development Manager then advised Members about relevant case, he advised that case law (South Lakeland, 1992) determined that 'preserve' meant do no harm. However, if harm was identified, the NPPF provided a means of weighing either 'substantial harm' or 'less than substantial harm' to the significance of a designated heritage asset against the public benefits of the proposal In doing so, case law has emphasised the need to give 'considerable importance and weigh" to preserving listed buildings and conservation areas (Barnwell Manor, Case No. C1/2013/0843).

However, the presumption 'to preserve' is not irrebuttable and 'can be outweighed by material considerations powerful enough to do so' (Forge Fields – Case numbers CO/735/2013; CO/16932/2013) and a decision maker that has followed the process set out in the NPPF, in respect to weighing the harm and benefits, can reasonably be expected to have complied with the 'statutory duties' of the 1990 Act (Mordue, Case No. C1/2015/1067).

In determining applications, the Development Manager explained to the Committee that the NPPF requires LPAs to take account of the desirability of sustaining and enhance the significance of heritage assets and putting them to viable uses, consistent with their conservation, and the positive contribution of heritage assets can make to sustainable communicates.

When considering the impact of a development on the significance of a designated heritage asset, Broomin Green Farm, the Development Manager emphasises that great weight should be given to the asset's conservation. This irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance.

The Development Manager also explained that any harm to a designated heritage asset should require clear and convincing justifications in accordance with the NPPF, proposals that cause less than substantial harm the significance of a designated heritage asset should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

In undertaking that weighing exercise, the Development Manager advised the Committee that 'considerable importance and weight' must first be given to the requirement to preserve the special architectural or historic interest of the listed building, including their setting... (i.e. their significance). In determining the application, it must be noted that 'less than substantial harm' is not less than substantial planning consideration.

Turning to the impact of Broomin Green Farm which is Grade II listed, the Development Manager advised that consideration must be given to preserving the special architectural or historic interest of the listed building, including its setting.

The Development Manager explained to the Committee that whilst outside the application site, Broomin Green Farm was bordered on three sides by the application site. On the western border you have FIRA, on the northern border was Serviceline and on the eastern border was the veterinary hospital. The southern border abuts the cycle track which runs parallel with Fairlands Way.

The Development Manager went on to stipulate that Broomin Green Farmhouse was a 17<sup>th</sup> Century Grade II listed building. In terms of views of the building, these were limited from outside the curtilage of the farmhouse, but, it was appreciated that there were some key elements of the building's setting which contributed to its immediate setting. This includes the southern garden which was the last remaining element of greenspace belonging to the rural landscape and the mature trees and planting forming the buildings immediate surroundings.

The Development Manager then explained to Members that the development would not entail any direct physical alteration to the listed building or its immediate plot. In addition, it was recognised by both officers and the Heritage Advisor that the heritage asset i.e. Broomin Green Farm, in terms of its architectural and historic significance would remain unchanged. Therefore, in terms of the requirement to preserve the special architectural or historic interest of the listed building, this would be unaffected by the proposed development.

With regards to setting, the Development Manager emphasised that the proposed development would have no impact on the immediate setting of the listed building i.e. the southern garden which was the last remaining element of greenspace which belonged to the farmhouses' rural landscape. In addition, the proposal did not seek to remove any trees which formed a key part of its border. However, it was fully appreciated by officers that the proposed development would not preserve the wider setting of the listed building which had been emphasised by the Council's Heritage Advisor, that the overall scale, massing and form of the development would have an adverse impact upon its setting compared to the existing.

The Development Manager advised that the Committee should consider the fact that the historic setting of Broomin Green Farm had significantly changed from its traditional rural landscape. As set out in the committee report, over the years, since the property was listed in 1948, its setting had been gradually compromised by industrial, commercial and warehouse buildings which had been constructed detracting from the significance of the listed building. Furthermore, the cycle lane and Fairlands Way, were at a higher level, and in some respects eroded the significance of the setting of the listed building. Consequently, the traditional rural landscape of the listed farmhouse has been eroded by 20<sup>th</sup> urbanisation of land outside the curtilage of the listed farmhouse. Therefore, the Committee should consider the immediate setting of the listed building as being urbanised and industrial in nature.

The Development Manager explained to the Committee that due to the overall size, scale and massing of the proposal, even though slightly reduced, it was considered to have an adverse impact upon the setting of the farmhouse, compared to its existing setting which was not being preserved, would cause, and as set out by the heritage advisor and as agreed by officers, less than substantial harm, being at the lower end, due to the setting of the farmhouse having changed since the mid-20<sup>th</sup> century.

The Development Manager went on to explain that, and advised by the Council's Heritage advice, when reaching a decision on the application, the Committee should balance the less than substantial harm against the public benefits of the proposal. In this regard, it was the Officer's professional opinion, that the overall public benefits of this development would outweigh the harm caused. However, it was ultimately up to the Committee to determine, based on the evidence, whether or not they considered these benefits did outweigh the harm caused.

The Development Manager then went on to discuss the non-designated heritage asset, which was defined as being a building, monument, site, place, area or landscape identified as having a degree of significance meeting considerations in

planning decisions, because of its heritage interest.

The Council currently did not currently have an adopted Local List for local heritage assets. However, officers did consider the FIRA building to be a non-designated heritage asset as it was a building of architectural merit. Therefore, it was agreed by Officers that the FIRA building was of significance and there would be harm following the loss of this non-designated heritage asset. In this regard, and established by case law, the Council has to treat it as such in its determination.

Turning to development itself, the Development Manager advised that the proposal would have a direct impact as it would result in the complete loss of the FIRA building which would therefore, and as clearly set out in the Committee Report, would result in substantial harm being caused to the significance of the building in this instance. However, the Committee was advised to consider the significance of the building in question, which, as established by DCMS in their decision letter relating to the request to have the building listed, has been compromised by the unsympathetic extensions and alterations which had been undertaken over the years. Consequently, the significance of the building has been lessened due to the unsympathetic extensions and alterations which have occurred to the building. Furthermore, and on the point about “public benefits”, this had been considered by officers in detail and it was officers professional opinion, that the overall planning and public benefits the scheme outweighed the level of harm caused by the loss of the non-designated heritage asset.

However, and as explained by the Development Manager, this would be subject, and in accordance with the NPPF and as advised by the Council’s Heritage advisor, to record and advance understanding of the significance of the building prior to its demolition. This requirement would be secured by way of condition. Notwithstanding, as mentioned above, it was ultimately the decision of this Committee to determine whether or not the benefits of this development outweighed the loss of the non-designated heritage asset known as the FIRA building.

With regards to the matter around tall buildings, the Development Manager explained to the Committee that officers did not consider the application to be a tall building in context with the wider area of Gunnels Wood Road. In addition, the Council had no specific policies or guidelines on what defines a tall building nor does the NPPF. Officers had also given due regard Historic England Note 4 Tall Buildings (2022) which helped to define what a tall building could be, but, this did not change officers professional opinion in that the scheme did not comprise tall buildings and that there was proportionate and sufficient information for the Council as Local Planning Authority to make a robust and fully justifiable assessment as to the potential impact the development would have on Broomin Green Farm.

It was noted that with regards to sunlight and daylight, the Development Manager was in agreement with the objectors in that there were transgressions i.e. reductions beyond guidelines in terms of the relevant BRE assessments which have been undertaken, specifically in relation to the impact the development will have on the sunlight and daylight which was received in the kitchen, a room used for multi-functional purposes by the owners. As such, and as confirmed by officers, it was acknowledged that there is a conflict with Policy GD1 criterion e of the adopted Local Plan.

The Development Manager advised the Committee that the applicant had submitted a Radiance Assessment which was a more sophisticated way of assessing the development's impact in relation to sunlight and daylight. The Radiance Assessment, as advised by the Council's Sunlight and Daylight Consultant, that the assessment undertaken provided an accurate representation of the light levels within Broomin Green Farm. The assessment indicated that the existing condition of the room in question, was well below the recommended minimum. Thus, supplementary lighting would be required as very little light penetrated beyond the room closest to the window. This was mainly due to the architectural design and layout of the Farmhouse which had an effect in relation to the amount of light which reached this specific window.

The Development Manager set out to the committee that whilst there was a policy conflict, based on the results of the radiance survey, it was not felt by officers there would be sufficient grounds for refusal, especially based on the overall benefits the development will bring which would outweigh the harm.

Furthermore, the Development Manager explained that it was important to consider that any form of development which meets the overall policy aspirations of the Local Plan, including the delivery of a landmark building, would have an impact on the room in question as it would be sensitive in any changes to the built environment, especially given the height of the FIRA building

In regards to noise, the Development Manager advised the Committee that it was noted that in the letter issued by the solicitors acting on behalf of Broomin Green Farm and their consultant, that they were not in agreement with Environmental Health Departments comments as they had not undertaken an assessment in relation the four new parking areas associated with the proposal, noise from vehicles using the access road to the offices and noise from the proposed servicing area associated with the proposed offices. In addition, they contended that there will be a need for screening to mitigate the noise and as no details have provided, an assessment has not been undertaken in relation to this screen which could cause harm to the sunlight and daylight which is received by Broomin Green Farm.

The Development Manager went on to explain that he had discussed these concerns with Environmental Health and their appointed consultant, but that Environmental Health confirmed their previous comments and consider that the conditions proposed (as detailed in the addendum) would be able to mitigate any issues around noise. Furthermore, none of the suggested outline a requirement for a screen to be provided in order to mitigate any noise generated by the development proposal.

The Development Manager advised the Committee that in accordance with advice from the Environmental Health and Consultant have officers were satisfied there are significant flaws with the points made by Broomin Green Farms Noise Consultant. The Development Manager also explained that their noise consultant provided no analysis of the permitted industrial and commercial uses nearby. In addition, the Development Manager also explained that their potential impact compared to that of the proposed has not been considered. The Development Manager concluded that

comparison with a vacant site rather than what is permitted was misleading.

In regards to security, the Development Manager explained that no evidence had been provided to demonstrate that the development would result in additional anti-social behaviour. The Development Manager also advised the committee that he considered the development would improve the situation as there would be more active frontages overlooking footpaths, including the proposed footpath in terms of window positioning and natural surveillance.

The Development Manager also set out to the Committee that the Appeal Decision which was recently issued by the Planning Inspectorate for Land West of Lytton Way referred to the development delivering 576 residential units (mix of 1 and 2 bedroom apartments), in doing so, would support the Government's aim expressed at paragraph 60 of the Framework to significantly boost the supply of housing. Policy SP7 of the Local Plan referred to the need to deliver 7,600 homes over the Plan Period and there was delay in bringing forward a number of strategic sites. In addition, and as stated by the inspector, there had been a past under-delivery. Therefore, the inspector taking into local and national circumstances, gave substantial weight.

The Development Manager explained to the Committee that as this decision was very recent, it was material in the determination of this application in that, there was an overriding need to deliver more housing. With regards to overall concerns being raised about the number of flatted developments which were coming forward, the Development Manager advised the Committee that it was evident, and as was referenced in the Inspector's Decision Letter, that such developments were generally in keeping with the Council's regeneration aspirations for the town.

With respect to the impact of the pandemic on offices, the Development Manager advised that currently there was insufficient evidence at this time to fully understand the impact this has had on office demand. However, there was some evidence the market is changing with co-space working areas. He also advised that officers were aware of a growing market in Stevenage for Research and Development, especially in bio-pharmaceuticals and life sciences.

The Development Manager explained that there were no highway related issues with the proposal, there would be sufficient off-street parking in line with the Council's standards, there were no issues with regards to archaeology, trees or biodiversity net gain. He also mentioned there were no issues with regards to contamination and environmental impact of the development. All related matters would be dealt with by appropriate conditions.

In relation to the residential aspect, the Committee noted that it would provide 80 residential units including 20 affordable housing units and support the Government's aim to increase housing supply over the Local Plan period. The economic benefits of the residential aspect of the site in terms of jobs created from its construction should also be given significant weight.

The Development Manager advised that the development would enhance pedestrian and cycle connectivity, also making the bus stop more accessible. The site was in a

sustainable location close to bus and rail stations and the town centre. The scheme would also accommodate an appropriate level of private amenity provision, parking (including disabled) and cycle parking.

The Development Manager advised that subject to conditions and appropriate mitigation measures and the securing of S106 obligations he would recommend the granting of planning permission in this instance.

Members were then invited to speak on the application. Following a full debate, the following points and concerns were raised by them:

- The presence of an improved location for the bus stop did not guarantee an improved bus service. The footpaths within the scheme did not actually lead to the bus stop;
- The proposal was an over development of the site;
- The proximity of residential blocks would cause direct overlooking of habitable rooms;
- High levels of traffic on Maxwell Road would be generated with only one way in and out of the road;
- The development had insufficient off-street parking;
- The development would result in the loss of the FIRA building, a local heritage asset;
- There was no amenity space for the residential units. It was felt that balconies and roof top gardens were not genuine amenity spaces;
- Family homes were needed rather than small flats;
- The development would be car dependent, there was a lack of appropriate parking provision and cars would be displaced onto nearby residential roads;
- There was insufficient infrastructure and amenities in proximity to the site;
- Preservation of the Town's heritage was an important aspect.

Following further debate, it was **RESOLVED** that planning permission be refused for the following reasons:

- 1) The outline plans for the residential and commercial development would comprise of insufficient off-street parking, combined with restrictions on Maxwell Road, would likely result in on-street parking along Fairview Road where there are currently no restrictions. This will likely result in a situation which would be prejudicial to the safety and operation of Fairview Road. The development proposal is therefore, contrary to Policies SP6 and IT5 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019), the Council's Parking Provision and Sustainable Transport SPD (2020), the National Planning Policy Framework (2021) and National Planning Practice Guidance;
- 2) The outline plans for the residential and commercial development, due to its siting, scale, massing and being up to seven stories in height, would result in an unacceptable loss of sunlight to the kitchen / multi-functional space of Broomin Green Farm to the detriment of the amenities of the occupiers of this property. Therefore, the proposed development would fail to comply with Policy GD1 of the Stevenage Borough Local Plan 2011 – 2031 (adopted

2019), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2021) and National Planning Practice Guidance;

- 3) Outline plans to redevelop the site with a mix of commercial floorspace of up to 11,059 sq.m and up to 80 flats would result in overdevelopment of the site which would have a detrimental impact on the character and appearance of Maxwell Road and the visual amenities of the wider area. The development is therefore, contrary to Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2021) and National Planning Practice Guidance;
- 4) Outline plans for the residential development would include an insufficient provision of children's play space and ground floor amenity space which cannot be adequately provided due to overdevelopment of the site. The proposed development would, therefore, be contrary to Policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2021) and National Planning Practice Guidance;
- 5) The outline plans for the residential development would result in an unacceptable loss of designated employment land as designated by Policy EC2a of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019) and that there is currently an undersupply of employment land as identified in the adopted Local Plan. Therefore, the proposal would fail to accord with Policies SP3 and EC4 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019), the National Planning Policy Framework (2021) and National Planning Practice Guidance;
- 6) The outline plans for the commercial and residential development due to the proposed buildings in terms of their siting, design, scale, bulk and massing with a height of up to 7 stories located on three sides of the boundary of Broomin Green Farm which is a Grade II listed building, would result in harm which would be 'less than substantial' to the setting of Broomin Green Farm and the harm caused would not be outweighed by the benefits of the proposed development. The development is therefore, contrary to Policy SP13 of the Stevenage Borough Local Plan 2011 – 2031, the National Planning Policy Framework (2021) and National Planning Practice Guidance;
- 7) There is insufficient infrastructure and amenities in proximity to the development site, including GP surgeries and local play spaces, which can be utilised by future occupiers of the residential development. Therefore, the development is not considered to be a sustainable form of development and the developments impact on infrastructure cannot be appropriately mitigated against. Consequently, the proposed development is contrary to Policies SP1, SP2, SP5, SP7, SP8, HO5 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2021) and National Planning Practice Guide.



5 **22/00625/PATELE - BURGHLEY CLOSE**

The Committee considered an application for a proposed 5G telecoms installation: 15m street pole and 3 additional ancillary equipment cabinets and associated ancillary works.

The application was before the Committee for determination as it had been called in by Roebuck Councillor Chris Howells.

The Senior Planning Officer gave an introduction to the Committee. She advised that the determining issues related to the siting and appearance of the application in particular the design, form, shape and dimensions and also whether there were more suitable sites for the proposed works.

The Chair invited Ms Emma Slattery, an objector, to address the Committee. Ms Slattery's objections related to the adverse effect on the visual amenity of the area, the proximity to a residential dwelling and whether there was a need for 5G in the area when the existing broadband was adequate.

The Chair then invited Councillor Howells to address the Committee. Cllr Howell's concerns related to the reduction in visibility between vehicles and pedestrians, the inappropriateness of the proximity to residential properties and the amount of concerns and complaints he had received from local residents regarding the proposal. Cllr Howells then confirmed that as a member of the Planning and Development Committee he would take no part in the deliberations and would not be voting on the application.

The Chair thanked both speakers for their contributions.

In response to the objections received, the Senior Planning Officer advised that it was not considered that there would be an impact on pedestrian safety due to the distances from the footpaths and the road junction.

In relation to current 5G coverage, it was advised that the siting of masts was not just for the benefit of immediate local residents but a network of masts in the town would improve access to services in the wider area.

In terms of the proximity to residential properties, due to the slim profile of the mast and its distance from the front elevations of nearby properties it was considered that it would not unacceptably harm the outlook of the occupiers of these properties.

It was considered that the justification of the need for the mast and the continued provision of coverage for mobile users outweighed any harm identified in this instance. Officers informed the Committee that the expectation from Central Government was for Local Planning Authorities to respond positively to proposals for telecommunications development and not question the need for equipment in principle, if an operator provided justification for the requirement of an installation, the LPA had no choice but to agree to some form of installation

Members also expressed concern regarding the impact on the site lines at the junction with Hertford Road. Members noted that other sites had been considered in the vicinity but dismissed by the operator as unsuitable due to narrow footpaths, proximity to railway lines and unadopted land.

Following further discussion, it was **RESOLVED** that prior approval be required and given.

6 **22/00635/PATELE - LAND ADJACENT TO VILLAGE CARS, BROADWATER CRESCENT**

The Committee considered an application for the installation of a new 15m high telecommunications monopole and 3no. ground-based equipment cabinets and ancillary development thereto.

The Committee considered an application for a proposed 5G telecoms installation: 15m street pole and 3 additional ancillary equipment cabinets and associated ancillary works.

The application was before the Committee for determination as it had been called in by Roebuck Councillor Chris Howells. Cllr Howells took no part in the deliberations on this item and did not vote on the matter.

The Senior Planning Officer gave an introduction to the Committee. She advised that the determining issues related to the siting and appearance of the application in particular the design, form, shape and dimensions and also whether there were more suitable sites for the proposed works.

It was considered by Officers that the installation and ancillary works would not have an unduly harmful impact on the character and appearance of the area and therefore considered acceptable in terms of siting and appearance. The justification of the need for the mast outweighed the harm identified in this instance.

It was **RESOLVED** that prior approval be Required and Given.

7 **INFORMATION REPORT - DELEGATED DECISIONS**

It was **RESOLVED** that the report be noted.

8 **INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

The Development Manager reported on the recent Appeal Decision from the Planning Inspectorate received in relation to land to the West of Lytton Way, Stevenage (Icon Building).

It was **RESOLVED** that the report be noted.

9 **URGENT PART I BUSINESS**

None.

10 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

11 **URGENT PART II BUSINESS**

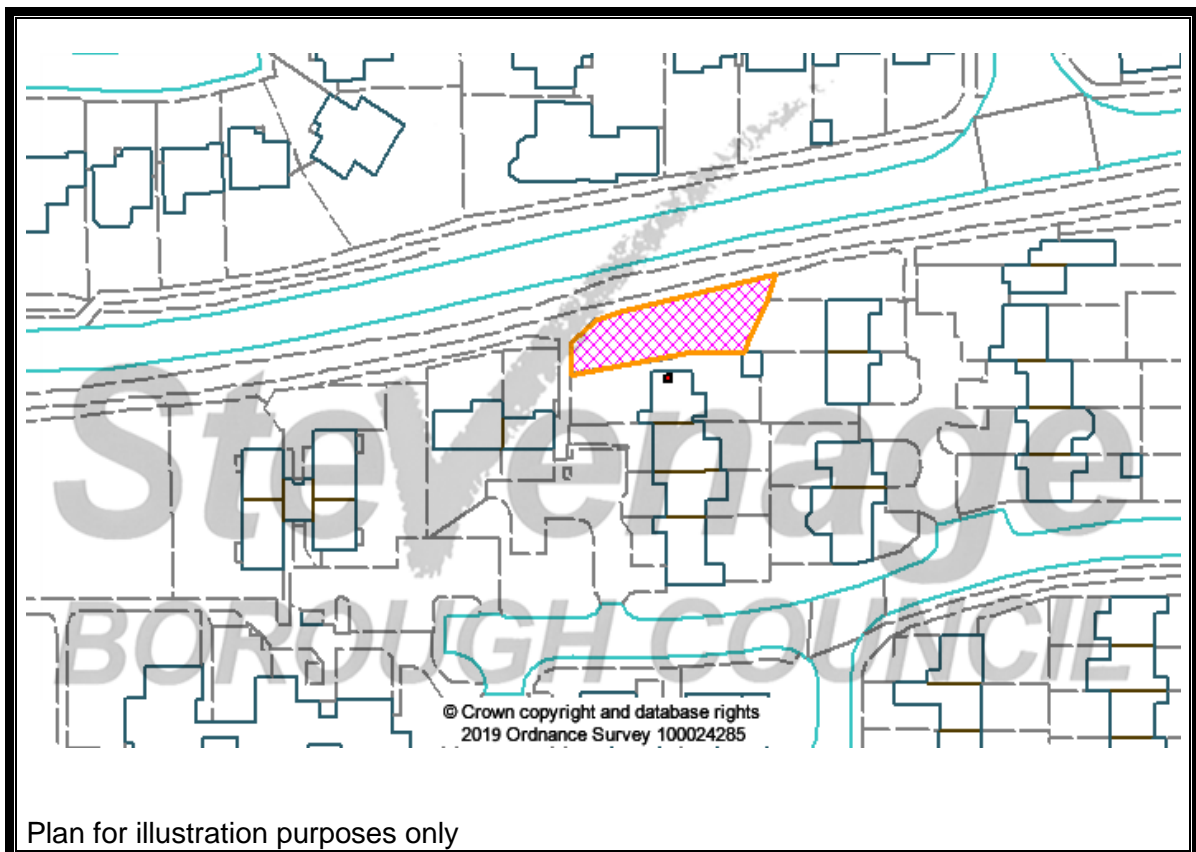
None.

**CHAIR**

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>6 September 2022</b>	
<b>Author:</b>	<b>Linda Sparrow</b>	01438 242837
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Linda Sparrow</b>	01438 242837

Application No :	22/00463/FP
Location :	Land Adjacent to 68 Stirling Close, Stevenage
Proposal :	Erection of 1no. four bedroom dwelling
Drawing Nos.:	20166-S001-A; 20166-P004-G
Applicant :	Mr M Marks
Date Valid:	18 May 2022
Recommendation :	GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The application site is located on the northern side of Stirling Close, at the far western end and opposite the construction site for planning permission reference number 18/00398/FPM which is providing the re-development of the Bragbury Centre on Kenilworth Close to include 169no. dwellings and community facilities.

- 1.2 No. 68 Stirling Close is a three bedroom end of terrace dwelling which was recently purchased by the Council and is housing a Council tenant. This property lies to the north of the access road and communal parking areas and is separated from said areas by hedging and so has no private parking spaces. This property is not being re-developed as part of this current application but forms part of the application in so far as the car parking provision which is discussed later in this report.
- 1.3 The land to which this application relates is to the north of No. 68 and is currently in the ownership of Stevenage Borough Council (SBC). The land contains 5no. mature Cherry Trees and is grass land.

## **2. RELEVANT PLANNING HISORY**

- 2.1 None Relevant

## **3. THE CURRENT APPLICATION**

- 3.1. The application seeks planning permission to erect 1no. four bedroom end of terrace dwelling on the SBC owned open space. The existing five trees will be replaced on site and through a Section 106 (S.106) Unilateral Undertaking, funding will be secured for the provision of an additional 10 trees in the Bragbury End area.
- 3.2. As part of the application, 1no. communal parking space will be lost to provide access to the proposed dwelling. However, No.68 which currently has no off-street parking, will be provided with 2no. parking spaces and the proposed dwelling will have 2no. spaces at the front of the property and a third space provided within the communal parking area, dedicated for their use.
- 3.3. Whilst the application is being put forward by a private developer, it is being done so on behalf of the Council's Housing Development team. In this regard, should planning permission be granted, the proposed dwelling would be obtained and managed by SBC and used for the housing of a Council tenant.
- 3.4. This application is being referred to the Planning and Development Committee for its decision as the Council is landowner and there have been more than 5 objections.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 The application has been publicised by way of letters to adjoining premises and a site notice. A summary of the comments received follows below:

- 4.2 22 and 40 Balmoral Close  
54 and 60 Stirling Close  
7 Hardwicke Close  
25 Petworth Close  
82 Blenheim Way  
100 Holly Leys  
1 Mandeville

- Building works on the new site already underway has changed Bragbury End enough;
- Greed on behalf of developer;
- Loss of trees;

- Permission to extend homes is refused but building new homes is allowed, this is not fair;
- Car parking and access issues;
- Overlooking and loss of privacy;
- Adverse impact on visual amenities;
- Impact on access to rear garden;
- Overdevelopment;
- Loss of open green space;
- Will detrimentally impact on Bragbury End;
- Poor bus service and poor street cleansing;
- If SBC are landowner, how can we be assured of an impartial decision?
- Enough new houses in Bragbury End already;
- Lack of infrastructure – doctors, schools etc;
- Has No.68 has been sold to a developer instead of housing a SBC tenant?;
- Bragbury End being burdened with more unwanted development;
- Little evidence of SBC keeping up with the Climate Emergency it declared in 2019.

4.3 Please note that these are not a verbatim of the comments received. Full copies of the comments received against this application can be viewed on the Council's website.

## **5. CONSULTATIONS**

### **5.1 HCC Highways**

5.1.1 6<sup>th</sup> June 2022: Recommend refusal on the basis that no details of cycle storage and waste/recycling storage have been provided.

5.1.2 Further comments provided 22 June 2022:

5.1.3 Notice is given under Article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to a condition to require vehicle parking, cycle storage and refuse areas to be provided. The amended drawing indicates that the new dwelling will be accessed via this communal parking area which raises concerns. It is appeared to me that the applicant has not provided any evidence which shows that they have right of access. This is something that the LPA need to consider in terms of level of parking, it seems that total 5 no of parking space is satisfactory for both dwellings.

5.1.4 The application site is within sustainable location and can be accessed by all modes of transports. The Highway Authority accepts that construction of only one dwelling is small in scale and will not produce such number of trips that may have significant impacts to the highway network. So, taking all into account, the HCC as the Highway Authority do not wish to object the proposal subject to the aforesaid condition.

### **5.2 SBC Environmental Health**

5.2.1 No objections subject to conditions for land contamination and construction hours.

### **5.3 SBC Arboricultural Manager**

5.3.1 I am not opposed to the removal of the 5 mature Cherry trees as long as an appropriate replanting arrangement is in place at a ratio of 3 to 1 (3 standard new trees for every mature tree removed). At first sight, the proposed removal does look excessive however, we need to take into account the fact that the 5 trees are reaching the end of their life

expectancy (cherry trees are short lived). By obtaining the funds to plant 15 new trees instead of the existing 5, we can ensure good continuity and future benefit. With regard to the proposed location of 5 of the new trees, I suggest they are planted further away from the proposed dwelling in order to prevent future issues with encroachment. Instead, I suggest they are planted on the other side of the footpath (between the footpath and the hedge). The remaining 10 new trees can be planted in the vicinity of this site, once the funds have been made available by the developer.

## 6. RELEVANT PLANNING POLICIES

### 6.1 Background to the Development Plan

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007)

### 6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by the Ministry of Housing Communities and Local Government (MHCLG) (**now the Department for Levelling Up, Housing and Communities**) in January 2022, identifies that Stevenage delivered 79% of its housing requirement which is above the 75% requirement. However, this is still less than 85%. Consequently, Stevenage Borough Council must include the 20% buffer in its 5 year housing land supply calculations, which it already does.

6.2.3 The Council also has to prepare an Action Plan to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. It will have to be prepared in accordance with Planning Practice Guidance and analyse the reasons for under-delivery of new homes against the Government's requirements. It also has to set out clear actions on how to improve housing delivery. Consequently, Stevenage Borough Council has recently published its Action Plan (July 2022) to demonstrate how it seeks to maintain the supply of housing:



- 6.2.4 Turning to 5 year housing land supply, the Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.2.5 The Council will also be commencing preliminary work into a potential review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

### **6.3 Planning Practice Guidance**

- 6.3.1 The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

### **6.4 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

- 6.4.1 The policies set out below are relevant in the determination of this application:

SP1 - Presumption for Sustainable Development ;  
SP2 - Sustainable Development in Stevenage ;  
SP6 - Sustainable Transport ;  
SP7 - High Quality Homes ;  
SP11 - Climate Change, Flooding and Pollution ;  
GD1 - High Quality Design ;  
HO5 - Windfall Sites ;  
HO9 - House Types and Sizes ;  
IT5 - Parking and Access ;  
FP1 - Climate Change ;  
NH5 – Trees and woodland

### **6.5 Supplementary Planning Documents**

- 6.5.1 Parking Provision SPD (2020);  
Design Guide SPD, Chapter 5 (2009).

### **6.6 Community Infrastructure Levy Charging Schedule**

- 6.6.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development.

## **7. APPRAISAL**

- 7.1.1 The application comes before the Planning and Development Committee due to it being on SBC land and there being more than five public representations.
- 7.1.2 The determining issues with the application relate to the principle of development, the loss of public open space, the impact of the proposal upon the character and appearance of the area, residential amenity, car parking provision and highway safety.

7.1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

## **7.2 Land Use Policy Considerations**

7.2.1 The National Planning Policy Framework 2021 (NPPF) states that significant weight should be placed on both the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.2.2 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019). Given the application site is on land adjacent to 68 Stirling Close, it is not allocated for residential development within the Local Plan and is, therefore, regarded as a 'windfall site'.

7.2.3 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council's aim of delivering a number of homes which fall outside the designated sites.

7.2.4 Policy HO5 of the Local Plan (2019) (windfall sites) stipulates that proposals should not prejudice the Council's ability to deliver residential development on allocated sites, and, it does not overburden existing infrastructure.

7.2.5 For the purpose of clarity, the definition of previously-developed land, as stated within the National Planning Policy Framework (NPPF) (2021) is "land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure". The definition of previously developed land excludes private residential gardens and public open space. The proposed dwelling is located wholly within the public open space adjacent to No.68 Stirling Close; consequently, it is considered that the proposal does not constitute development of previously developed, brownfield land. Therefore, as the proposal is not strictly in accordance with Policy HO5, an assessment must be made as to whether or not the benefits of the development outweigh the loss of the open space. In addition, an assessment has to be made as to the impact the development will have on the wider environment.

7.2.6 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The neighbourhood Centre in Kenilworth Close is currently under development but when completed, would be less than a 5 minute walk from the site. The closest major supermarket, Tesco's, on London Road, is a short car or bus journey away. There are also good local bus routes in the vicinity. There are a number of primary and secondary schools within 3km (10 minutes by car/30 minutes' walk). As such, the application site is considered to have an acceptable level of access to local facilities and alternative forms of travel to the private car and, therefore, deemed to be within a reasonably sustainable location.

7.2.7 Criterion (c) of Policy HO5 states that there should be no detrimental effect on the environment and the surrounding or adjoining properties. This issue will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity.

- 7.2.8 Further to the above, Policy HO5 also requires that there is access to local facilities and that residential proposals include opportunities to access alternative forms of travel to private motorised transport. As identified above, the site has good access to local facilities and services and also good access to the public transport network. The site has been demonstrated to be in a sustainable location and as such would comply with criterion (e) of the Policy HO5 of the Local Plan.
- 7.2.9 Finally, criterion (d) of Policy HO5 of the Local Plan requires proposals not to prejudice the Council's ability to deliver residential development on allocated sites. Whilst the development site is adjacent to the Kenilworth Close re-development site, that development is well underway and it is not considered that the proposed development would impede or interfere with the delivery of this adjacent site.
- 7.2.10 Turning to 5 year land supply and housing delivery, Paragraph 68 of the NPPF (2021) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15.
- 7.2.11 Paragraph 74 of the NPPF (2021) stipulates policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
  - b) 10% where the Local Planning Authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
  - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 7.2.12 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by Government planning policy and guidance. The results of the HDT dictate whether a Local Planning Authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer in to its housing supply calculations in accordance with paragraph 74 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development in addition to incorporating the 20% buffer.
- 7.2.13 The latest HDT results, published by the MHCLG in January 2022, identifies that Stevenage delivered 79% of its housing requirement which exceeds the minimum requirement of 75% which means there is no longer a requirement to apply the presumption in favour of sustainable development. The figure does fail to meet the upper limit of 85% which means the Council must incorporate a 20% buffer in its housing supply calculations. The Council is also preparing an Action Plan in accordance with the requirements of the NPPF.

- 7.2.14 The Council's Planning Policy Team have advised that the Council can now demonstrate 5.91 years of supply (which includes the 20% buffer) for the period 1 April 2021 to 31 March 2026. Given this position, this proposal is not fundamental in the Council's ability to meet its 5 Year Land Supply and the titled balance under para. 11d of the NPPF (2021) is not engaged. A copy of the latest monitoring report can be found online - <https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-update-may-2022.pdf>
- 7.2.15 In respect to Policy HO9 (House types and sizes) of the adopted Local Plan (2019), the proposed development seeks to deliver 1no. four bedroom dwelling. As such, it would be in accordance with this policy because it would help to deliver a larger family property and contribute to the delivery of a mix of housing types in the Town.
- 7.2.16 In summary, the Council is currently able to demonstrate a five year supply of deliverable housing sites. Consequently, this is considered to be a key material consideration in the assessment of this application. Nonetheless, the proposed development would contribute to the aim of boosting housing supply as required under Paragraph 60 of the NPPF without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. Further, the proposal would provide one new dwelling which would be taken over by SBC and utilised to house a Council tenant, thereby assisting with the delivery of social housing. There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, since the scheme is for only one dwelling, it is considered that these benefits would be limited and only attracts moderate weight in favour of the proposal.
- 7.2.17 On balance, having regard to all the policy considerations laid out above, and that the proposal would be providing Council housing, the proposed development is considered to be acceptable in principle.

### **7.3 Loss of Public Open Space**

- 7.3.1 The area of land in question is currently in the ownership of SBC and is designated as an area of informal open space and is protected by Policy NH6 of the Stevenage Local Plan. Policy NH6 for general protection of open space states that planning permission for development of any existing, unallocated open space will be permitted where the loss of the open space is justified having regard to the quality and accessibility of the open space, the existence of any interventions to improve quality or access, whether the open space is serving its function or purpose and whether alternate spaces would remain available for community use.
- 7.3.2 The area of land in question is sited immediately along the northern side boundary of No.68 Stirling Close and includes a small area of grass and trees separating the existing curtilage from the public footpath. Beyond the footpath is another grass verge and tall dense hedgerow with the vehicular highway of Hertford Road beyond.
- 7.3.3 The overall land size is approximately 32m long and 10m wide at its widest points, and covers an area of approximately 267sqm. There is a further area of land to the rear of the site, adjacent to No.54 which measures approximately 128sqm which does not form part of the application site. An area approximately 2m wide and 32m long would remain outside the application site boundary and would have re-planted trees on it.

- 7.3.4 It is accepted that, despite the large number of trees for the size of the space, it is likely to be useable area of public space and it does offer a positive contribution to the visual amenities of the area. With regards to the trees, the Council's Arboricultural and Conservation Manager has advised that Cherry trees do not have a particularly long lifespan when compared to Sycamores or Oaks for example. As such, at approximately 50 years old, they are not considered to have much life expectancy left and would be removed in the short to medium future in any case and replaced with younger trees.
- 7.3.5 There is a dedicated children's playground to the south of Stirling Close, an approximate 5 minute walk from the site, which is considered to offer a more suitable, well maintained and dedicated play space than the application site which being small in size with a number of large trees does not offer an 'open' area to play in. There are a large number of mature trees and hedgerows in the vicinity which all provide a haven for wildlife and are not due to be removed.
- 7.3.6 The adjacent development site will be providing pockets of open space throughout the site, with some close to the application site that will offer a positive contribution to the visual amenities of the area.
- 7.3.7 Given the aforementioned assessment, it is considered that there are sufficient areas of hedgerow and trees for wildlife and environmental impacts, a dedicated children's playground close by and future provision of public space being bought forward that the loss of this area of open space is suitably mitigated against. The benefits of providing Council housing are considered to outweigh any harm caused by the loss of this open space.

#### **7.4 Impact on Visual Amenity**

- 7.4.1 In terms of design, paragraph 126 of the NPPF (2021) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 130 of the NPPF (2021) stipulates that planning decisions should ensure developments function well and adds 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 developments 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 134 of the NPPF (2021) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.
- 7.4.2 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design

- 7.4.3 Policy HO5 requires residential development on unallocated sites to not have a detrimental impact on the environment and on surrounding properties. The Council's Design Guide SPD (2009) generally reflects the aforementioned policies whereby it seeks development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places.
- 7.4.4 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
  - hard and soft landscape;
  - technical infrastructure – transport, utilities, services such as drainage; and
  - social infrastructure – social, commercial, leisure uses and activities.
- 7.4.5 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
  - the form and scale of buildings;
  - their appearance;
  - landscape;
  - materials; and
  - their detailing.
- 7.4.6 The Guide further iterates that all developments are made up of these components put together in a particular way. As such, the choices made in the design process contribute towards achieving the ten characteristics and shape the character of a place. For reference, these ten characteristics are as follows:-
- Context – enhances the surroundings;
  - Identity – attractive and distinctive;
  - Built form – a coherent pattern of built form;
  - Movement – accessible and easy to move around;
  - Nature – enhanced and optimised;
  - Public spaces – safe, social and inclusive;
  - Uses – mixed and integrated;
  - Homes and buildings – functional, healthy and sustainable;
  - Resources – efficient and resilient;
  - Lifespan – made to last.
- 7.4.7 The application site is located within the confines of a residential estate, predominantly formed of terraced housing which is uniform in design and materials. The existing dwellings are constructed red-multi brickwork with dual pitched tiled roofs. They have single storey projections on the front elevations and the property frontages face onto communal parking areas whilst the rear gardens attach to the rear gardens of the terrace behind.
- 7.4.8 In terms of visual appearance, the application site is located at the northern end of the cul-de-sac. The properties have average sized front and rear curtilages. The access road is relatively narrow and provides small areas of communal parking and access to those properties that have private parking areas in their front gardens. The street overall has a relatively open appearance although the application site is not particularly visible from the parking areas due to high level hedging separating the two.

- 7.4.9 The proposed dwelling would be slightly smaller in footprint than No.68 at 60sqm compared to 67sqm. It would project approximately 1m beyond the rear elevation and approximately 0.7m beyond the front elevation of No.68 and be 7m wide, compared to No.68 which is 7.8m wide.
- 7.4.10 Whilst it would not be visually subservient to the existing terrace, given the defined building line of the terrace, it is not considered that subservience is necessary for this dwelling as its design reflects the rhythm of the terrace and maintains the strict building line in terms of roof heights. Visually, the proposed dwelling offers an acceptable appearance in the street scene.
- 7.4.11 At the rear, the proposed dwelling would project beyond the existing terrace by approximately 1m and have a dual pitched gable front feature for architectural interest. The windows serving the bathroom and bedroom 2 are single paned windows which are fully obscure glazed and non-openable below 1.7m from internal floor level. This design solution has been chosen to address the issue of overlooking and loss of privacy between the proposed dwelling and the dwellings to the rear due to the substandard back to back separation distance which is covered later in this report. On balance, given the need to overcome the privacy issues, this design solution is considered acceptable in this instance.
- 7.4.12 The use of similar materials to the existing dwelling will ensure a visually cohesive development.
- 7.4.13 On balance, the proposed development is considered acceptable in design, scale and massing and with matching materials to the existing terrace, it would have an acceptable appearance in the street scene and therefore not harm the visual amenities of the area.

## **7.5 Impact on Residential Amenity**

### *Outlook and Amenity*

- 7.5.1 The attached neighbour at No.68 is sited due south of the application site and as such there is no requirement to undertake an assessment of the daylight and sunlight levels using BRE Guidelines. The proposed dwelling projects 1m beyond the rear elevation of the neighbour which is not considered to result in a poor outlook. Consequently, it is not considered that there would be a detrimental impact in terms of outlook, overlooking or loss of privacy to this neighbour. There are no properties to the north of the application site.
- 7.5.2 The neighbours to the rear, Nos. 54 and 56 Stirling Close have their rear elevations facing the rear of the proposed dwelling and are approximately 20m away. Chapter 5 of the adopted Design Guide states that there should be a minimum back to back separation distance between new and existing properties of 25m. In this regard, the proposal fails to meet adopted policy. However, the applicant has submitted amended plans which have reconfigured the internal layout and therefore the first floor now has a bathroom and bedroom facing these neighbours. The submitted plan now shows that the bathroom would be served by a small high level window which is obscure glazed and the bedroom would have its window on the northern side elevation. Therefore, the issues of overlooking and loss of privacy which would occur from a sub-standard back to back separation have been removed and the proposal is considered acceptable in this regard.
- 7.5.3 Further, No.54, who at present does not look out directly over another property at the rear, would only look out to half the proposed dwelling as the other half would be directly to the rear of No.56. In this regard, it is not considered that their existing outlook would be so detrimentally impacted that a refusal would be warranted on this basis alone.
- 7.5.4 The proposed development is not therefore considered to overly harm the amenities of neighbouring properties.

### Private Amenity Space

7.5.5 In respect to private amenity space, section 5.3 of the Stevenage Design Guide SPD (2009) requires that all dwellings should have private amenity space of at least 50sqm with a minimum rear garden depth of 10m. The submitted plans indicate that the proposed dwelling would have a private amenity space of approximately 80sqm. The submitted plans the garden would have a depth of between approximately 6m and 11m. Accordingly, the development is considered to have an acceptable level of outdoor amenity space.

### Living Space Standards

7.5.6 Policies GD1 and SP8 of the Local Plan (2019) relate to High Quality and Good Design. These policies state that planning permission will be granted where the proposed scheme, under criterion j. meets, and where possible, exceeds the nationally described space standards. Appendix C of the Local Plan (2019) sets out the minimum gross internal floor space standards for dwellings which is in line with the Government's nationally described space standards.

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	

7.5.7 The submitted plans indicate the internal floorspace of the proposed dwelling is approximately 98sqm and would have one double and three single bedrooms. As such, the internal floorspace is acceptable for a 4 bed/5 person two storey dwelling.

7.5.8 Furthermore, the National Government document 'Technical housing standards – nationally described space standards' 2015, advises a single bedroom to be a minimum of 7.5sqm and a double should be at least 11.5sqm. All bedrooms meet these requirements.

7.5.9 Taking the above into account, the proposed development would be unlikely to unduly harm the amenities of the neighbouring properties, it would have sufficient private amenity space and gross internal floorspace which ensures the amenities of future occupiers would be acceptable and therefore the proposed development would comply with Policies GD1 and SP8 of the Local Plan (2019), the Council's Design Guide SPD (2009), the NPPF (2019) and NPPG (2014).

## **7.6 Noise and Pollution**

7.6.1 Policy FP7 of the Local Plan (2019), states that developments should minimise, and where possible, reduce air, water, light and noise pollution. Policy FP8 stipulates that permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed, pollution generating uses. Given the proposed development would be located within an existing residential area, harm from noise is not considered an issue.

7.6.2 The internal layout of the new dwelling has been designed so that rooms of a similar use are aligned horizontally with the existing dwelling. Horizontal noise transmissions could pose an impact to the existing dwelling which could be minimised with suitable sound insulation.



7.6.3 With regards to sound insulation, this would be covered by the Building Regulations. They require a sound test to be undertaken and a certificate provided to show that the level of noise between properties is within acceptable limits before they will sign off the works. In this regard, the amenities of the occupiers of the existing and proposed dwellings would be protected from excessive and intrusive noise levels.

## **7.7 Car Parking and Cycle Provision**

7.7.1 Policy IT5 of the Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan.

7.7.2 This policy goes on to state that planning permission for development proposals which result in the loss of off-street parking spaces (excluding public car parks) or formally defined on-street bays will be granted where:

- The parking lost is replaced as near as possible to the existing provision in an accessible location; or
- It can be demonstrated that the provision is not suitable or required.

7.7.3 The proposed development would involve the removal of 1no. communal parking space, located within a bay of three spaces to the west of No. 66. However, at present, No.68 has no off-street parking and relies on the communal parking areas. As a result of the proposed development, this property would be provided with two off-street parking spaces in their front curtilage.

7.7.4 Consequently, whilst there would be a loss of one communal space, there would be a gain of two spaces for another property outside of the development site which is considered an acceptable substitution as this property would then no longer require use of the communal spaces and thereby free those remaining spaces up for other properties or visitors.

7.7.5 The Parking Provision SPD (2020) sets out the maximum amount of off-street parking for residential development based on the number of bedrooms. As a four bedroom property, the proposed dwelling would require 3 off-street car parking spaces. The submitted plan shows that the proposed dwelling will have two spaces in the front curtilage of adequate size and one additional space adjacent to the communal parking area to the south of the dwelling.

7.7.6 Additionally, the Parking Provision SPD (2020) requires all new parking spaces for new dwellings to be designed to fulfil a Passive Electrical Vehicle Charging Point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases. This can be secured by way of a suitably worded condition should planning permission be granted.

7.7.7 Policy IT5 of the Local Plan (2019) also requires developments to provide secure cycle parking provision in line with the Parking Provision SPD (2020). This recently adopted SPD requires four bed dwellings to provide 4 cycle parking spaces. The submitted plans indicate that there is a cycle storage shed within the rear garden of the new dwelling which would be acceptable in this regard.

## **7.8 Trees and Landscaping**

7.8.1 Policy NH5 of the adopted Local Plan (2019) states that planning permission for proposals which result in the loss of trees will be granted where those trees are replaced.

- 7.8.2 The proposed development would result in the loss of five mature cherry trees. However, as previously discussed in paragraph 5.3.1 in this report, the Council's Arboricultural and Conservation Manager considers these trees to be limited in their remaining life span and would require removal in the short to medium term in any case.
- 7.8.3 He has assessed the application and not objected to the removal of the trees on the basis that the applicant has agreed to replace the five trees on site with younger, more suitable trees that will provide a positive contribution to the environment and the visual amenities of the area and will do so for much longer than the current trees. They have also agreed to fund an additional 10 trees off site which can be secured with a legal agreement.
- 7.8.4 Taking the aforementioned into account, given that the existing trees are near the end of their life expectancy and the proposed development would see 15 trees planted that would outlive the current trees, the development is considered acceptable in this regard.

## **7.9 Waste and Recycling**

- 7.9.1 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste from a site. The current requirements for waste and recycling per household are as follows:-
- Residual Waste - 240 litres;
  - Cans and Plastics - 55 litres;
  - Paper and cardboard - 55 litres;
  - Glass - 20 litres.
- 7.9.2 The submitted plans indicate that there is a suitable storage area along the northern side of the dwelling, within the rear garden.

## **7.10 Other Matters**

### *Sustainable Construction and Climate Change*

- 7.10.1 Policy FP1 of the Local Plan (2019) states 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 future variations in temperature;
  - Reducing water consumption to no more than 110 litres per person per day, including external water use;
  - Improving energy performance of buildings;
  - Reducing energy consumption through efficiency measures;
  - Using or producing renewable or low carbon energy from a local source; and
  - Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.
- 7.10.2 No details of measures to address climate change have been submitted with the application but details can be secured through a suitably worded condition if planning permission is granted. Further, through the Building Regulations Part L (Conservation of Heat and Power), Part S (Infrastructure for Charging EV) and the overall Future Homes Standard, the proposed dwelling would be subject to ever more stringent measures to reduce carbon footprint and be a more energy efficient dwelling. As such, the Council is satisfied that with these measures in place and through an appropriately worded condition, the applicant will deliver a modern and energy efficient home.

### Community Infrastructure Levy

7.10.3 As indicated above, the Council adopted CIL on 1 April 2020 and the CIL Charging Schedule specifies a payment for new floorspace in line with the following rates (plus appropriate indexation):

Development Type	CIL Rate (£ per square meter)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m <sup>2</sup>	£100/m <sup>2</sup>
Sheltered housing	£100/m <sup>2</sup>	
Extra care housing	£40/m <sup>2</sup>	
Retail development	£60/m <sup>2</sup>	
All other development	£0/m <sup>2</sup>	

7.10.4 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.

7.10.5 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application.

7.10.6 With regards to how the CIL monies are spent, the ultimate decision lies with Stevenage Borough Council and the allocation of funding amount of £75,000 or over will rest with the Planning and Development Committee. Service providers who would not receive contributions through the Section 106 agreement for this development, including but not limited to those at Hertfordshire County Council and Stevenage Borough Council, will be able to bid for funding in due course.

### Equality, Diversity and Human Rights

7.10.7 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

7.10.8 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

7.10.9 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster

good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

- 7.10.10 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

## 8. CONCLUSIONS

- 8.1 In summary, it has been established that the proposed dwelling fails to accord with criterion (a) of Policy HO5 as it would be located on land which does not meet the definition of previously developed land as stated within the NPPF (2021) nor is it considered to be a small underused urban site. Further, the proposal would be in conflict with Policy NH5 (Trees and Woodland) and Policy NH6 (Open Space) due to the loss of the public open space and loss of five cherry trees. These policy contraventions carry significant weight against the proposal.
- 8.2 The Council is currently able to demonstrate a five year supply of deliverable housing sites (with a 20% buffer) and the Housing Delivery Test indicates that the delivery of housing was 79% of the housing requirement over the previous three years. Therefore, the policies that are most important for determining the application are considered up-to-date and Paragraph 11(d) of the Framework is not engaged.
- 8.3 The development would provide one additional dwelling, making a limited contribution to the aim of boosting housing supply, which in this instance, would not be though the redevelopment of a sustainable brownfield site. This is a limited public benefit to the proposal given the quantum of development and the fact that the supply of land for housing within the Borough is not currently constrained, it only attracts moderate weight in favour of the proposal. However, the proposal will provide additional social housing for the Council which also carries moderate weight in favour of the proposal.
- 8.4 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, since the scheme is for only one dwelling, it is considered that these benefits would be limited and only attracts moderate weight in favour of the proposal.
- 8.5 The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the collection of waste and recycling is acceptable; these are neutral matters.
- 8.6 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area and the car parking is considered acceptable; this carries moderate weight in favour of the proposal.
- 8.7 The five trees to be removed would be replaced on site with five trees. Additionally, through a S.106 Unilateral Undertaking, the Council can secure funding for an additional 10 trees to be planted in the Bragbury End area which will provide a substantial public benefit. It would also compensate for the trees which will be lost via this development; this carries moderate weight in favour of the proposal.

- 8.8 Taking the aforementioned into account, whilst the proposed development would not be strictly in accordance with Policies HO5(a), NH5 and NH6, it has been demonstrated that there would be public benefits arising from the development in the form of social housing, funding for additional trees, economic contributions from construction and future occupiers and an increase in car parking provision for existing neighbouring dwelling, thereby improving the communal parking provision. The proposal has been demonstrated to not harm the character and appearance of the area nor the amenities of neighbouring properties, and so, on balance, it is considered that the public benefits of the proposal outweigh the harms identified through the policy contraventions and the proposal is, therefore, acceptable.

## 9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into a S106 Unilateral Undertaking to secure/provide contributions towards:-
- Funding of 10no. new trees in the Bragbury End area of the Borough.
  - S.106 monitoring fee.
- 9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:-
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
20166\_S-001A; 20166\_P004-G;  
**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 materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match the materials used in the construction of the original neighbouring dwellings to the satisfaction of the Local Planning Authority.  
**REASON:-** To ensure the development has an acceptable appearance.
  - 4 Prior to the first occupation of the dwelling hereby permitted the parking provision as shown on approved plan 20166-P004-G to serve both the existing and new dwellings, shall be constructed, hardsurfaced and made ready for use. The parking areas shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.  
**REASON:-** To ensure that adequate parking and servicing facilities are available within the site and to prevent surface water from passing onto the public highway which may be detrimental to highway safety.

- 5 Prior to the occupation of the dwellinghouse hereby permitted, the parking spaces shown on approved plan 20166-P004-G shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.  
**REASON:-** To ensure construction of a satisfactory development and to promote sustainable 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 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.  
**REASON:-** To safeguard the amenities of the occupiers of neighbouring properties.
- 7 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.  
**REASON:-** To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 8 The first floor windows in the eastern rear elevation of the new dwellinghouse hereby approved shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above floor level, and shall be retained in that form thereafter and no additional windows shall be installed at first floor level in the eastern rear elevation.  
**REASON:-** To safeguard the privacy of the occupiers of adjoining properties.
- 9 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 13 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 11.  
**REASON:-** To ensure that the site does not pose any risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.
- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, as required under condition 9, 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.
- 12 Prior to the first occupation of the dwelling hereby permitted, the cycle storage as detailed on plan 20166-P004-G shall be implemented accordingly. The cycle storage shall be retained and maintained accordingly during the lifetime of the development.  
**REASON:-** To ensure that adequate cycle parking is provided in accordance with the Council's adopted supplementary planning documents.
- 13 Prior to the first occupation of the dwelling hereby permitted, the general waste and recycle store associated with the development hereby permitted shall be implemented in accordance with the details as specified on plan number 20166-P004-G.  
**REASON:-** To ensure the general waste and recycle store is of a sufficient size to accommodate the number of bins which are required for this development. In addition, to ensure the proposed bin store has an acceptable appearance.
- 14 All planting, seeding and turfing shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.  
**REASON:-** To ensure a satisfactory appearance for the development.
- 15 Any trees or plants comprised within the approved plans 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.
- 16 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March – August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.  
**REASON:-** Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).
- 17 Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling hereby permitted. The approved boundary treatments shall be completed before the dwelling is occupied.  
**REASON:-** To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.

- 18 Notwithstanding the provisions of Class B of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) no extensions, enlargements, alterations or dormer windows to the dwellinghouse hereby permitted shall be erected unless permission is granted on an application made to the Local Planning Authority.

**REASON:-** To enable the Local Planning Authority to fully consider the effects development normally permitted by the Order and to safeguard the amenities of neighbouring owner/occupiers.

**The Council has acted Pro-Actively for the following reason:-**

- 1 Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**INFORMATIVE**

**1 Community Infrastructure Levy**

Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020.

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at [www.stevenage.gov.uk/CIL](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk).

**2 Building Regulations**

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk) or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.



Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

**3 Party Wall etc. Act 1996**

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

**4 Hertfordshire County Council as Highways Authority**

The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. Prior to commencement of the construction of any development the applicant should submit a construction management plan for LPA's approval in consultation with the highway authority.

**5 Hertfordshire County Council as Highways Authority**

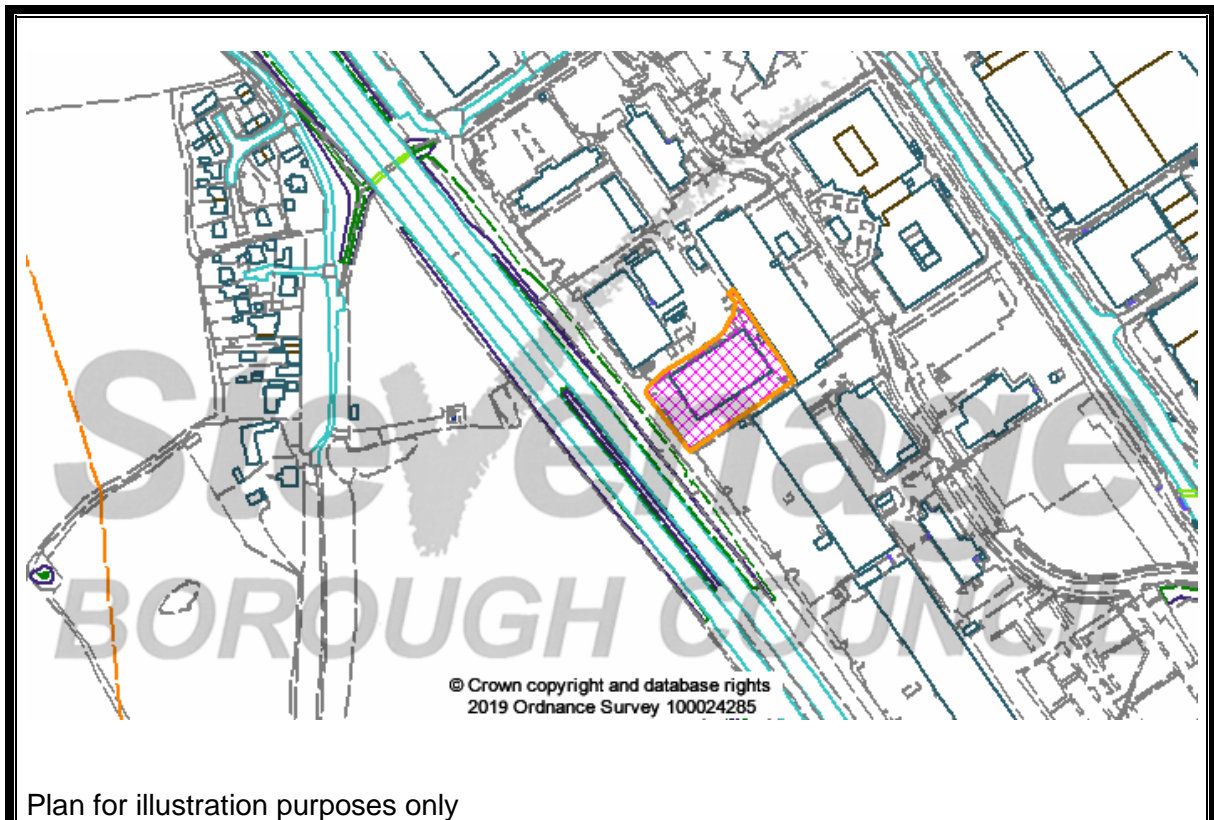
Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide 126 (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
  2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020 and Stevenage Design Guide adopted October 2009.
  3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
  4. Hertfordshire County Council’s Local Transport Plan 4 adopted May 2019.
  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 2021 and Planning Policy Guidance March 2014.
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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>6 September 2022</b>	
<b>Author:</b>	<b>Linda Sparrow</b>	01438 242837
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Linda Sparrow</b>	01438 242837

Application No :	22/00468/FPM
Location :	MBDA UK, Six Hills Way, Stevenage
Proposal :	Demolition of an existing storage facility, and erection of a 3-Storey Research and Development Facility
Drawing Nos.:	0209799-HRL-XX-XX-DR-E-708001-S03-P01; 5100-FDG-ZZ-00-DR-A-08005-S2-P02; 5100-FDG-ZZ-ZZ-DR-A-08001-S0; 5100-FDG-ZZ-ZZ-DR-A-08002-S0; 5100-FDG-ZZ-ZZ-DR-A-08003-S0; 5100-FDG-ZZ-ZZ-DR-A-08004-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-08006-S0; 5100-FDG-ZZ-ZZ-DR-A-08007-S0; 5100-FDG-ZZ-RF-DR-A-08008-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-08008-S0; 5100-FDG-ZZ-ZZ-DR-A-08010-S2-P02; 5100-FDG-ZZ-ZZ-DR-A-11202-S0-P01; 99571-DCL-XX-00-DR-C-10001-P3; 5100-FDG-ZZ-ZZ-DR-A-55100-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-51100-S4-P07;
Applicant :	MBDA UK
Date Valid:	18 May 2022
Recommendation :	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site is located on the western side of Gunnels Wood Road which falls within the Gunnels Wood Employment Area. The application site and its immediate surrounding area comprises the MBDA UK complex which consists of two-storey warehousing and industrial units, modern three-storey office buildings, a waste storage compound, portacabins and surface car parking. The warehouse and industrial buildings are generally uniform in design, constructed from profiled sheet metal cladding and windows which run horizontally within the elevations. The buildings also have industrial roller shutters on the western elevation. The office buildings are modular in form and constructed from either brick or steel frames with large areas of glazing. The MBDA site is currently accessed from Six Hills Way and Gunnels Wood Road.
- 1.2 The surrounding area is characterised by a mixture of office, light industrial and warehouse developments. To the south of the application site is the Ford car dealership showroom. The site comprises a two-storey showroom which is constructed from profiled steel cladding with a large glazed frontage. On the rear and eastern elevations are roller shutters for the service areas. To the west of the application site is the A1(M) motorway and to the east is Gunnels Wood Road. To the north of the site is Six Hills Way, beyond which is the office complex (Farnham House) that houses Hertfordshire County Council. This is a three storey brick built building with undercroft car parking. There is also Campus Six immediately adjacent to Farnham House which comprises a number of modern office buildings that are constructed from brick with large glazed areas on the facade.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Owing to MBDA's long history in the Town, they have an extensive site history. Following is the most recent history from 2018:

18/00153/FPM Erection of a two storey modular office building with associated boundary treatments, hard landscaping and services. Granted 15.08.2018.

18/00507/FP Installation of a new HPC Mobile Data Centre. Granted 22.10.2018.

18/00544/COND Discharge of Condition 14 (Construction Management Plan) attached to planning permission reference number 18/00153/FPM. Discharged 03.10.2018.

19/00014/FPM Variation of condition 1 (site plan) and condition 4 (Cycle Storage) attached to planning permission reference number 18/00153/FPM. Granted 12.02.2019.

19/00070/FP 2no. extensions to existing building 1900. Granted 01.04.2019.

19/00253/FPM Erection of a two-storey modular office building with associated boundary treatments and landscaping. Granted 05.09.2019.

19/00471/AD 1no. internally illuminated freestanding sign and alterations to existing signage. Granted 03.10.2019.

19/00539/FP Upgrade of existing security fencing and relocation of gatehouse barrier and turnstile access. Granted 31.10.2019.

19/00660/FP Erection of data centre building with associated plant enclosures and hard landscaping. Granted 30.12.2019.

19/00669/NMA Non material amendment to planning application 19/00253/FPM to change the base materials of the modular building to profiled steel sheet cladding. Agreed 28.11.2019.

20/00072/FP Infill of courtyard to building 200 and additional lobby to provide additional internal office space with associated landscaping works. Granted 31.03.2020.

20/00095/COND Discharge of condition 7 (remediation scheme) attached to planning reference number 19/00660/FP. Discharged 31.03.2020.

20/00206/FP 2 No. external shipping containers to house specialist mechanical plant. Granted 11.06.2020.

20/00511/FP Proposed lobby extension to existing multi-purpose building. Granted 02.11.2020.

20/00772/FPM Variation of condition 1 (Approved Plans) attached to planning permission 19/00253/FPM. granted 03.03.2021.

21/00114/COND Discharge of conditions 9 (Drainage), 14 (Brise Soleil) and 15 (Landscaping) attached to planning permission 19/00253/FPM. Discharged 20.10.2021.

21/01108/FP Erection of new visitor entrance lobby and staff entrance to Building 1300. Granted 01.12.2021.

21/01325/AD Replacement internally illuminated totem signage and brickwork plinth. Granted 28.01.2022.

22/00317/AD Installation of 1 no. non-illuminated fascia sign mounted on the south end of the existing building. Granted 12.05.2022.

22/00402/COND Discharge of condition 8 (remediation scheme works) attached to planning permission reference number 19/00660/FP. Discharged 26.05.2022.

### **3. THE CURRENT APPLICATION**

- 3.1. The application seeks planning permission to erect a research and development facility following demolition of the existing Building 5100.
- 3.2. The existing building has previously been used for storage but is no longer required by the business. It comprises two storeys and has a gross external area of approximately 1,785sqm. The new R&D facility would comprise three storeys and have a gross external area of 4,593sqm. The ground floor would comprise the central testing hall (which extends up through all floors), staff amenities and some office space, while the remaining floors would comprise laboratories and plant rooms wrapping around the central testing hall.

### **4. PUBLIC REPRESENTATIONS**

- 4.1 As a major planning application, the proposal has been publicised by way of, site notices and a press notice. At the time of drafting this report, no responses have been received.

### **5. CONSULTATIONS**

- 5.1 The following section contains summaries of consultation responses. Full copies of the responses are available on the Council's website.

## **5.2 Thames Water**

- 5.2.1 Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 5.2.2 With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 5.2.3 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 5.2.4 Water Comments: With regard to water supply, this comes within the area covered by the Affinity Water Company.

## **5.3 Natural England**

- 5.3.1 No Objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

## **5.4 HCC Highways**

- 5.4.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions – construction management plan.

## **5.5 Crime Design Advisor**

- 5.5.1 No concerns – support the application.

## **5.6 SBC Environmental Health**

- 5.6.1 No objections

## **5.7 Wood Group UK (Flood Risk and Drainage Consultant)**

- 5.7.1 No comments were received at the time of writing this report.

## **5.7 SBC Arboricultural Manager**

- 5.7.1 Having checked the planting plan, I can see that no tree planting was included. Given the size of this site, I think there is space for the planting of some medium size trees which can give the landscape more structure. I could suggest 3 trees to the front of the site (car parking end) and 2 at the rear. In terms of species, I would suggest Ornamental Pears (Pyrus Chanticleer).

## **5.8 SBC Green Spaces Development Officer**

- 5.8.1 I had a quick look at the soft landscaping design and apart from the possible addition of trees, the only thing I've noticed is *Cotoneaster horizontalis* (located top right on the plan). This is a non-native invasive species and therefore should be substituted for a suitable alternative.

## **6. RELEVANT PLANNING POLICIES**

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

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007)

### **6.2 Central Government Advice**

- 6.2.1 A revised National Planning Policy Framework ("NPPF") was published in July 2021. This largely reordered the earlier 2012 version of the NPPF, albeit with some revisions to policy substance. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up-to-date for the purposes of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (Paragraph 11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (Paragraph 12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

- 6.2.2 The Council will nevertheless be commencing preliminary work into a review of its Local Plan, which was adopted in May 2019. This is to further ensure that the policies within the Local Plan are up-to-date, as well as to ensure the Plan is performing well against its objectives.

### **6.3 Planning Practice Guidance**

- 6.3.1 The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

### **6.4 National Design Guide**

- 6.4.1 The National Design Guide 2021 is Government guidance on the characteristics of well-designed places and demonstrates what good design means in practice. It has the same status as the PPG and should similarly be taken into account when determining planning applications.

### **6.5 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

- 6.5.1 The policies set out below are most relevant in the determination of this application:

SP1: Presumption in favour of sustainable development;

SP2: Sustainable development in Stevenage;  
SP3: A strong, competitive economy;  
SP8: Good design;  
SP11: Climate change, flooding and pollution;  
EC1: Allocated sites for employment development;  
EC2: Gunnels Wood Employment Area and Edge-of-Centre Zone;  
EC4: Remainder of Gunnels Wood;  
GD1: High Quality Design;  
IT5: Parking and Access;  
FP1: Climate Change;  
FP2: Flood risk in Flood Zone 1;  
FP5: Contaminated Land;  
FP7: Pollution;  
NH5: Trees and Woodland;

## **6.6 Supplementary Planning Documents**

6.6.1 The following supplementary planning documents are relevant to determining the application:

Developer Contributions SPD 2021  
Parking Provision and Sustainable Transport SPD 2020  
The impact of Development on Biodiversity SPD 2020  
Design Guide SPD 2009

## **7. APPRAISAL**

7.1 The main issues for consideration in the determination of the application are its acceptability in land use policy terms, impact on visual amenity; impact on neighbouring amenities; parking provision; means of access and highway safety; impact on the environment; and flood risk.

### **7.2 Land Use Policy Considerations**

7.2.1 The National Planning Policy Framework 2021 (NPPF) states that significant weight should be placed on both the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.2.2 The application site is designated as part of the Gunnels Wood Employment Area where Policy EC2a (Gunnels Wood Employment Area) and EC4 (Remainder of Gunnels Wood) of the Local Plan (2019) apply. Policy EC2a defines the spatial extent of the Gunnels Wood Employment Area and Policy EC4 sets out what uses are acceptable in the employment area. The latter states that planning permission will be granted where development (including changes of use) is for use classes B1(b) research and development, B1(c) light industry, B2 general industry and / or B8 storage and distribution. Please note that as of September 2020, use classes B1(b) and B1(c) are now re-classified as use class E.

7.2.3 The application site is also designated in the Local Plan (2019) under Policy EC1/3 (Allocated sites for employment development) for 4,000m<sup>2</sup> of B1(b) and/or B1(c) (now use class E).

7.2.4 Policy SP3 (Strong, Competitive Economy) states that Gunnels Wood is to be continued to be remodelled to meet modern requirements and provide a high quality and attractive business destination. The proposed development would provide a new, modern, research and development facility, to meet the ongoing needs of MBDA, a long-standing employer in the Gunnels Wood area to ensure that it continues to meet the high quality standards and offer a competitive business model.



7.2.5 The proposed NMEC building would have fallen within the former use class B1(b) research and development (now use class E). Therefore, the proposal fully accords with the land use policies in the Local Plan (2019). It is also in accordance with the aims and objectives of the NPPF (2021) insofar as it would support economic growth and productivity. Accordingly, the proposal is considered acceptable in land use policy terms.

### **7.3 Impact on Visual Amenity**

7.3.1 In terms of design, Paragraph 126 of the NPPF (2021) states that “*the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development*”, whilst Paragraph 130 stipulates that planning decisions should ensure development functions well and adds 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 134 then goes on to re-iterate that “*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents*”

7.3.2 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.3.3 The application site is located on land which is owned and operated by MBDA. The site for the proposed NMEC building is currently occupied by building 5100, surrounded by open hardstanding and bordered by the multi-storey car park and a number of smaller buildings.

7.3.4 The existing warehouse and industrial buildings closest to the proposed building site are generally uniform in design, constructed from profiled sheet metal cladding and windows which run horizontally within their respective elevations. The smaller single storey store buildings to the south also have roller shutters on the western elevation. The existing offices within the wider MBDA campus are generally modern in design and articulated in built form, constructed from either brick, steel or stone cladding, with large areas of glazing and full height glazed entrance features.

7.3.5 The proposed building will replace the existing storage building 5100 which is again, located on the western side of the MBDA site, and surrounded by buildings 5000 and 5200 and the multi-storey car park. The building would be 3-storeys in height with a central cuboid element and outer sections which step down in height to prevent an unduly dominating appearance in the context of the surrounding buildings. Given the surrounding buildings vary from single storey to 3 storeys, from a wider visual standpoint, only the top storey would be visible in the skyline.

7.3.6 At ground floor and floor 1 the building would measure approximately 40m wide and 45m deep. Floors 2 and 3 would be 33m wide and 33m deep for the most part, with the North-East elevation being 40m wide and the roof of floor 1 being flat roof with access from floor 2 for plant and machinery. Gantry levels 4 and 5 shown on plan number 5100-FDG-ZZ-ZZ-DR-A-11202 are contained within the main building and are not additional floors.

7.3.7 The central testing hall rises up through the centre of the building and has a low angled dual pitched roof and is darker in colour whilst the surrounding elements of the building have flat roofs and are of varying shades of medium and pale grey. The use of differing roof

designs and materials, in this instance, adds architectural interest and a modern feel to the building which softens the form and bulk of the building.

- 7.3.8 The building would be constructed of similar materials to the existing buildings on the site, utilising deeper shades of grey cladding with the addition of lighter grey cladding to soften the form and bulk of the building. A brickwork plinth would wrap around the building at ground floor.
- 7.3.9 Enhancements to existing soft landscaping combined with additional soft landscaping would help to better define the building's boundary within the site. Additionally, the provision of an enhanced landscape strategy would further help to soften the appearance of the building.
- 7.3.10 Given the aforementioned assessment, it is considered that the proposed development would not have a detrimental impact on the character and appearance of the site, or the visual amenities of the area. Therefore, it would be in accordance with Policies GD1 and SP8 of the Adopted Local Plan (2019).

#### **7.4 Impact on Neighbouring Amenities**

- 7.4.1 Policy FP7 of the Local Plan (2019) requires all development proposals to minimise, and where possible, reduce air, water, light, and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area.
- 7.4.2 Policy GD1 also requires that developments do not have an adverse impact on neighbouring uses or the surrounding area.
- 7.4.3 The application site is located within the established employment area of Gunnels Wood Road amidst a range of other established commercial uses, with the nearest residential properties located approximately 430m away and positioned the other side of the A1(M) in Norton Green.
- 7.4.4 The presence of the nearby Premier Inn hotel is noted. A Noise Assessment has been prepared by Hoare Lea which concludes that during the daytime, the building services plant noise should be limited to 47dB(A) and during the night time it should be limited to 41dB(A). Noise mitigation measures include the selection of low noise equipment, silencers on air handling units, the use of acoustic enclosures and anti-vibration mounts fitted to all equipment.
- 7.4.5 The Council's Environmental Health department have assessed the application and have raised no concerns. However, it is recommended that a condition be imposed restricting the hours of construction on-site. This is to ensure that the amenities and operation of nearby businesses are protected during the construction phase of the development. Subject to this condition, it is considered that the proposed development would not have a detrimental impact on the amenities of neighbouring occupiers, in accordance with Policies FP7 and GD1 of the Local Plan (2019).

#### **7.5 Car Parking and Cycle Parking Provision**

- 7.5.1 Policy IT5 of the Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the Parking Provision and Sustainable Transport SPD (2020). The proposed building will be use class E (formerly B1b). The SPD sets out the maximum level of parking requirements for use class E development, with research and development/industrial processes being required to provide 1 parking space per 35sqm of gross floorspace. On the basis of the proposed building having an approximate floorspace of 4,593sqm, there would be a requirement for 131 parking spaces.

- 7.5.2 The site is located in accessibility zone 2 and as such, a degree of restraint can be applied to the maximum level of parking which is required. In the case of zone 2 developments, between 25% and 50% of the total parking provision can be provided. It is also understood that following the COVID-19 pandemic, MBDA like many businesses has re-assessed its working patterns for staff and are adopting a new “Dynamic Working” model. This will allow for greater flexibility of working hours and an increase in the number of personnel who will be working from home.
- 7.5.3 The Council are open to being flexible on the matter of car parking for the MBDA site given the business changes following the pandemic and the new dynamic working model. As such, the car parking requirements will be assessed holistically across the entire site and not for each individual building.
- 7.5.4 The Parking Statement accompanying the submitted Planning Statement advises that there are currently 1,850 car parking spaces on site for staff and visitors, which are spread out across the whole site and comprise open air surface parking and multi-storey car parking.
- 7.5.5 Following the COVID-19 pandemic, MBDA invested substantially in secure off-site working arrangements, which has resulted in the daily on-site work force falling from 2,600 persons to 1,000-1,200 persons. This has subsequently seen a fall in cars on site to approximately 700-850 cars on site each day.
- 7.5.6 Going forward, whilst MBDA will still operate under a hybrid working pattern, they expect more staff to utilise on-site working, although not to the extent of pre-pandemic levels. It is expected that approximately 2000-2200 staff could be on site at any given time, which would result in approximately 1400-1500 cars on site. Even at these increased numbers, there would still be an over-supply of existing car parking provision with 1850 spaces on site.
- 7.5.7 The proposed development is expected to increase employee numbers by approximately 15-20. Accordingly, the Council is satisfied that the MBDA site as a whole has enough surplus existing car parking that there is no requirement to provide any additional car parking with this current application.
- 7.5.8 With respect to cycle parking, the Parking Standards sets out that there is a requirement to provide 1 long-term space per 500sqm of floorspace and 1 short-term space per 1000sqm of floor space. With an approximate floorspace of 4,593sqm, there would be a requirement for 10 long term spaces and 5 short term spaces.
- 7.5.9 There are currently 199 cycle spaces on site. MBDA estimate that around 70% of employees travel to work via car with the remaining 30% arriving by other means. This would equate to approximately 650 people arriving by other means. It is therefore considered that 199 cycle spaces across the site will be acceptable.
- 7.5.10 Notwithstanding this, the submitted plans indicate that 25 car parking spaces would be provided, of which one will be for disabled persons. As such, if planning permission is granted then it is considered appropriate to impose conditions that require these spaces to be provided prior to occupation and that they must comply with the Parking Spaces SPD (2020) and have the necessary infrastructure provided to be capable of EV charging.
- 7.5.11 Given the aforementioned assessment, it is considered that the proposed development would be in accordance with Policy IT5 of the Local Plan (2019) and the Parking Provision and Sustainable Transport SPD (2020).

## **7.6 Means of Access and Highway Safety**

- 7.6.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development will not have an adverse impact on highway safety.
- 7.6.2 The building would be accessed via the existing access points within the site, which are served from the main access point on Six Hills Way. There are no proposals to amend any of the main existing access points. Herts County Council (HCC) as Highways Authority have assessed the application and raised no concerns.
- 7.6.3 Turning to the traffic generation from the development, the applicant has confirmed that the proposed development is expected to generate no more than 15-20 new employees. The proposed development is to support the existing operations of the MBDA site. Further, as discussed in points 7.5.5 and 7.5.6 above, the new hybrid working adopted by MBDA has resulted in a marked decrease in the number of persons travelling to and from the site each day with increased home working. Taking this into consideration, the proposed development would not change the level of traffic which is currently generated from the application site.
- 7.6.4 In terms of access for emergency vehicles, it is considered that all parts of the building are within 45 metres from the internal access roads. In addition, the geometrical layout of the internal roads would be able to accommodate the safe manoeuvrability of emergency vehicles within the site without prejudicing highway safety. In relation to pedestrian access, the proposed development does not alter any existing access points from Gunnels Wood Road or Six Hills Way. Therefore, persons cycling to work would still be able to access the site from both access points.
- 7.6.5 Taking into consideration of the above, the proposed development as confirmed by HCC as the Highways Authority would not have a detrimental impact on the safety and operation of the highway network, in accordance with Policy IT4 of the Local Plan (2019).

## **7.7 Pollution**

- 7.7.1 The application site is located on previously developed land so there is the potential presence of contamination. Taking this into consideration, the Council's Environmental Health Officer has recommended that a condition be imposed stipulating that during the construction phase of the development, if any contamination is identified they will be required to undertake an investigation and agree a remediation scheme with the Council. This will ensure that in the event any potential contaminants are identified, they are mitigated against and that the health of person(s) working on-site (both construction contractors and office workers) the wider environment and buildings are protected.

## **7.8 Development and Flood Risk**

- 7.8.1 The application site is located within Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having less than 1 in 100 annual probability of flooding.
- 7.8.2 Policy FP2 of the Local Plan requires applications for major development in Flood Zone 1 to be accompanied by an appropriate flood risk assessment. It also requires that the use of sustainable drainage systems (SuDS) are maximised on site so as not to increase flood risk and to reduce flood risk wherever possible.
- 7.8.3 The application is accompanied by a drainage report by DCL Consulting Engineers, dated 22<sup>nd</sup> April 2022. This report advises that sustainable drainage systems (SuDS) measures should be applied where practical and at least a 50% attenuation of the undeveloped site's surface water run-off at peak times should be achieved. The report goes on to state that

the calculated run-off rate of 16l/s can achieve greater than 50% in outfall rates. As such, the report concludes that there is sufficient storage within the site.

- 7.8.4 Given that the application is for major development and involves the provision of SuDS, the Lead Local Flood Authority is a statutory consultee. However, following the service announcement of the Lead Local Flood Authority that they are currently not providing a consultation service because of extreme resourcing issues and severe workload backlogs, the Council have appointed Wood Group UK to undertake drainage and flooding assessments of planning applications on the Council's behalf.
- 7.8.5 At the time of writing, the Council's Drainage Consultant has not provided any formal comments on this application. Therefore, if the comments are not received by the time the application is to be determined at Planning and Development Committee, it is recommended that delegated powers are given to the Assistant Director of Planning and Regulatory and the Chairman of the Planning Committee that in the event the Council's Drainage Consultant do provide comments on the strategy with a suggested list of conditions, then these conditions would be imposed accordingly before any planning permission is issued by the Council. However, if the Council's Drainage Consultant raises a substantive objection to the application and this cannot be resolved, then it is recommended that the application is referred back to the Planning and Development Committee for its decision.

## **7.9 Trees and Landscaping**

- 7.9.1 Section 15 of the NPPF (2021) requires developments to preserve and enhance the natural environment. Policy NH5 of the Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate.
- 7.9.2 It is noted that there are no significant trees or vegetation which would be affected by the development but there are small areas of garden beds which would be required to be lost to facilitate access to the new building and other areas of landscaping would be made good following development.
- 7.9.3 As set out under paragraph 6.25 of the adopted Local Plan (2019), the Council encourage the use/creation of high quality boundaries and/or landscaping which help to create a strong definition and improve the streetscape. As such, it is considered that there is an opportunity to improve landscaping as part of this development as this would help to create an enhanced natural environment and increase biodiversity on an otherwise industrial complex.
- 7.9.4 Paragraph 131 of the NPPF (2021) states that: *"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in development, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible"*.
- 7.9.5 Whilst there is no requirement to provide a biodiversity net gain, soft landscaping is an important aspect of any site, even largely industrial sites such as MBDA. It can have a positive impact on both the people using the site, and local wildlife. As such, the developer has submitted an indicative planting plan, 5100-FDG-ZZ-ZZ-DR-A-55100-S0-P01, which details the improvements to be made to the surrounding soft landscaping.
- 7.9.6 The Council's Arboricultural and Conservation Manager and Green Spaces Officer have assessed the submitted planting plan and whilst they raise no overall concerns, they have requested that more trees are considered and that one of the suggested shrubs

(*Cotoneaster horizontalis*) is an invasive non-native species and should be replaced with something more suitable. Given these concerns raised, it is considered appropriate to impose a condition on the decision notice should planning permission be granted, that requires a more detailed landscaping strategy to be submitted to and approved in writing by the Council prior to the first occupation of the building. Subject to this condition, it is considered that the proposed development would be acceptable in arboricultural and landscape terms.

## 7.10 Other Matters

### Biodiversity Net Gain

7.10.1 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications, other than the following exemptions currently suggested by the Government, to demonstrate a net gain in biodiversity:

- i) Permitted development;
- ii) Householder development, including extensions;
- iii) Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
- iv) Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
- v) Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building

7.10.2 As the application site comprises hard surfaced areas and industrial buildings, it is considered it would meet exception criteria iv) and v) above as the site is currently developed and does not contain any protected habitats. On this basis, there would be no requirement to achieve a 10% biodiversity net gain on the site.

### Sustainable Construction and Climate Change

7.10.3 Policy FP1 of the Local Plan (2019) states 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 future variations in temperature;
- Reducing water consumption to no more than 110 litres per person per day, including external water use;
- Improving energy performance of buildings;
- Reducing energy consumption through efficiency measures;
- Using or producing renewable or low carbon energy from a local source; and
- Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.

7.10.4 A Climate Change and Energy Statement has been submitted by Hoare Lea. The building services will focus on providing efficient systems which aim to reduce demand on the energy grid minimising both CO<sub>2</sub> emissions and the cost of operations. The energy strategy follows the "Be Lean, Clean and Green" energy hierarchy which utilises fabric first approach (high performance building materials and efficient systems) to maximise the reduction in energy through passive design measures. Compliance against the Building Regulations

Part L (2013) has been achieved with a margin of 22%. The use of air source heat pumps further reduces CO2 emissions in addition to direct electric DHW units. It is estimated that the proposed measures of low and zero carbon technologies will provide an anticipated reduction of 62.7% in CO2 emissions beyond the Part L requirements.

- 7.10.5 Solutions for reducing demand for potable water, such as low flow fixtures and fittings, leak detection and flow control devices, will be explored and implemented where feasible. By minimising water consumption, the proposed development would be resilient to and further mitigate its contribution to a warming climate.
- 7.10.6 Given the aforementioned assessment, the applicant has demonstrated that the development, through use of suitable building materials, water and energy saving devices, would be considered to be adaptable to climate change and would be a sustainable form of development, in compliance with Policy FP1 of the adopted Local Plan (2019).

Waste and Resources

- 7.10.7 Any scheme will produce waste during works and the Council will require the preparation of a Site Waste Management Plan (SWMP). Details of waste and re-cycling facilities will be required and how waste may be controlled through measures such as the Construction Environmental Management Plan (CEMP).

Employment and Apprenticeships

- 7.10.8 In accordance with the Developer Contributions SPD 2021, the developer would be required to contribute to local employment in the following ways:
- attempt to employ Stevenage residents in 5% to 10% of on-site construction jobs
  - attempt to employ one Stevenage resident or student as an apprentice for every ten on-site construction jobs (up to a maximum of ten apprenticeships)
  - report whether or not they met these requirements
  - pay a one-off sum of £4,000 per job shortfall
  - pay of one-off sum of £1,250 per apprentice shortfall

- 7.10.9 The applicant has agreed to these measures and is willing to enter into a legal agreement to secure them.

Community Infrastructure Levy

- 7.10.10 As indicated above, the Council adopted CIL on 1 April 2020 and the CIL Charging Schedule specifies a payment for new floorspace in line with the following rates (plus appropriate indexation):

Development Type	CIL Rate (£ per square meter)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m <sup>2</sup>	£100/m <sup>2</sup>
Sheltered housing	£100/m <sup>2</sup>	
Extra care housing	£40/m <sup>2</sup>	
Retail development	£60/m <sup>2</sup>	
All other development	£0/m <sup>2</sup>	

- 7.10.11 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.
- 7.10.12 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application.
- 7.10.13 The proposed development would be liable for CIL but would be zero rated since it would fall into the "all other development" category.

*Equality, Diversity and Human Rights*

- 7.10.14 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.10.15 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.
- 7.10.16 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.10.17 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

## **8. CONCLUSIONS**

- 8.1 The policies considered to be most relevant for determining this application are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up-to-date. Accordingly, Paragraph 11(d) of the NPPF is not engaged and the application falls to be determined against a straightforward planning balance.
- 8.2 The proposed development will contribute to building a strong, responsive and competitive economy by replacing redundant storage on the MDBA site with a new R&D facility. The proposed development will potentially increase the number of employees by approximately 15-20, which is not especially significant but a public benefit nevertheless. However, the proposal would allow MBDA to further expand its client offerings which would therefore continue to support their role as a key employer in the Town and maintain the existing level and range of jobs currently on site.



- 8.3 The development would also bring economic benefits in terms of construction related jobs and increased expenditure in the local economy during the construction period. These benefits carry significant weight in favour of the proposal.
- 8.4 The proposal is considered to be acceptable in land use policy terms. It would also have an acceptable impact on the character and appearance of the area, on the amenities of neighbouring occupiers, on parking, highway safety, pollution, and trees and landscaping. These are neutral matters.
- 8.5 Given the above, the proposed development accords with the Local Plan (2019), the Council's Supplementary Planning Documents, the NPPF (2019) and PPG (2014).

## 9. RECOMMENDATIONS

9.1 That planning permission be GRANTED subject to the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:

- Apprenticeships and construction jobs;

9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:-

### General

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 0209799-HRL-XX-XX-DR-E-708001-S03-P01; 5100-FDG-ZZ-00-DR-A-08005-S2-P02; 5100-FDG-ZZ-ZZ-DR-A-08001-S0; 5100-FDG-ZZ-ZZ-DR-A-08002-S0; 5100-FDG-ZZ-ZZ-DR-A-08003-S0; 5100-FDG-ZZ-ZZ-DR-A-08004-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-08006-S0; 5100-FDG-ZZ-ZZ-DR-A-08007-S0; 5100-FDG-ZZ-RF-DR-A-08008-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-08008-S0; 5100-FDG-ZZ-ZZ-DR-A-08010-S2-P02; 5100-FDG-ZZ-ZZ-DR-A-11202-S0-P01; 99571-DCL-XX-00-DR-C-10001-P3; 5100-FDG-ZZ-ZZ-DR-A-55100-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-51100-S4-P07;

**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. Notwithstanding Section 55 of the Town and Country Planning Act (as amended) and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the development to which this permission relates shall be used for purposes falling within Class E(g)(ii) of the Schedule to the Use Classes Order 1987 (as amended) (or within any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification).

**REASON:-** To prevent the site being used for purposes that would have a detrimental impact on the economic function of the area.

4. No site clearance or construction work relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.  
**REASON:-** To safeguard the amenities of the occupiers of neighbouring properties.
5. No external lighting shall be installed on the site other than in accordance with External Lighting Layout reference 0209799-HRL-XX-XX-DR-E-708001 Rev. P01 unless otherwise agreed in writing by the local planning authority.  
**REASON:-** In order to protect the amenities and operations of neighbouring properties, to ensure any external lighting does not prejudice highway safety and in the interests of minimising light pollution.
6. 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 submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.  
**REASON:-** To ensure that the site does not pose any risk to human health and to ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.
7. The development to which this permission relates shall be carried out in accordance with the Energy Statement as set out at Appendix A of report reference REP-2324512-05-WN-20220414-Climate change and energy statement-Rev01 unless otherwise agreed in writing by the local planning authority.  
**REASON:-** To ensure the development is adaptable to climate change and results in limited CO2 emissions.

#### Prior to Commencement

8. No development shall take place (including site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:
  - a) Construction vehicle numbers, type, routing;
  - b) Access arrangements to site;
  - c) Traffic and pedestrian management requirements;
  - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;
  - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) Provision of sufficient on-site parking prior to commencement of construction activities;
  - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;

- k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
- l) Dust control measures during demolition and construction from plant and machinery, and vehicles.

**REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way, in the interests of amenities of neighbouring properties, to ensure suitable, safe and satisfactory planning and development, in order to reduce the level of waste generated during groundworks and construction phases of development and to recycle all waste materials where possible.

9. No development shall take place (including site clearance) until a final detailed design for the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented in full prior to the beneficial occupation of the development to which this permission relates and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To adhere to the hierarchy of drainage options, as set out in paragraph 080 (Reference ID: 7-080-20150323) of the Planning Practice Guidance; to maximise the use of SuDS in the interests of mitigating the risk of flooding to the site itself and downstream; and to maximise the sustainability of the development.

#### Prior to Work above Slab Level

10. No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

**REASON:-** To ensure the development has a high quality appearance.

11. No development shall take place above slab level until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

**REASON:-** To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties

12. No development shall take place above slab level until a landscaping and planting plan has been submitted to and approved in writing by the local planning authority. The approved plan shall then be implemented in the first planting and seeding season following completion of the development unless otherwise agreed in writing by the local planning authority.

**REASON:-** To ensure a satisfactory appearance upon completion of the development.

#### Prior to Occupation/Completion

13. The parking, turning and servicing areas shown on drawing number 5100-FDG-ZZ-ZZ-DR-A-51100-S4-P07 shall be provided, marked out and hard surfaced ready for use prior to the first occupation of the building and shall be retained in that form and kept available for those purposes thereafter. The hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.

**REASON:-** To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining highways and to ensure the

development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.

14. Prior to the construction of the car parking spaces shown on approved plan 5100-FDG-ZZ-ZZ-DR-A-51100-S4-P07, details of the specification and siting of active electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the Local Planning Authority. The approved EVCPs shall be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

**REASON:-** To ensure adequate provision of active EVCPs within in the development and for all types of drivers is available at all times to promote sustainable modes of transport.

15. Prior to the first occupation of the development hereby permitted the proposed access arrangements, on-site car and cycle parking, servicing, loading, and turning areas shall be implemented in accordance with the approved plans and thereafter kept free from obstruction and retained for their intended purposes.

**REASON:-** To ensure construction of a satisfactory development and in the interests of highway safety.

16. Prior to the beneficial occupation of the development to which this permission relates, a management and maintenance plan for the approved SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (a) provision of a complete set of as built drawings, including the final drainage layout for the site drainage network;
- (b) maintenance and operational activities;
- (c) arrangements for adoption; and,
- (d) any other measures necessary to secure the operation of the scheme throughout its lifetime.

The approved plan shall be fully implemented from the date of approval and thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To maximise the use of SuDS in the interests of mitigating the risk of flooding to the site itself and downstream; and to maximise the sustainability of the development.

#### Post Occupation/Completion

17. Any trees or plants comprised within the approved 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.

18. No tree shown on the approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.

**REASON:-** To ensure the protection of those trees which should be retained in the interests of visual amenity.

#### **Informatives**

1. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

### **Pro-active Statement**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

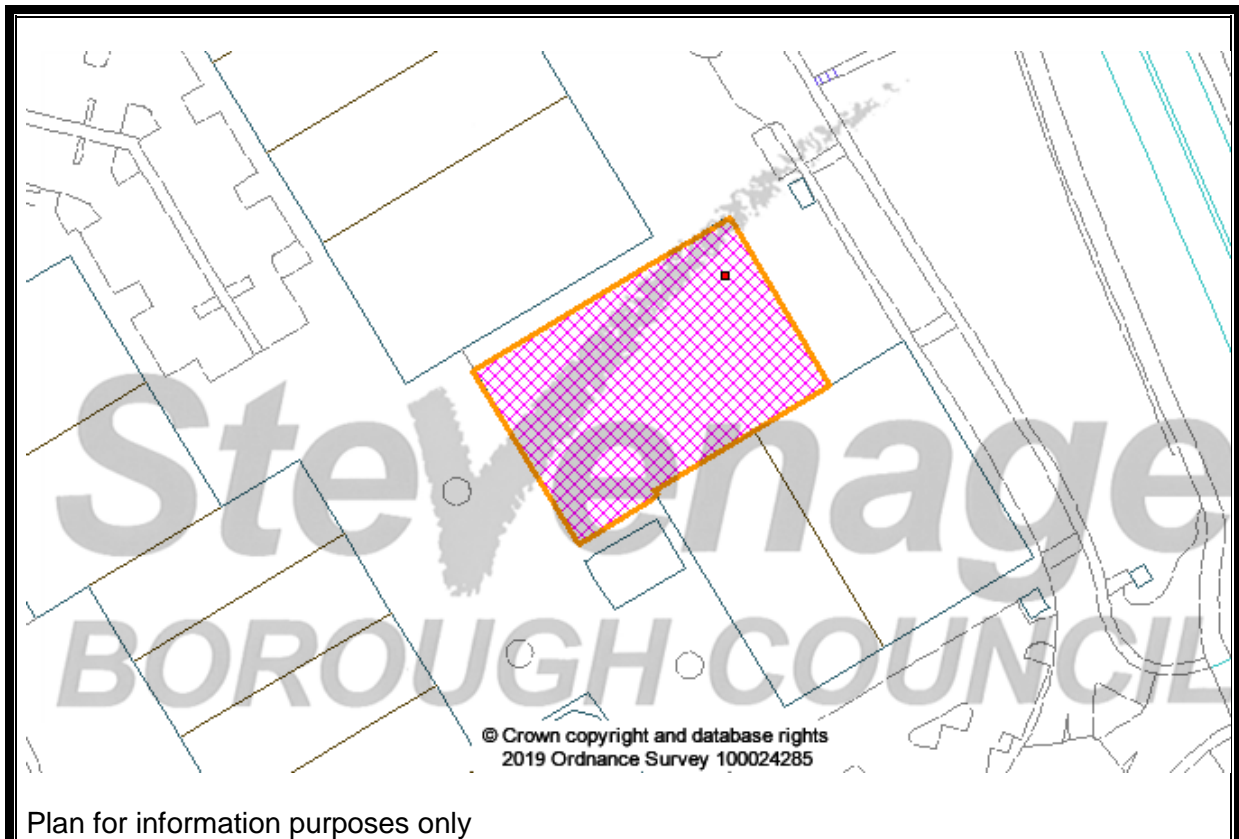
## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Developer Contributions SPD 2021; Parking Provision and Sustainable Transport SPD 2020; The impact of Development on Biodiversity SPD 2020; Design Guide SPD 2009.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council’s Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>6 September 2022</b>	
<b>Author:</b>	<b>Ailsa Davis</b>	07702 874529
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Ailsa Davis</b>	07702 874529

Application No:	22/00385/FPM
Location:	Unit 4A, Roaring Meg Retail Park, London Road, Stevenage
Proposal:	Variation of Condition 6 (range of goods restriction) attached to planning permission reference number 14/00680/FPM, external alterations to existing retail unit and ancillary works.
Drawing Nos.:	2264-U4A-L01; 2264-U4A-P01; 2264-U4A-P02; 2264-U4A-P03; 2264-U4A-X01; 2264-U4A-X02; 2264-U4A-X03
Applicant:	Stevenage Retail Ltd
Date Valid:	25 April 2022
Recommendation:	REFUSE PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The application site comprises Unit 4A, a 1914m<sup>2</sup> retail unit located within the southern half of Roaring Meg Retail Park, now known as 9 Yards Stevenage. Roaring Meg Retail Park (9

Yards Stevenage), is an established retail destination serving the wider Stevenage area. The Retail Park extends to some 33,000m<sup>2</sup> of retail floor space. It comprises a number of units including shops, restaurants, cafes and hot food takeaways. The retail park is located approximately 1km south of Stevenage Town Centre. As such, the application unit occupies an 'out-of centre' location in terms of planning policy. The unit is currently vacant.

- 1.2 The application site is bounded by Unit 3 and the service yard to the north, the internal service road to the east, the southern car park of the retail park to the south and the pedestrianised area of the retail park to the west. The retail park can be accessed both off of Monkswood Way to the east and London Road to the west. In terms of planning constraints, Unit 4A is located within part Flood Zone 1 and part Flood Zone 2. The proposals result in no change to the overall building footprint and therefore do not give rise to any flood related issues. The site is not located within a Conservation Area nor within close proximity to any listed buildings.

## 2. RELEVANT PLANNING HISTORY

- 2.1 Planning permission was granted under ref. 14/00680/FPM on 25 February 2015 for the demolition of the existing retail unit and its redevelopment to provide 5,688m<sup>2</sup> of retail warehouse (Use Class A1) within 3no. units. The application unit comprises Unit A of the three units which together are part of Unit 4 granted under this permission.
- 2.2 Condition 6 of the above planning permission states:

*The range of goods to be sold from the development shall be confined to retail warehousing of comparison goods to exclude expressly the sale of all foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport), or other fashion goods.*

**REASON:** - *The original retail park is subject to this restrictive condition and the justification for this retail development has been based upon the retailing of goods that are normally sold from retail warehouses.*

## 3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission to vary Condition 6 (range of goods restriction) attached to planning permission reference number 14/00680/FPM, external alterations to existing retail unit and ancillary works. The applicant seeks the wording of the condition to be amended as follows:

*The range of goods to be sold from the development shall be confined to retail warehousing of comparison goods to exclude expressly the sale of all foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport), or other fashion goods, other than for the sale of clothing, footwear and fashion goods and the ancillary sale of foodstuffs from Unit 4A.*

- 3.2 The supporting Planning and Retail Statement advises the variation would allow the occupation of the unit by a new flagship store, combining both TK Maxx and HomeSense brands within one unit. The TKMaxx and HomeSense brands operate under the TJX UK (TJX) parent company with the former focussing on clothing, footwear and fashion goods and the latter furniture, homewares and household goods. It is understood that the existing TKMaxx store at Unit 10, The Forum will close by Spring 2023 as the Landlord of the property has served notice confirming that they are opposing the request for a new lease on the grounds of redevelopment. TK Maxx's existing lease on The Forum store is due to expire in September 2022. External alterations are also proposed within this application



namely, alterations to the elevations including new glazing and entrance doors, and the introduction of new signage zones.

- 3.3 A separate application has been submitted under ref. 22/00389/FPM for the installation of a mezzanine floor to facilitate the occupation of the unit by both TKMaxx and HomeSense. The mezzanine would comprise 1,858m<sup>2</sup> of gross floor space, resulting in a total unit size of 3,718m<sup>2</sup> in area. Both applications are accompanied by a joint Planning and Retail Statement, which includes the results of the Sequential Test.
- 3.4 Given the proposed mezzanine and variation of condition (range of goods) have been submitted as two separate applications, the Planning Authority has a duty to assess each application on its own merits having regard to provisions of the Development Plan, so far as material to each application, unless material considerations indicate otherwise. This is irrespective of the fact the business model put forward combines the two.
- 3.5 This application comes before the Planning and Development Committee because it is a Major.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 This planning application has been publicised by way of two site notices 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, 40 representations of support have been received, one general comment and two objections. The main theme for the support for the proposal is the view that allowing a change to the range of goods that can be sold from this unit would be good for the people of Stevenage in terms of access to new shopping opportunities, the local economy and jobs. People also do not want to lose TKMaxx from the town and view the addition of HomeSense as a positive benefit.
- 4.2 In terms of the objections, these are from the Managing Partner of the owners of the Westgate Shopping Centre in the Town Centre. The comments can be summarised as follows:
- TK Maxx is a principal retail occupier of the town centre and is vital to its ongoing prosperity. The loss of one retailer leads to further loss of customers to the remainder of the town, meaning that other shops become unviable and so on;
  - Stevenage Town Centre is currently suffering from the worst effects of the retail downturn;
  - We have put forward proposals to TK Maxx for their continued occupation of space in the town centre. Therefore, it cannot be proven or said that sequentially there is no available space within the town for TK Maxx. To aggregate TK Maxx and HomeSense as one requirement is wrong in terms of the sequential approach, they can and most of the time trade separately;
  - This proposal does not meet the sequential test and is harmful to the town centre and its vitality.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council Highways**

5.1.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

### **5.2 SBC Planning Policy**

5.2.1 No comments to date.

### **5.3 SBC Environmental Health**

5.3.1 Do not wish to comment.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the development plan**

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

### **6.2 Central Government Advice**

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

### **6.3 Planning Practice Guidance**

The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

### **6.4 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

Policy SP1: Presumption in favour of sustainable development;  
Policy SP2: Sustainable development in Stevenage  
Policy SP4: A Vital Town Centre;  
Policy SP5: Infrastructure

Policy SP6: Sustainable Transport  
Policy SP11: Climate change, flooding and pollution  
Policy GD1: High quality design  
Policy TC12: New Comparison retail provision  
Policy TC13: Retail Impact Assessments  
Policy FP1: Climate Change  
Policy FP2: Flood risk in Flood Zone 1  
Policy FP3: Flood risk in Flood  
Policy IT4: Transport assessments and travel plans

## **6.5 Supplementary Planning Documents**

6.5.1 Stevenage Design Guide SPD (2009)

## **6.6 Community Infrastructure Levy Charging Schedule**

6.6.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development. This proposal would not be CIL liable as no additional floor space is proposed under this application

## **7. APPRAISAL**

7.1.1 The main issues for consideration in the determination of this application are its acceptability in retail policy terms, the sequential test, its impact on the vitality and viability of the Town Centre, design and visual impact (external alterations), flood risk and drainage and highways and parking.

7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **7.2 Retail Policy Considerations**

7.2.1 The application site is located approximately 840 metres to the south of Stevenage Town Centre and is an out-of-centre location. For retail applications for town centre uses located outside of defined centres the NPPF states that:

- Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan (paragraph 87); and
- When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floor space). This should include assessment of:
  - a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme) (paragraph 90).

7.2.2 Paragraph 91 of the NPPF confirms that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of these considerations it should be refused.

7.2.3 In the context of paragraph 90 of the NPPF, Policy TC13 of the Stevenage Local Plan (2019) provides locally set thresholds where impact assessments are required and confirms that impact assessments are required for any proposal in excess of 300m<sup>2</sup> for main town uses outside of the Town Centre. In this instance as the application proposes to expand the range of goods that can be sold within the existing 1,914m<sup>2</sup> unit, a retail impact assessment is required in support of the application. In addition, as the site is an out of centre location a sequential test is also required.

7.2.4 Local Plan Policies SP4 'A vital Town Centre' and TC12 'New comparison retail provision' state proposals to relax or remove conditions on the type of goods that can be sold from existing out of centre comparison retail units will be refused.

### **7.3 Retail Impact**

7.3.1 The application site is in an out-of-centre location and the planning application proposal would extend the range of goods which can be sold in the existing floor space within Unit 4A, which is in excess of the 300m<sup>2</sup> retail impact threshold set by Policy TC13 of the Stevenage Local Plan. Therefore, a retail impact assessment is required.

7.3.2 A Planning and Retail Statement (PRS) has been submitted in support of the planning application. The PRS does not consider the retail impact separately for each planning application, but provides an impact assessment scenario in which both applications are permitted i.e. the removal of the range of goods restriction and mezzanine floor.

7.3.3 The Planning Authority has asked an independent retail consultant to review the submitted PRS impact assessment and also to give consideration to the retail impact arising from each application individually and cumulatively. It was concluded that the cumulative retail impact of both applications would not give rise to a significant adverse impact on defined centres in the context of paragraphs 90(b) (see para. 7.2.1 of this report) and 91 (see para 7.2.2 of this report) of the NPPF when taking account of the relative health of Stevenage and that comparison goods turnover is only one component of town centre turnover, alongside convenience goods and food/drink sales etc. Moreover, it was concluded that neither application in isolation would give rise to a significant adverse impact on defined centres.

7.3.4 Given the scale and nature of the existing, committed and planned public and private investment projects which are strategic in nature, it was confirmed by the independent review that the planning application(s) would not give rise to a significant adverse impact on existing, committed and planned public and private investment in Stevenage Town Centre, or indeed in any other centre in the catchment area of the proposals.

7.3.5 As such, it is considered that the applications, when considered individually and cumulatively, are not likely to have a significant adverse impact on one or more of the considerations of paragraph 90 of the NPPF. The retail impact analysis therefore does not give rise to a reason to refuse the application.

## 7.4 Sequential Test Policy and Relevant Appeals

- 7.4.1 The NPPF sets out the requirements of the sequential test and states that local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations, and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
- 7.4.2 At paragraph 88 the NPPF advises that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 7.4.3 Confirmation of how the sequential test should be used in decision making is set out in paragraph 011 of the Town Centres and Retail section of the PPG which provides a checklist of the considerations which should be taken into account in determining whether a proposal complies with the sequential test as follows:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
  - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
  - If there are no suitable sequentially preferable locations, the sequential test is passed.

### *Flexibility in format and scale*

- 7.4.4 National planning policy requires that applicants should demonstrate flexibility on issues such as format and scale. The Supreme Court in *Tesco Stores v Dundee City Council* (*Tesco Store Limited v Dundee City Council* (Scotland), 21 March 2012) confirmed that provided the applicant has demonstrated flexibility with regard to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site.
- 7.4.5 The High Court Judgement (*Threadneedle Property Investments and Simons Developments Ltd v North Lincolnshire Council* [CO/4764/2012]) further considered the Supreme Court interpretation and confirmed the need to take account of the operator's commercial requirements, and the need to work in the real world. In the case considered by the High Court, the Court came to the view that 'operator specifics' were indeed relevant in the application of the sequential test. It looked at the specifics of the proposals and the retailer's commercial needs.
- 7.4.6 At the appeal decision at Tollgate Village (APP/A1530/W/16/3147039) the Inspector concluded that whilst a sequentially preferable site need not be capable of accommodating exactly the same as what is proposed, it must be capable of accommodating development which is closely similar to what is proposed. In *Scotch Corner* (APP/V2723/V/15/3132873 & APP/V2723/V/16/3142678) the Inspector concluded that requirement to demonstrate flexibility does not require the applicant to disaggregate the scheme.

7.4.7 These rulings are clear that there must be realism applied to the sequential test, having regard to the business model of the applicant, commercial realities and business decisions. Whilst retailers are expected to demonstrate reasonable flexibility, these appeal decisions underline the need for decisions to be based in the real world.

7.4.8 The 'Mansfield Judgment' (Aldergate v Mansfield District Council & Anor [2016]) has further clarified that the sequential test should be considered on the basis of the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale. At paragraph 35 of the Judgement states:

*'In my judgment, "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content. Nothing in Tesco v Dundee City Council, properly understood, holds that the application of the sequential test depends on the individual corporate personality of the applicant or intended operator.'*

7.4.9 The Mansfield Judgment affirms that, in applying the sequential test, the decision maker will generally be required to consider the type and format of the proposed development, rather than the requirements of any specific named operator. It identifies that the area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content. Against this background, the parameters of the sequential test should be established having regard to the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale and taking into account the commercial realities of the business model.

## **7.5 The Planning Application and the Requirements of the Sequential Test**

7.5.1 As two separate, but interrelated planning applications have been submitted, the Planning Authority has a duty to consider each application on its own merits and the sequential test should consider each application individually, as well as them cumulatively.

7.5.2 If planning application 22/00385/FPM were to be permitted in isolation, it would allow for a variation in the sale of goods on the existing floor space in the unit. The sequential test for this application must therefore consider whether there are any suitable or available sequentially preferable sites for the broad type and format of this proposed land use allowing for appropriate flexibility in respect of format and scale and taking into account the commercial realities of the business model. Principally, this sequential test should consider whether there are any sequentially preferable opportunities for an approximate 1,914m<sup>2</sup> unit (within agreed parameters) which could accommodate the broad type and format of retailing proposed in the application.

7.5.3 The sequential test must also consider the business model put forward in the planning application, which would be implemented should both the variation of condition (22/00385/FPM) and mezzanine (22/00389/FPM) applications be permitted. Therefore, the sequential test must also consider whether there are any sequentially preferable sites for a 3,718m<sup>2</sup> unit which could accommodate an operator trading under a sales of goods condition which states: 'The range of goods to be sold from the development shall be confined to retail warehousing of comparison goods to exclude expressly the sale of all foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport), or other fashion goods, other than for the sale of clothing, footwear and fashion goods and the ancillary sale of foodstuffs'. This would include unrestricted Class E units (business, commercial and service use) in the town centre.

7.5.4 Notwithstanding the above, the applicant has submitted a sequential test which only considers the proposed business model which would be implemented should both the variation of condition and mezzanine applications be permitted i.e. a 3,718m<sup>2</sup> unit. The applicant was advised to undertake a sequential test which also reflected the proposal subject to each individual application (in this case, the scenario set out in paragraph 7.5.2 above). It was also suggested that the scope and parameters of the separate sequential tests should be agreed with the Planning Authority prior to the submission of revised sequential tests, but unfortunately the applicant did not take this opportunity to do either.

## **7.6 Consideration of the Sequential Test**

7.6.1 The applicant has submitted a Sequential Test as discussed above and supplementary information was also provided in a Planning Note dated 5 August 2022. Prior to the receipt of 5 August 2022 Planning Note, the applicant was advised by the Planning Authority that:

- The sequential test should consider both applications individually and cumulatively, as the LPA has a duty to determine each planning application on its own merits;
- The sequential test as originally submitted does not provide sufficient flexibility in format and we would expect to see greater flexibility in floorspace and gross/net floorspace ratios;
- 77-83 Queensway, Stevenage Town Centre and the Westgate Centre must also be included in the sequential test; and
- Insufficient information was submitted for Site 1 (Former BHS) and Site 2 (Former Factory Officer Outlet) and based on the original PRS these could not be discounted from the sequential test.

7.6.2 Following the receipt of the additional information dated August 2022, these issues are considered below.

### *Consideration of a Planning Application on its Own Merits*

7.6.3 Each planning application must be considered on its own merits and the facts and circumstances of the case. Planning Practice Guidance (ID: 2b-011-20190722) confirms that it is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission).

7.6.4 Whilst the application is submitted with a named operator, the Mansfield Judgment has clarified that the sequential test should be considered on the basis of the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale.

7.6.5 The planning authority has two applications which are required to be considered on their own merits considering the proposed land use; however it is also a material consideration that there are two concurrent applications to be determined by the Planning Authority. This matter has been raised with applicant, but the further Planning Note dated 5 August 2022 does not address this matter of principle.

7.6.6 As the submitted sequential test does not consider the broad type and proposed land use as set out within the application, it is considered that this constitutes a reason for refusal as set out in Planning Practice Guidance.

## *Consideration of Additional Sites and Supplementary Information*

### Former Office Outlet Unit 11, Fairlands Way

- 7.6.7 This unit is subject to a recent positive resolution by Stevenage Council Planning Committee in March 2022 to permit the redevelopment of this site for residential use. It is understood that the applicant is progressing discussion with the Council to conclude the s106 Agreement.
- 7.6.8 Taking account of the fact that there has been a recent resolution to grant planning permission on the site for alternative uses, this indicates that the site is not available. It is therefore agreed that this site can be discounted on the grounds of availability.

### Nos 77 – 83 Queensway

- 7.6.9 The unit is located in Stevenage Town Centre and is in a sequentially preferable location to the application site. The unit extends to circa 5,000m<sup>2</sup> split across ground floor (2,177m<sup>2</sup>), first floor (2,212m<sup>2</sup>) and second floor (923m<sup>2</sup>). It was formerly occupied by Littlewoods Department Store and the ground floor is currently occupied by Poundland and Pep&Co. It is understood that the ground floor occupiers are on a temporary lease and that both the leasehold and freehold of the building are up for sale.
- 7.6.10 This unit was not included in the sequential assessment in the PRS, and the Planning Authority requested that the applicant consider whether this unit provides a sequentially preferable alternative. In their Planning Note dated 5 August 2022, the applicant's agent advises that they consider the unit is not sequentially preferable for the following reasons:
1. The landlord is to extend the lease with Poundland and the site is not genuinely available.
  2. The unit is significantly above the maximum combined development threshold of 4,090m<sup>2</sup> and the ground and first floors extend to 4,389m<sup>2</sup>. The building would therefore need to be re-configured and 'moth balled'.
  3. Major internal and external alterations would be required and asbestos removed from the building and it would not be commercially viable to operate.
  4. Notwithstanding these issues, the programme of works would not achieve the operator's timescales to relocate from The Forum.
  5. There is insufficient parking to meet the business model of the application.
- 7.6.11 Publicly available evidence from the market indicates that both the leasehold and freehold of the site are available at the current time i.e. at the time of decision of the planning application. It is understood that Poundland's lease has not currently been extended and it would be expected that whilst the site is being marketed that the existing landlord would seek to maintain as much flexibility as possible with existing occupiers so as not impede any re-use/redevelopment intentions of buyers. It is therefore considered that the unit is available.
- 7.6.12 It is understood that the ground and first floor extends to circa 300m<sup>2</sup> above the combined maximum floor space requirement of the applicant's stated business model. However, it is the case that the ground floor of the unit extends to 2,177m<sup>2</sup>. Planning application 22/00385/FPM if permitted would establish a 1,914m<sup>2</sup> unit in which an extended range of goods could be sold. The ground floor of the unit is only 263m<sup>2</sup> or 13% larger than what is proposed under this application (22/00385/FPM). It is not considered that this is a disproportionate excess on floor space so as to make the occupation of the building unviable for the type and format of the proposed development. The fact that floor space is larger (rather than smaller) would not impede the operation of the business model proposed in this application and would allow for additional trading floor space, back of house space etc. The upper floors of the building are currently used for other commercial units and there



appears no reason why this situation couldn't be maintained and the upper floor space would not need to be 'mothballed'.

- 7.6.13 The applicant has advised that the unit would need to be reconfigured to meet the commercial requirements of the application, however it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed. Taking account of the floor space which is available, it is considered that the unit is capable of accommodating a form of development which is closely similar to what is proposed and if ultimately the operators had additional back of house space/trading floor space, the commercial realities of the application business model would not be undermined.
- 7.6.14 In regards to viability, Planning Practice Guidance (paragraph ID: 2b-013-20190722) states the sequential test supports the Government's 'town centre first' policy. However, as promoting new development on town centre locations can be more expensive and complicated than building elsewhere; Local Planning Authorities need to be realistic and flexible in applying the test. Whilst the concerns put forward regarding viability are noted, it is relevant to the consideration of this application that this is an existing unit, located in Stevenage Town Centre, which was formerly occupied by a department store and is currently occupied at ground floor level by a major multiple retailer. The unit is not subject to any planning constraints (such as it being a listed building) and there are no land ownership constraints which may impact on deliverability and viability.
- 7.6.15 Moreover, the applicant has not provided a detailed viability appraisal to demonstrate why the alterations to the building would make the scheme unviable to inform the decision making process. It is to be expected that when a major multiple retailer occupies a new building within a defined centre location that they will re-configure the unit to meet their commercial requirements, as is the case for the proposed elevational alterations under this current application for Unit 4A. Whilst it may well be the case that 77 – 83 Queensway would be more expensive and complicated to accommodate the business model put forward in the application, the evidence put forward by the applicant is not considered sufficient to discount this site from being sequentially preferable. When taking account of the historic use and current use of the building, and information put forward by the applicant, it is not considered that this site can be discounted from the sequential test on the grounds of viability when taking account of the broad type and format of the proposed land use.
- 7.6.16 In terms of timescale for the availability of the site, it is the case that the decision-maker should be considering whether planning permission should be granted for the proposed land use and not the corporate attitudes of the occupier, however commercial realities are also a material consideration. Importantly, No. 77 – 83 Queensway is available now and is being marketed. Whilst planning permission would likely be required for the external re-configuration of the unit, given the location of the development and that the works would likely be acceptable in principle, it would be expected that planning permission would be granted for the external re-configuration works in a timely manner. It is also the case that should planning permission be granted for this application, works would also be required at Unit 4A which would lengthen occupation timescales.
- 7.6.17 On the basis that No. 77 – 83 Queensway is available now and there are no clear constraints to its deliverability to the proposed uses (besides internal reconfiguration), it is not considered that the timescale for bringing the site forward is currently a constraint to discount the site from the sequential test.
- 7.6.18 The applicant's comments on proximate parking provision are noted. However, there will be 40 car parking spaces in the retained public carpark on Marshgate behind the units following completion of the Autolus development. There are also approximately 1,000 existing car parking spaces in the St George's Way multi-storey car park located 30 metres

from the building. It is therefore not considered that proximity of nearby car parking gives rise to a reason to discount this site from being a sequentially preferable location.

7.6.19 For the reasons set out above, it is considered that No.77 – 83 Queensway is a sequentially preferable location for the application proposal and is suitable and available for the broad type of development which is proposed in each individual application (and both applications combined) by approximate size, type, and range of goods.

#### Former BHS, The Forum

7.6.20 It is noted that this site benefits from extant planning permission (19/00647/FPM) for its redevelopment to residential use, and that the applicant advises that the applicant's business model cannot be accommodated in the configuration of the scheme which benefits from planning permission.

7.6.21 It was previously suggested to the applicant that this sequential opportunity should be explored further and additional information was requested, such as evidence of liaison with agents/site owners to establish whether this site is available for the application proposal, taking account of the likely timescales for any future redevelopment proposals. The applicant's agent has stated that there have been 'numerous attempts by the proposed operator' to engage with the landlord without success, which indicates the site is not available.

7.6.22 In the absence of any evidence to demonstrate otherwise, it is accepted that this site is not available and can therefore be discounted from the sequential test.

#### Westgate Shopping Centre

7.6.23 The Westgate Centre is located in Stevenage Town Centre and is in a sequentially preferable location. The Westgate Centre has extensive parking available to meet the commercial requirements of operators. The managing partners (the owners of the Westgate Centre) have submitted an objection to the planning application and have advised the Planning Authority that there are sufficient re-configurations in their offer to TK Maxx to provide the operator with floor space across multiple configurations within the shopping centre to enable them to stay within the town centre. This planning application when considered in isolation seeks permission for a 1,914m<sup>2</sup> unit, which the Westgate Centre has confirmed could be accommodated.

7.6.24 It is common place for multiple retailers (including TK Maxx) to be located adjacent to and within shopping centres. Whilst the floor space configurations which have been offered to TK Maxx are confidential and have not been shared with the Planning Authority, it appears that this proposal would represent a sequentially preferable opportunity to accommodate the broad type of development which is proposed under this application (ref. 22/00385/FPM). It is concluded therefore that the Westgate Centre represents a sequentially preferable opportunity within the Town Centre.

### **7.7 Highways and Parking**

7.7.1 The application proposal seeks to vary the existing sale of goods condition on the application unit to enable the sale of clothing, footwear and fashion goods and the ancillary sale of foodstuffs. No increase in floor space is proposed under this application. This means there is no policy requirement to provide additional parking. In terms of likely impact on the surrounding highway network, Hertfordshire County Council as Highway Authority has confirmed that it does not wish to restrict the grant of permission.

## **7.8 Flood Risk and Drainage**

7.8.1 Part of the Retail Park is located within Flood Zone 2 and Flood Zone 3. Unit 4A is located within part Flood Zone 1 and part Flood Zone 2 which means there is between less than 0.1% and 1% annual probability of flooding. The application proposes external alterations and the widening of the range of goods sold from the Unit only, with no increase in the building footprint proposed. As such, the proposal is not considered a vulnerable use and the development would not increase the likelihood of flooding at the site, or elsewhere.

## **7.9 External Alterations**

7.9 This application proposal also includes external alterations to the front elevation to facilitate the occupation of the unit by the proposed operator. In summary, the proposed changes are minor and involve the existing entrance door replaced with glazing, with two new entrance doors in the existing glazed openings on the front elevation. There would also be four new signage zones. No changes are proposed to the existing metal cladding, composite cladding, glazing, frame and spandrels. It is considered the proposed elevational alterations are minor and would not have an adverse visual impact on the application unit or the wider retail park. This element of the scheme is therefore considered acceptable.

## **7.10 Climate Change Mitigation**

7.10.1 Policy FP1 'Climate Change' states planning permission will be granted for developments that can incorporate measures to address adaptation to climate change. New development, including building extensions, refurbishments and conversions will be encouraged to include measures such as:

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

7.10.2 Should planning permission be granted, climate change mitigation measures to be used in the external alterations and store refurbishment would be secured by planning condition.

## **7.11 Other Matters**

### Equality and Human Rights Considerations

7.11.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention. It is not considered that the decision would result in a violation of any person's rights under the Convention.

7.11.2 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty. The approach adopted in response to inclusive design includes level access. The building complies with current approved document M under the Building Regulations.

7.11.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.11.4 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

## **8. CONCLUSIONS**

8.1 In summary, the proposal to vary Condition 6 of planning permission 14/00680/FPM on the application unit to enable the sale of clothing, footwear and fashion goods and the ancillary sale of foodstuffs, external alterations and ancillary works is considered unacceptable on the basis that the submitted sequential test fails to consider the broad type and proposed land use subject to this application. In addition, the Planning Authority considers No. 77-83 Queensway and the Westgate Shopping Centre to be sequentially preferable sites which are available and suitable within the town centre, that could accommodate the broad type, format and scale of the proposed land use subject to this application.

8.2 Given the aforementioned, the application proposal is considered to be unacceptable contrary to Policies SP4, TC12 and TC13 of the Council's adopted Local Plan (2019), paragraphs 87 and 91 of the NPPF (2021) and NPPG (2014).

## **9. RECOMMENDATIONS**

9.1 That planning permission be REFUSED for the following reasons:-

1 The applicant has failed to undertake a sequential test which is proportionate and appropriate for the given proposal as the submitted sequential test fails to consider the broad type and format of the proposed land use as set out in this application proposal, contrary to Paragraph 011 Reference ID: 2b-011-20190722 of the National Planning Practice Guidance (2014).

2. The proposal fails to satisfy the sequential test as there are sequentially preferable sites which are available and suitable within the town centre which could accommodate the broad type, format and scale of the proposed land use. The proposal is therefore contrary to Policies, SP4, TC12 and TC13 of the Council's adopted Local Plan (2019), paragraphs 87 and 91 of the NPPF (2021) and NPPG (2014).

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.

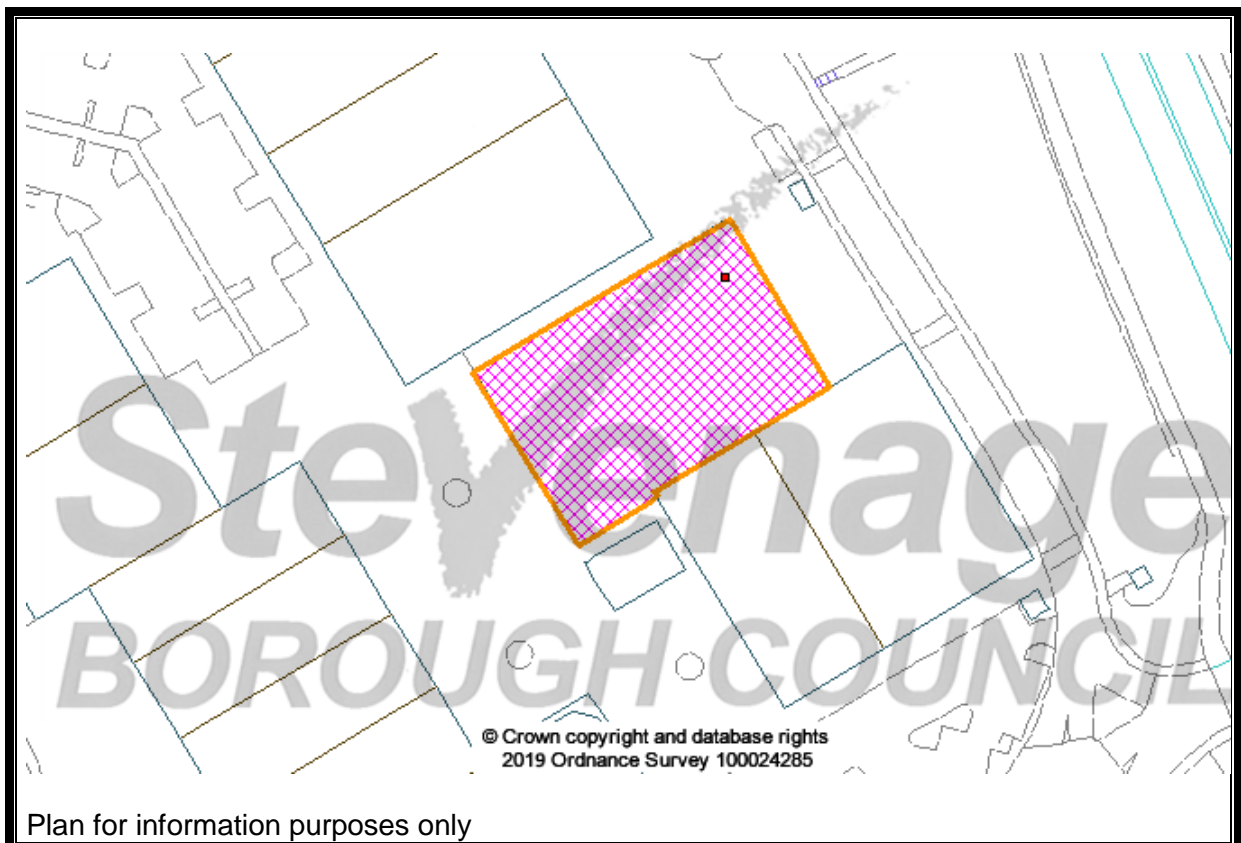
2. Stevenage Borough Local Plan (2019).

3. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
4. Central Government advice contained in the National Planning Policy Framework (2021) and National Planning Policy Guidance (2014).

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>6 September 2022</b>	
<b>Author:</b>	<b>Ailsa Davis</b>	07702 874529
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Ailsa Davis</b>	07702 874529

Application No:	22/00389/FPM
Location:	Unit 4A, Roaring Meg Retail Park, London Road, Stevenage
Proposal:	Installation of mezzanine floorspace
Drawing Nos.:	2264-U4A-L01; 2264-U4A-P10; 2264-U4A-P11; 2264-U4A-P12; 2264-U4A-P13; 2264-U4A-X01; 2264-U4A-X02; 2264-U4A-X04
Applicant:	Stevenage Retail Ltd
Date Valid:	25 April 2022
Recommendation:	REFUSE PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The application site comprises Unit 4A, a 1914m<sup>2</sup> retail unit located within the southern half of Roaring Meg Retail Park, now known as 9 Yards Stevenage. Roaring Meg Retail Park (9 Yards Stevenage) is an established retail destination serving the wider Stevenage area. The Retail Park extends to some 33,000m<sup>2</sup> of retail floor space. It comprises a number of

units including shops, restaurants, cafes and hot food takeaways. The retail park is located approximately 1km south of Stevenage Town Centre. As such, the application unit occupies an 'out-of centre' location in terms of planning policy. The Unit is currently vacant.

- 1.2 The application site is bounded by Unit 3 and the service yard to the north, the internal service road to the east, the southern car park of the retail park to the south and the pedestrianised area of the retail park to the west. The retail park can be accessed both off of Monkswood Way to the east and London Road to the west. In terms of planning constraints, Unit 4A is located within part Flood Zone 1 and part Flood Zone 2. The proposals result in no change to the overall building footprint and therefore do not give rise to any flood related issues. The site is not located within a Conservation Area nor within close proximity to any listed buildings.

## 2. RELEVANT PLANNING HISTORY

- 2.1 Planning permission was granted under ref. 14/00680/FPM on 25 February 2015 for the demolition of the existing retail unit and its redevelopment to provide 5,688sqm of retail warehouse (Use Class A1) within 3no. units. The application unit comprises Unit A of the three units which together are part of Unit 4 granted under this permission.

## 3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for a new mezzanine floor. Under S.55(2)(a) of the Town and Country Planning 1990 Act as amended by S.49 of the 2004 Act, the construction of a mezzanine floor within a retail unit which creates over 200m<sup>2</sup> of additional retail floor area is classed as development and therefore, requires planning permission. Following the proposed reconfiguration of the internal floor space and the insertion of the proposed mezzanine floor, the floor space breakdown within the unit would be as set out within the table below:

Unit 4A	Existing Floor space	Proposed Floor space	Difference
Ground Floor	1914m <sup>2</sup>	1860m <sup>2</sup>	-54m <sup>2</sup>
Mezzanine	-	1858m <sup>2</sup>	+1858m <sup>2</sup>
Total (GIA)	1914m <sup>2</sup>	3718m <sup>2</sup>	+1804m <sup>2</sup>

- 3.2 The proposals would result in an increase in gross floor space of 1,804m<sup>2</sup>, with the total combined floor space within the unit increasing from 1,914m<sup>2</sup> to 3,718m<sup>2</sup>. The supporting Planning and Retail Statement advises the proposal would create a single unit for TK Maxx and HomeSense totalling circa 3,718m<sup>2</sup>. Externally, the brands would present themselves with two separate entrances and signage features but internally the unit would be combined with customers having full access across both offers (i.e. there would be no internal physical divide between the operations). There would also be a single shared back of house area for both fascias at ground and mezzanine floor, with staff amenity areas and customer toilets provided on the mezzanine level. Currently, there are only four similar combined stores in the UK.
- 3.3 The TKMaxx and HomeSense brands operate under the TJX UK (TJX) parent company with the former focussing on clothing, footwear and fashion goods and the latter furniture,



homewares and household goods. It is understood that the existing TKMaxx store at Unit 10, The Forum will close by Spring 2023 as the Landlord of the property has served notice confirming that they are opposing the request for a new lease on the grounds of redevelopment. TK Maxx's existing lease is due to expire in September 2022.

- 3.4 A separate application has been submitted under ref 22/00385/FPM for the variation of Condition 6 (range of goods restriction) attached to planning permission reference number 14/00680/FPM to allow for the sale of clothing, footwear and fashion goods and the ancillary sale of foodstuffs from Unit 4A to facilitate the occupation of the unit by both TKMaxx and HomeSense. At present, the existing condition 6 would prevent TKMaxx occupying the unit, but not HomeSense due to the type of goods sold. Both applications are accompanied by a joint Planning and Retail Statement, which includes the results of the Sequential Test.
- 3.5 Given the proposed mezzanine and variation of condition (range of goods) have been submitted as two separate applications, the Planning Authority has a duty to assess each application on its own merits having regard to provisions of the Development Plan, so far as material to each application, unless material considerations indicate otherwise. This is irrespective of the fact the business model put forward combines the two.
- 3.6 This application comes before the Planning and Development Committee because it is a Major.

#### **4. PUBLIC REPRESENTATIONS**

- 4.1 This planning application has been publicised by way of two site notices 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, one representation of support has been received and one objection. The letter of support expresses support for TK Maxx moving to the Retail Park, on the basis the new shop would be larger and offer more jobs and would avoid the retailer pulling out of Stevenage all together.
- 4.2 In terms of the objection, this is from the Managing Partner of the owners of the Westgate Shopping Centre in the Town Centre. The comments can be summarised as follows:
  - TK Maxx is a principal retail occupier of the town centre and is vital to its ongoing prosperity. The loss of one retailer leads to further loss of customers to the remainder of the town, meaning that other shops become unviable and so on;
  - Stevenage Town Centre is currently suffering from the worse effects of the retail downturn;
  - We have put forward proposals to TK Maxx for their continued occupation of space in the town centre. Therefore, it cannot be proven or said that sequentially there is no available space within the town for TK Maxx. To aggregate TK Maxx and HomeSense as one requirement is wrong in terms of the sequential approach, they can and most of the time trade separately;
  - This proposal does not meet the sequential test and is harmful to the town centre and its vitality.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council Highways**

5.1.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission. A Travel Plan, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed.

### **5.2 SBC Planning Policy**

5.2.1 No comments received.

### **5.3 SBC Environmental Health Officer**

5.3.1 I would confirm that I have no objections or representations to make in respect of the mezzanine installation.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the development plan**

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

### **6.2 Central Government Advice**

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

### **6.3 Planning Practice Guidance**

The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

## **6.4 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

Policy SP1: Presumption in favour of sustainable development;  
Policy SP2: Sustainable development in Stevenage  
Policy SP4: A Vital Town Centre;  
Policy SP5: Infrastructure  
Policy SP6: Sustainable Transport  
Policy SP11: Climate change, flooding and pollution  
Policy GD1: High quality design  
Policy TC12: New Comparison retail provision  
Policy TC13: Retail Impact Assessments  
Policy FP1: Climate Change  
Policy FP2: Flood risk in Flood Zone 1  
Policy FP3: Flood risk in Flood  
Policy IT4: Transport assessments and travel plans

## **6.5 Supplementary Planning Documents**

Parking Provision and Sustainable Travel SPD (2020)

## **6.6 Community Infrastructure Levy Charging Schedule**

- 6.6.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development. This proposal would be CIL liable at £60/m<sup>2</sup>.

# **7. APPRAISAL**

- 7.1.1 The main issues for consideration in the determination of this application are its acceptability in retail policy terms, the sequential test, its impact on the vitality and viability of the Town Centre, flood risk and drainage and highways and parking.
- 7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

## **7.2 Retail Policy Considerations**

- 7.2.1 The application site is located approximately 840 metres to the south of Stevenage Town Centre and is an out-of-centre location. For retail applications for town centre uses located outside of defined centres the NPPF states that:

- Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan (paragraph 87); and
- When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floor space). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme) (paragraph 90).

7.2.2 Paragraph 91 of the NPPF confirms that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of these considerations it should be refused.

7.2.3 In the context of paragraph 90 of the NPPF, Policy TC13 of the Stevenage Local Plan (2019) provides locally set thresholds where impact assessments are required and confirms that impact assessments are required for any proposal in excess of 300m<sup>2</sup> for main town uses outside of the Town Centre. In this instance, as the application proposes a 1,804m<sup>2</sup> mezzanine which would create a 3,718m<sup>2</sup> unit, a retail impact assessment is required in support of the application. In addition, as the site is an out of centre location a sequential test is also required.

7.2.4 Local Plan Policies SP4 'A vital town centre' and TC12 'New comparison retail provision' seek to tightly regulate new out of centre comparison goods floor space and state proposals for out of centre comparison goods floor space will be refused, unless they are an ancillary element to a major convenience store proposed under Policy TC11.

### **7.3 Retail Impact**

7.3.1 The application site is in an out-of-centre location and the planning application proposal would extend the range of goods which can be sold in the existing floor space within Unit 4A, which is in excess of the 300m<sup>2</sup> retail impact threshold set by Policy TC13 of the Stevenage Local Plan. Therefore, a retail impact assessment is required.

7.3.2 A Planning and Retail Statement (PRS) has been submitted in support of the planning application. The PRS does not consider the retail impact separately for each planning application, but provides an impact assessment scenario in which both applications are permitted i.e. the removal of the range of goods restriction and mezzanine floor.

7.3.3 The Planning Authority has asked an independent retail consultant to review the submitted PRS impact assessment and also to give consideration to the retail impact arising from each application individually and cumulatively. It was concluded that the cumulative retail impact of both applications would not give rise to a significant adverse impact on defined centres in the context of paragraphs 90(b) (see paragraph 7.2.1) and 91 (see paragraph 7.2.2) of the NPPF when taking account of the relative health of Stevenage and that comparison goods turnover is only one component of town centre turnover, alongside convenience goods and food/drink sales etc. Moreover, it was concluded that neither application in isolation would give rise to a significant adverse impact on defined centres.

7.3.4 Given the scale and nature of the existing, committed and planned public and private investment projects which are strategic in nature, it was confirmed by the independent review that the planning application(s) would not give rise to a significant adverse impact on existing, committed and planned public and private investment in Stevenage Town Centre, or indeed in any other centre in the catchment area of the proposals.

7.3.5 As such, it is considered that the applications, when considered individually and cumulatively, are not likely to have a significant adverse impact on one or more of the

considerations of paragraph 90 of the NPPF. The retail impact analysis therefore does not give rise to a reason to refuse the application(s).

## **7.4 Sequential Test Policy and Relevant Appeals**

7.4.1 The NPPF sets out the requirements of the sequential test and states that local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations, and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

7.4.2 At paragraph 88 the NPPF advises that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

7.4.3 Confirmation of how the sequential test should be used in decision making is set out in paragraph 011 of the Town Centres and Retail section of the PPG which provides a checklist of the considerations which should be taken into account in determining whether a proposal complies with the sequential test as follows:

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

### *Flexibility in format and scale*

7.4.4 National planning policy requires that applicants should demonstrate flexibility on issues such as format and scale. The Supreme Court in *Tesco Stores v Dundee City Council* (*Tesco Store Limited v Dundee City Council* (Scotland), 21 March 2012) confirmed that provided the applicant has demonstrated flexibility with regard to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site.

7.4.5 The High Court Judgement (*Threadneedle Property Investments and Simons Developments Ltd v North Lincolnshire Council* [CO/4764/2012]) further considered the Supreme Court interpretation and confirmed the need to take account of the operator's commercial requirements, and the need to work in the real world. In the case considered by the High Court, the Court came to the view that 'operator specifics' were indeed relevant in the application of the sequential test. It looked at the specifics of the proposals and the retailer's commercial needs.

7.4.6 At the appeal decision at Tollgate Village (APP/A1530/W/16/3147039) the Inspector concluded that whilst a sequentially preferable site need not be capable of accommodating exactly the same as what is proposed, it must be capable of accommodating development

which is closely similar to what is proposed. In Scotch Corner (APP/V2723/V/15/3132873 & APP/V2723/V/16/3142678) the Inspector concluded the requirement to demonstrate flexibility does not require the applicant to disaggregate the scheme.

7.4.7 These rulings are clear that there must be realism applied to the sequential test, having regard to the business model of the applicant, commercial realities and business decisions. Whilst retailers are expected to demonstrate reasonable flexibility, these appeal decisions underline the need for decisions to be based in the real world.

7.4.8 The 'Mansfield Judgment' (Aldergate v Mansfield District Council & Anor [2016]) has further clarified that the sequential test should be considered on the basis of the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale. At paragraph 35 of the Judgement states:

*'In my judgment, "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content. Nothing in Tesco v Dundee City Council, properly understood, holds that the application of the sequential test depends on the individual corporate personality of the applicant or intended operator.'*

7.4.9 The Mansfield Judgment affirms that, in applying the sequential test, the decision maker will generally be required to consider the type and format of the proposed development, rather than the requirements of any specific named operator. It identifies that the area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content. Against this background, the parameters of the sequential test should be established having regard to the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale and taking into account the commercial realities of the business model.

## **7.5 The Planning Application and the Requirements of the Sequential Test**

7.5.1 As two separate, but interrelated planning applications have been submitted, the Planning Authority has a duty to consider each application on its own merits and the sequential test should consider each application individually, as well as cumulatively.

7.5.2 If planning application 22/00389/FPM were to be permitted in isolation it would allow a 3,718m<sup>2</sup> unit which trades under the current restrictions of condition 6 of planning permission 14/00680/FPM. The sequential test for this application must therefore consider whether there are any suitable or available sequentially preferable sites for a 3,718m<sup>2</sup> unit which could accommodate an operator which could operate under the existing sale of goods restrictions of condition 6. This would include unrestricted Class E units (business, service and commercial use) in the town centre.

7.5.3 The sequential test must also consider the business model put forward in the planning application, which would be implemented should both the variation of condition (22/00385/FPM) and mezzanine (22/00389/FPM) applications be permitted. Therefore, the sequential test must also consider whether there are any sequentially preferable sites for a 3,718m<sup>2</sup> unit which could accommodate an operator trading under a sales of goods condition which states: 'The range of goods to be sold from the development shall be confined to retail warehousing of comparison goods to exclude expressly the sale of all foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport), or other fashion goods, other than for the sale of clothing, footwear

and fashion goods and the ancillary sale of foodstuffs'. This would include unrestricted Class E units (business, commercial and service use) in the town centre.

- 7.5.3 The applicant has submitted a sequential test which only considers the proposed business model which would be implemented should both the variation of condition (22/00385FPM) and mezzanine (22/00389/FPM) applications be permitted. However, as this is for the same 3,718m<sup>2</sup> size unit as proposed under this application (ref. 22/00389/FPM) it is considered the sequential test does consider the broad type and format of the proposed land use as set out in this application proposal and is sufficient for the purposes of determining this application.

## **7.6 Consideration of the Sequential Test**

- 7.6.1 The applicant has submitted a Sequential Test as discussed above and supplementary information was also provided in a Planning Note dated 5 August 2022. Prior to the receipt of 5 August 2022 Planning Note, the applicant was advised by the Planning Authority that:

- The sequential test should consider both applications individually and cumulatively, as the LPA has a duty to determine each planning application on its own merits;
- The sequential test as originally submitted does not provide sufficient flexibility in format and we would expect to see greater flexibility in floor space and gross/net floor space ratios;
- 77-83 Queensway, Stevenage Town Centre and the Westgate Centre must also be included in the sequential test; and
- Insufficient information was submitted for Site 1 (Former BHS) and Site 2 (Former Factory Officer Outlet) and based on the original PRS these could not be discounted from the sequential test.

- 7.6.2 Following the receipt of the additional information dated 5 August 2022, these issues are considered below.

### *Consideration of Additional Sites and Supplementary Information*

#### Former Office Outlet Unit 11, Fairlands Way

- 7.6.3 This unit is subject to a recent positive resolution by Stevenage Council Planning Committee in March 2022 to permit the redevelopment of this site for residential use. It is understood that the applicant is progressing discussion with the Council to conclude the s106 Agreement.

- 7.6.4 Taking account of the fact that there has been a recent resolution to grant planning permission on the site for alternative uses, this indicates that the site is not available. It is therefore agreed that this site can be discounted on the grounds of availability.

#### Nos 77 – 83 Queensway

- 7.6.5 The unit is located in Stevenage Town Centre and is in a sequentially preferable location to the application site. The unit extends to circa 5,000m<sup>2</sup> split across ground floor (2,177m<sup>2</sup>), first floor (2,212m<sup>2</sup>) and second floor (923m<sup>2</sup>). It was formerly occupied by Littlewoods Department Store and the ground floor is currently occupied by Poundland and Pep&Co. It is understood that the ground floor occupiers are on a temporary lease and that both the leasehold and freehold of the building are up for sale.

- 7.6.6 This unit was not included in the sequential assessment in the PRS, and the Planning Authority requested that the applicant consider whether this unit provides a sequentially preferable alternative. In their Planning Note dated 5 August 2022, the applicant's agent advises that they consider the unit is not sequentially preferable for the following reasons:

1. The landlord is to extend the lease with Poundland and the site is not genuinely available.
  2. The unit is significantly above the maximum combined development threshold of 4,090m<sup>2</sup> and the ground and first floors extend to 4,389m<sup>2</sup>. The building would therefore need to be re-configured and 'moth balled'.
  3. Major internal and external alterations would be required and asbestos removed from the building and it would not be commercially viable to operate.
  4. Notwithstanding these issues, the programme of works would not achieve the operator's timescales to relocate from The Forum.
  5. There is insufficient parking to meet the business model of the application.
- 7.6.7 Publically available evidence from the market indicates that both the leasehold and freehold of the site are available at the current time i.e. at the time of decision of the planning application. It is understood that Poundland's lease has not currently been extended and it would be expected that whilst the site is being marketed that the existing landlord would seek to maintain as much flexibility as possible with existing occupiers so as not impede any re-use/redevelopment intentions of buyers. It is therefore considered that the unit is available.
- 7.6.8 The ground and first floors of the unit extend to 4,389m<sup>2</sup>. Should this planning application 22/00389/FPM for the mezzanine floor be permitted in isolation, it would allow a 3,718m<sup>2</sup> unit which would trade under the current restrictions of condition 6 of planning permission 14/00680/FPM. Moreover, the applicant has advised that the maximum flexible threshold for the purposes of the sequential test is 4,090m<sup>2</sup>. The lower two floors of the building are therefore only 299m<sup>2</sup> or 7% larger than the combined maximum threshold.
- 7.6.9 The applicant has advised that the unit would need to be reconfigured to meet the commercial requirements of the application, however it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed. Taking account of the floor space which is available, it is considered that the unit is capable of accommodating a form of development which is closely similar to what is proposed and if ultimately the operators had additional back of house space/trading floor space, the commercial realities of the application business model would not be undermined.
- 7.6.10 In regards to viability, Planning Practice Guidance (paragraph ID: 2b-013-20190722) states the sequential test supports the Government's 'town centre first' policy. However, as promoting new development on town centre locations can be more expensive and complicated than building elsewhere; Local Planning Authorities need to be realistic and flexible in applying the test. Whilst the concerns put forward regarding viability are noted, it is relevant to the consideration of this application that this is an existing unit, located in Stevenage Town Centre, which was formerly occupied by a department store and is currently occupied at ground floor level by a major multiple retailer. The unit is not subject to any planning constraints (such as it being a listed building) and there are no land ownership constraints which may impact on deliverability and viability.
- 7.6.11 Moreover, the applicant has not provided a detailed viability appraisal to demonstrate why the alterations to the building would make the scheme unviable to inform the decision making process. It is to be expected that when a major multiple retailer occupies a new building within a defined centre location that they will re-configure the unit to meet their commercial requirements, as is the case for the proposed elevational alterations under this current application for Unit 4A. Whilst it may well be the case that 77 – 83 Queensway would be more expensive and complicated to accommodate the business model put forward in the application, the evidence put forward by the applicant is not considered sufficient to discount this site from being sequentially preferable. When taking account of the historic use and current use of the building, and information put forward by the



applicant, it is not considered that this site can be discounted from the sequential test on the grounds of viability when taking account of the broad type and format of the proposed land use.

- 7.6.12 In terms of timescale for the availability of the site, it is the case that the decision-maker should be considering whether planning permission should be granted for the proposed land use and not the corporate attitudes of the occupier, however commercial realities are also a material consideration. Importantly, No. 77 – 83 Queensway is available now and is being marketed. Whilst planning permission would likely be required for the external re-configuration of the unit, given the location of the development and that the works would likely be acceptable in principle, it would be expected that planning permission would be granted for the external re-configuration works in a timely manner. It is also the case that should planning permission be granted for this application, works would also be required at Unit 4A which would lengthen occupation timescales.
- 7.6.13 On the basis that No. 77 – 83 Queensway is available now and there are no clear constraints to its deliverability to the proposed uses (besides internal reconfiguration), it is not considered that the timescale for bringing the site forward is currently a constraint to discount the site from the sequential test.
- 7.6.14 The applicant's comments on proximate parking provision are noted. However, there will be 40 car parking spaces in the retained public carpark on Marshgate behind the units following completion of the Autolus development. There are also approximately 1,000 existing car parking spaces in the St George's Way multi-storey car park located 30 metres from the building. It is therefore not considered that proximity of nearby car parking gives rise to a reason to discount this site from being a sequentially preferable location.
- 7.6.15 For the reasons set out above, it is considered that No.77 – 83 Queensway is a sequentially preferable location for the application proposal and is suitable and available for the broad type of development which is proposed in each individual application (and both applications combined) by approximate size, type, and range of goods.

#### Former BHS, The Forum

- 7.6.16 It is noted that this site benefits from extant planning permission (19/00647/FPM) for its redevelopment to residential use, and that the applicant advises that the applicant's business model cannot be accommodated in the configuration of the scheme which benefits from planning permission.
- 7.6.17 It was previously suggested to the applicant that this sequential opportunity should be explored further and additional information was requested, such as evidence of liaison with agents/site owners to establish whether this site is available for the application proposal, taking account of the likely timescales for any future redevelopment proposals. The applicant's agent has stated that there have been 'numerous attempts by the proposed operator' to engage with the landlord without success, which indicates the site is not available.
- 7.6.18 In the absence of any evidence to demonstrate otherwise, it is accepted that this site is not available and can therefore be discounted from the sequential test.

#### Westgate Shopping Centre

- 7.6.19 The Westgate Centre is located in Stevenage Town Centre and is in a sequentially preferable location. The Westgate Centre has extensive parking available to meet the commercial requirements of operators. The managing partners (the owners of the Westgate Centre) have submitted an objection to the planning application and have advised the Planning Authority that there are sufficient re-configurations in their offer to TK Maxx to

provide the operator with floor space across multiple configurations within the shopping centre to enable them to stay within the town centre.

7.6.20 It is common place for multiple retailers (including TK Maxx) to be located adjacent to and within shopping centres. Whilst the floor space configurations which have been offered to TK Maxx are confidential and have not been shared with the Planning Authority, it appears that this proposal would represent a sequentially preferable opportunity to accommodate the broad type of development which is proposed under the variation of condition application ref. 22/00385/FPM. However, due to the larger floor space requirement under this application (3,718m<sup>2</sup>) and the absence of evidence to indicate otherwise, it is concluded that the Westgate Centre can be discounted from the sequential test for the mezzanine floor.

## **7.7 Highways and Parking**

7.7.1 The application proposal seeks planning permission for a mezzanine floor. The proposals would result in an increase in gross floor space of 1,804m<sup>2</sup>, with the total combined floor space within the unit increasing from 1,914m<sup>2</sup> to 3,718m<sup>2</sup>. The Council's Parking Provision and Sustainable Transport SPD (2020) requires 1 space per 20m<sup>2</sup> for non-food retail warehouses exceeding 1,000m<sup>2</sup>. An uplift of 1,804m<sup>2</sup> would generate a requirement for 90 additional parking spaces or 80 taking into account the 200m<sup>2</sup> allowance.

7.7.2 There is currently parking for circa 1,016 cars of which 393 are in the northern car park and 504 in the southern car park, with parking for 62 cars in the service yard and 57 adjacent to Harvester. It is understood that the car park is busiest over the weekend with lower occupancy levels during weekdays. No changes are proposed to the layout or number of spaces associated with this application. The Transport Statement submitted in support of the application states the proposal would result in an increased demand for parking which is estimated at 45 spaces on the Saturday afternoon based surveys in the TRICS (Trip Rate Information Computer System) database.

7.7.3 Whereas there could be an increased demand for car parking at the weekend, the Applicant and Occupiers are satisfied that the existing number of parking spaces would be sufficient under normal trading conditions with opportunities to travel by other modes. The Transport Statement confirms a Travel Plan would be implemented to encourage staff to travel to and from the store by modes other than the private car and this would be secured via s106 agreement should planning permission be granted.

7.7.4 Deliveries and refuse collection would take place as per the existing arrangements from the service yard to the rear of Unit 4A. Whereas there could be an increased number of deliveries when compared to the existing occupier, the Transport Statement advises there would not be any impact on the local or wider highway network with deliveries linked with existing store wherever possible.

7.7.5 With regards to cycle parking there is parking for a minimum of 99 bicycles including 67 in public areas with 7 spaces adjacent to Unit 11B, and parking for a further 32 bicycles within the service yards of the retail park. The Parking Provision SPD (2020) would require the provision of 4 long term and 4 short term cycle spaces for the proposed increase in floor space from the mezzanine floor. No additional cycle parking is proposed; therefore this would be conditioned should planning permission be granted.

7.7.6 Hertfordshire County Council as Highway Authority has been consulted on the proposal and have confirmed they do not wish to restrict the grant of permission. In terms of accessibility, vehicular, pedestrian and cycle access to the retail park forms off London Road and the A606 Monkswood Way. The A606 provides a primary A road, connecting the site and wider Stevenage to the A1(M). Stevenage is also easily accessible from further afield by train, bus and bike. There are two bus stops located along London Road, approximately 150

metres north of the unit. Roaring Meg Retail Park Stop A and B provide bus services: 44, 45, 301, 378 and 379. A network of cycle lanes serves the site and the wider area, with cycle access via a dedicated cycle lane is provided from London Road and Monkswood Way.

7.7.7 In terms of trip generation and parking, the Highway Authority agrees that the existing spaces can accommodate the extra demand. It is further agreed the increases in demand would not result in a material change in traffic conditions in the local area. Given that Stevenage Borough Council has an adopted CIL, contributions to provide infrastructure to support the development more generally would be sought via this mechanism. These may be linked to the North and Central Hertfordshire Growth and Transport Plan 2019 (Section 4) PK1 & PK2. The Highway Authority concludes that this level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity, therefore; the Highway Authority would not wish to restrict the grant of planning permission.

## **7.8 Flood Risk and Drainage**

7.8.1 Part of the Retail Park is located within Flood Zone 2 and Flood Zone 3. Unit 4A is located within part Flood Zone 1 and part Flood Zone 2 which means there is between less than 0.1% and 1% annual probability of flooding. The application proposes external alterations and the widening of the range of goods sold from the Unit only, with no increase in the building footprint proposed. As such, the proposal is not considered a vulnerable use and the development would not increase the likelihood of flooding at the site, or elsewhere.

## **7.9 Climate Change Mitigation**

7.9.1 Policy FP1 'Climate Change' states planning permission will be granted for developments that can incorporate measures to address adaptation to climate change. New development, including building extensions, refurbishments and conversions will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely future 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 Should planning permission be granted, climate change mitigation measures to be used in the store refurbishment would be secured by planning condition.

## **7.10 Other Matters**

### Equality and Human Rights Considerations

7.10.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention. It is not considered that the decision would result in a violation of any person's rights under the Convention.

7.10.2 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities

implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty. The approach adopted in response to inclusive design includes level access and lift access to the proposed mezzanine. The building complies with current approved document M under the Building Regulations.

7.10.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.10.4 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

## **8. CONCLUSIONS**

8.1 In summary, the proposal for a mezzanine floor to increase the floor space of the existing unit to 3,718m<sup>2</sup> is considered unacceptable on the basis that the Planning Authority considers No. 77-83 Queensway to be a sequentially preferable opportunity available and suitable within the town centre, that could accommodate the broad type, format and scale of the proposed land use. Given the aforementioned, the application proposal is considered to be unacceptable contrary to Policies SP4, TC12 and TC13 of the Council's adopted Local Plan (2019), paragraphs 87 and 91 of the NPPF (2021) and NPPG (2014).

## **9. RECOMMENDATIONS**

9.1 That planning permission be REFUSED for the following reason:-

- 1 The proposal fails to satisfy the sequential test as there is a sequentially preferable site which is available and suitable within the town centre which could accommodate the broad type, format and scale of the proposed land use. The proposal is therefore contrary to Policies SP4, TC12 and TC13 of the Council's adopted Local Plan (2019), paragraphs 87 and 91 of the NPPF (2021) and NPPG (2014).

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan (2019).
3. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

4. Central Government advice contained in the National Planning Policy Framework (2021) and National Planning Policy Guidance (2014).

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**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:**

## **IMPORTANT INFORMATION - DELEGATED DECISIONS**

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

The Assistant Director of Planning and Regulation has issued decisions in respect of the following applications in accordance with his delegated authority:-

1. Application No : 21/00047/COND  
Date Received : 26.01.21  
Location : The Bragbury Centre Kenilworth Close Stevenage Herts  
Proposal : Discharge of condition 18 (acoustics) attached to planning permission 20/00736/FPM / discharge of condition 19 (acoustics) attached to planning permission 18/00398/FPM  
Date of Decision : 28.07.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
  
2. Application No : 21/00819/FP  
Date Received : 22.07.21  
Location : 29 - 31 Orchard Road Stevenage Herts SG1 3HE  
Proposal : Full planning permission for the demolition of existing builders yard and car sales business (Sui Generis) and erection of 7 no dwellings (Use Class C3) at Orchard Road, Stevenage  
Date of Decision : 19.08.22  
Decision : **Planning Permission is GRANTED**

3. Application No : 22/00143/FPH  
Date Received : 22.02.22  
Location : 16 Woodfield Road Stevenage Herts SG1 4BP  
Proposal : Part single-storey, part two-storey rear extension, two-storey side extensions, two-storey front extension and porch.  
Date of Decision : 04.08.22  
Decision : **Planning Permission is GRANTED**

4. Application No : 22/00192/FPH  
Date Received : 08.03.22  
Location : 374 Archer Road Stevenage Herts SG1 5QH  
Proposal : Single storey front and two storey rear extension  
Date of Decision : 23.08.22  
Decision : **Planning Permission is GRANTED**

5. Application No : 22/00198/COND  
Date Received : 09.03.22  
Location : Land Adjacent 108 Oaks Cross Stevenage Herts SG2 8LT  
Proposal : Discharge of conditions 15 (external lighting) 22 ( Soakage testing) and 23 (Drainage layout) attached to planning permission reference number 21/01204/FPM  
Date of Decision : 15.08.22  
Decision : **The Condition(s)/Obligation(s) cannot be discharged but are deemed Acceptable**

Please note that the condition(s) cannot be discharged given that a breach of planning control has occurred in this instance. However, the Local Planning Authority would not seek any enforcement action against the breach at this time. Notwithstanding this, the Local Planning Authority still reserves the right to undertake enforcement action if a further breach of the condition(s) occurs at a later date.

The case officer's letter is attached providing further information.



6. Application No : 22/00292/COND  
Date Received : 01.04.22  
Location : Land West Of North Road North Road Stevenage Herts  
Proposal : Discharge of Condition 3. (Construction management) attached to planning permission reference number 21/00529/FPM  
Date of Decision : 03.08.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
7. Application No : 22/00309/FP  
Date Received : 07.04.22  
Location : 10 Middle Row Stevenage Herts SG1 3AW  
Proposal : Change of use from use Class E (Retail) to Class Sui Generis (Hot Food take away)  
Date of Decision : 29.07.22  
Decision : **Planning Permission is GRANTED**
8. Application No : 22/00362/FPH  
Date Received : 15.04.22  
Location : 85 Hayfield Stevenage Herts SG2 7JR  
Proposal : Single storey rear extension and single storey side extension  
Date of Decision : 29.07.22  
Decision : **Planning Permission is GRANTED**
9. Application No : 22/00424/COND  
Date Received : 04.05.22  
Location : Station Car Park North Lytton Way Stevenage Herts  
Proposal : Discharge of condition 28 (Local Employment Strategy) attached to planning permission reference number 21/01264/FPM (AMENDED DESCRIPTION).  
Date of Decision : 17.08.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

10. Application No : 22/00473/COND  
Date Received : 21.05.22  
Location : 9 Bragbury Lane Stevenage Herts SG2 8TJ  
Proposal : Discharge of Condition 5 (Archaeology investigation) attached to planning permission reference number 22/00069/FPH  
Date of Decision : 28.07.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
11. Application No : 22/00479/FPH  
Date Received : 25.05.22  
Location : 71 Marlborough Road Stevenage Herts SG2 9HJ  
Proposal : Two storey side extension, single-storey front and rear extension following demolition of garage and utility room.  
Date of Decision : 01.08.22  
Decision : **Planning Permission is GRANTED**
12. Application No : 22/00481/FPH  
Date Received : 25.05.22  
Location : 2 Rooks Nest Farm Barns Weston Road Stevenage Herts  
Proposal : Installation of 2 no. roof lights on the front roof slope and 1 no. rooflight on the rear roof slope  
Date of Decision : 02.08.22  
Decision : **Planning Permission is GRANTED**
13. Application No : 22/00500/FPH  
Date Received : 31.05.22  
Location : 7 Faraday Road Stevenage Herts SG2 0BJ  
Proposal : Part two-storey, part single storey rear extension.  
Date of Decision : 11.08.22  
Decision : **Planning Permission is GRANTED**

14. Application No : 22/00509/FPH  
Date Received : 01.06.22  
Location : 110 Sefton Road Stevenage Herts SG1 5RN  
Proposal : Retrospective permission for the construction of a summer house in rear garden.  
Date of Decision : 10.08.22  
Decision : **Planning Permission is GRANTED**
15. Application No : 22/00514/FP  
Date Received : 06.06.22  
Location : 397 Ripon Road Stevenage Herts SG1 4LU  
Proposal : Change of use of existing amenity land to provide hardstanding for two motor vehicles.  
Date of Decision : 16.08.22  
Decision : **Planning Permission is GRANTED**
16. Application No : 22/00520/FPH  
Date Received : 07.06.22  
Location : 181 Verity Way Stevenage Herts SG1 5PR  
Proposal : Single storey front extension  
Date of Decision : 01.08.22  
Decision : **Planning Permission is GRANTED**
17. Application No : 22/00522/FPH  
Date Received : 07.06.22  
Location : 14 Frobisher Drive Stevenage Herts SG2 0HH  
Proposal : Single storey front and side extension  
Date of Decision : 29.07.22  
Decision : **Planning Permission is GRANTED**

18. Application No : 22/00523/FP  
Date Received : 07.06.22  
Location : 159 - 169 Trumper Road Stevenage Herts SG1 5JX  
Proposal : External refurbishment works comprising replacement roof tiles, rain water piping, external communal doors / windows and installation of external cladding.  
Date of Decision : 24.08.22  
Decision : **Planning Permission is GRANTED**
19. Application No : 22/00526/FP  
Date Received : 07.06.22  
Location : 171 - 217 Trumper Road Stevenage Herts SG1 5JX  
Proposal : External refurbishment works comprising replacement roof tiles, rain water piping, external communal doors / windows and installation of external cladding  
Date of Decision : 24.08.22  
Decision : **Planning Permission is GRANTED**
20. Application No : 22/00535/FP  
Date Received : 08.06.22  
Location : 219 - 265 Trumper Road Stevenage Herts SG1 5JX  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 24.08.22  
Decision : **Planning Permission is GRANTED**
21. Application No : 22/00550/AD  
Date Received : 10.06.22  
Location : Tesco Broadwater Stevenage (02202) London Road Stevenage Herts  
Proposal : Retention of 1x LCD media screen  
Date of Decision : 03.08.22  
Decision : **Planning Permission is GRANTED**

22. Application No : 22/00555/FPH  
Date Received : 13.06.22  
Location : 122 Sefton Road Stevenage Herts SG1 5RN  
Proposal : Single storey front and rear extension  
Date of Decision : 05.08.22  
Decision : **Planning Permission is GRANTED**
23. Application No : 22/00565/TPTPO  
Date Received : 17.06.22  
Location : 69 Sparrow Drive Stevenage Herts SG2 9FB  
Proposal : Reduction by 30% to 2no. Ash trees (T17 and T18) protected by TPO 38  
Date of Decision : 05.08.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
24. Application No : 22/00576/FPH  
Date Received : 19.06.22  
Location : 12 Brimstone Drive Stevenage Herts SG1 4FX  
Proposal : Garage Conversion to habitable accommodation and external alterations.  
Date of Decision : 29.07.22  
Decision : **Planning Permission is GRANTED**

25. Application No : 22/00577/FPH  
Date Received : 20.06.22  
Location : 36 Milestone Close Stevenage Herts SG2 9RR  
Proposal : Part two storey and part single storey side extension.  
Date of Decision : 03.08.22  
Decision : **Planning Permission is REFUSED**
- For the following reason(s);
- The proposed extension sited against the boundary with the adjoining neighbour, would erode the gap between the two dwellings which is an important characteristic of Milestone Close and would create a cramped appearance, detrimental to the architectural rhythm and character of the street contrary to the Council's Design Guide SPD (2009), Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031, the NPPF (2021) and Planning Practice Guidance (2014).
26. Application No : 22/00585/FP  
Date Received : 23.06.22  
Location : 51 Torquay Crescent Stevenage Herts SG1 2RQ  
Proposal : Change of use from amenity land adjacent to property to provide private garden space  
Date of Decision : 15.08.22  
Decision : **Planning Permission is GRANTED**
27. Application No : 22/00586/FP  
Date Received : 23.06.22  
Location : 66 Bude Crescent Stevenage Herts SG1 2RB  
Proposal : Change of use from amenity land to residential land for use as garden space  
Date of Decision : 02.08.22  
Decision : **Planning Permission is GRANTED**

28. Application No : 22/00590/HPA  
Date Received : 23.06.22  
Location : 14 Badgers Close Stevenage Herts SG1 1UH  
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.00m, for which the maximum height will be 3.30m and the height of the eaves will be 2.20m  
Date of Decision : 03.08.22  
Decision : **Prior Approval is NOT REQUIRED**
29. Application No : 22/00593/FPH  
Date Received : 24.06.22  
Location : 90 Hayfield Stevenage Herts SG2 7JR  
Proposal : Single storey side extension  
Date of Decision : 17.08.22  
Decision : **Planning Permission is GRANTED**
30. Application No : 22/00606/TPCA  
Date Received : 29.06.22  
Location : Thomas Alleyne Academy High Street Stevenage Herts  
Proposal : Reduction of number of trees by up to 2m, removal of ivy from ground floor up to 1.5m on various trees, fell to ground a number of trees, crown reduction to various trees, remove snapped limb to Field Maple (T029), removal of deadwood on various trees, fell to ground Lombardy Polar (T046), Crown Lift of hornbeam (T048) and Thuja (T055), heavy pollard to 8m stump to Horse Chestnut (T074), pollard Sycamore (T078), remove 2 central leaders to 6m on Sycamore (T083), reduce to 10m 2 no. Lombardy Poplar (T087 and T088).  
Date of Decision : 10.08.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

31. Application No : 22/00607/FPH  
Date Received : 30.06.22  
Location : 2 Malvern Close Stevenage Herts SG2 8UH  
Proposal : Demolition of attached garage and replacement with single storey side and front extension  
Date of Decision : 04.08.22  
Decision : **Planning Permission is GRANTED**

32. Application No : 22/00612/AD  
Date Received : 02.07.22  
Location : Bus Shelter Opposite Glaxo Sycamore House Gunnels Wood Road Stevenage Herts  
Proposal : Replacement of 1 no. non-illuminated advertisement panel on the bus shelter with 1no. internally illuminated digital display  
Date of Decision : 08.08.22  
Decision : **Advertisement Consent is GRANTED**

33. Application No : 22/00613/AD  
Date Received : 02.07.22  
Location : Bus Shelter 2907-0022 Outside Sycamore House Gunnels Wood Road Stevenage  
Proposal : Replacement of 1 no. advertisement panel on the bus shelter with 1no. digital internally illuminated 6-sheet advertising display. The reverse panel comprising a non-advertising, non-illuminated space for Council or Community content.  
Date of Decision : 10.08.22  
Decision : **Advertisement Consent is REFUSED**

The proposed sign by virtue of its location and content is located in an unacceptable location, and would be likely to cause a distraction to vehicles and road users approaching the intersection of Gunnels Wood Road and Broadhall Way. This stretch of the heavily trafficked A1070 and the A602 is a location likely to cause a hazard where drivers would need to take exceptional care, leading to interference to the free and safe flow of traffic along Gunnels Wood Road. Accordingly, the proposal would be prejudicial to general provisions of highway safety and convenience contrary to the advice contained in the National Planning Policy Framework 2021.



34. Application No : 22/00614/AD  
Date Received : 02.07.22  
Location : Bus Shelter 2907-0057 Outside John Henry Newman School Hitchin Road Stevenage  
Proposal : Replacing 1 no. advertisement panel on the bus shelter with 1 no. digital internally illuminated 6-sheet advertising display. The reverse panel comprises a non-advertising, non-illuminated space for Council or Community content  
Date of Decision : 24.08.22  
Decision : **Advertisement Consent is GRANTED**
35. Application No : 22/00615/AD  
Date Received : 02.07.22  
Location : Bus Shelter Outside Stevenage Railway Station Lytton Way Stevenage Herts  
Proposal : Replacement of 1 no. non-illuminated advertisement panel on bus shelter with 1no. internally illuminated digital display  
Date of Decision : 24.08.22  
Decision : **Advertisement Consent is GRANTED**
36. Application No : 22/00616/CLPD  
Date Received : 04.07.22  
Location : 7 Foster Close Stevenage Herts SG1 4SA  
Proposal : Certificate of lawfulness (Proposed) for a single storey side and rear extension.  
Date of Decision : 19.08.22  
Decision : **Certificate of Lawfulness is APPROVED**

37. Application No : 22/00617/FP  
Date Received : 04.07.22  
Location : Trotts Hill Primary School Wisden Road Stevenage Herts  
Proposal : Single storey front extension  
Date of Decision : 19.08.22  
Decision : **Planning Permission is GRANTED**
38. Application No : 22/00623/FPH  
Date Received : 06.07.22  
Location : 1 Corton Close Stevenage Herts SG1 2LB  
Proposal : Variation of condition 1 (approved plans) attached to planning permission reference number 21/00554/FPH to install a Juliet balcony / retain French Windows.  
Date of Decision : 15.08.22  
Decision : **Planning Permission is GRANTED**
39. Application No : 22/00626/PATELE  
Date Received : 07.07.22  
Location : Silam Road Stevenage Herts  
Proposal : Proposed 5G telecoms installation: 15M street pole and 3 additional ancillary equipment cabinets and associated ancillary works  
Date of Decision : 19.08.22  
Decision : **Prior Approval is REQUIRED and GIVEN**
40. Application No : 22/00627/FPH  
Date Received : 07.07.22  
Location : 32 Barley Croft Stevenage Herts SG2 9NP  
Proposal : Single storey front and side extension  
Date of Decision : 12.08.22  
Decision : **Planning Permission is GRANTED**

41. Application No : 22/00628/TPCA  
Date Received : 07.07.22  
Location : Oak House Rectory Lane Stevenage Herts  
Proposal : Reduction to 3m - Fir Tree hedge, (Leylandii) x 1  
Date of Decision : 08.08.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
42. Application No : 22/00631/FPH  
Date Received : 07.07.22  
Location : 229 Jessop Road Stevenage Herts SG1 5LS  
Proposal : Single storey front extension  
Date of Decision : 11.08.22  
Decision : **Planning Permission is GRANTED**
43. Application No : 22/00632/PATELE  
Date Received : 08.07.22  
Location : Gresley Way Stevenage Herts  
Proposal : Proposed 5G telecoms installation: H3G 18m street pole and additional equipment cabinets  
Date of Decision : 22.08.22  
Decision : **Prior Approval is REQUIRED and GIVEN**
44. Application No : 22/00644/TPTPO  
Date Received : 11.07.22  
Location : 7 Orchard Road Stevenage Herts SG1 3HD  
Proposal : Reduction of 5no. Yew trees (T2, T3, T4, T5 & T8) by a maximum of 25% reduction and side reduction of 2 metres of 1no. Yew tree (T8) protected by Tree Preservation Order 72  
Date of Decision : 08.08.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

45. Application No : 22/00645/CLPD  
Date Received : 12.07.22  
Location : 34 Jupiter Gate Stevenage Herts  
Proposal : Certificate of Lawfulness for proposed single storey rear extension and partial garage conversion.  
Date of Decision : 15.08.22  
Decision : **Certificate of Lawfulness is APPROVED**
46. Application No : 22/00646/HPA  
Date Received : 12.07.22  
Location : 30 Orchard Crescent Stevenage Herts SG1 3EN  
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 6.00m, for which the maximum height will be 4.00m and the height of the eaves will be 3.00m  
Date of Decision : 04.08.22  
Decision : **Prior Approval is NOT REQUIRED**
47. Application No : 22/00647/TPTPO  
Date Received : 12.07.22  
Location : 12 The Grange Stevenage Herts SG1 3BG  
Proposal : Minor root pruning to distal roots to 1no Hornbeam T1 (T25) and 1 No: Yew Tree T3 (T27). Root Protection Area of 1 No: Hornbeam T2 (T26) and 1 No: Sycamore Tree T4 (T28) to be impacted by construction of new soakaway - all trees protected by TPO: 61.  
Date of Decision : 08.08.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

48. Application No : 22/00650/PATELE  
Date Received : 13.07.22  
Location : Lonsdale Road Stevenage Herts  
Proposal : Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.  
Date of Decision : 16.08.22  
Decision : **Prior Approval is REQUIRED and GIVEN**
49. Application No : 22/00658/COND  
Date Received : 15.07.22  
Location : Station Car Park North Lytton Way Stevenage Herts  
Proposal : Discharge of conditions 13 (Visibility Splay) and 15 (Offsite highway improvement works) attached to planning permission reference number 21/01264/FPM  
Date of Decision : 19.08.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
50. Application No : 22/00660/PATELE  
Date Received : 15.07.22  
Location : Gunnels Wood Road Stevenage Herts SG1 2ND  
Proposal : Proposed installation of a new 17m-high telecommunications monopole and 3no. ground-based equipment cabinets and ancillary development works  
Date of Decision : 19.08.22  
Decision : **Prior Approval is REQUIRED and GIVEN**
51. Application No : 22/00661/CLPD  
Date Received : 16.07.22  
Location : 25 Barham Road Stevenage Herts SG2 9HX  
Proposal : Certificate of lawfulness for a single storey side extension  
Date of Decision : 29.07.22  
Decision : **Certificate of Lawfulness is APPROVED**

52. Application No : 22/00665/FP  
Date Received : 18.07.22  
Location : Highfield Court Stevenage Herts SG1 5EH  
Proposal : The refurbishment of an existing roof terrace to provide improved amenity space to include; new bi-fold doors, wheelchair accessible door with mobility threshold to communal living space, new external platform lift, new permeable resin bound paving and footpaths and improved balustrades and handrails to terrace and stairwells  
Date of Decision : 17.08.22  
Decision : **Planning Permission is GRANTED**
53. Application No : 22/00667/HPA  
Date Received : 20.07.22  
Location : 58 Eliot Road Stevenage Herts SG2 0LL  
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 6.00m for which the maximum height will be 4.00m and the height of the eaves will be 3.00m  
Date of Decision : 15.08.22  
Decision : **Prior Approval is NOT REQUIRED**
54. Application No : 22/00677/COND  
Date Received : 23.07.22  
Location : Land Adjacent To 108 Oaks Cross Stevenage Herts SG2 8LT  
Proposal : Discharge of Condition 20 (Site management plan) attached to planning permission reference number 21/01204/FPM  
Date of Decision : 15.08.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

55. Application No : 22/00679/NMA  
Date Received : 25.07.22  
Location : Stevenage Borough Council Depot Cavendish Road Stevenage Herts  
Proposal : Non Material Amendment to planning permission 20/00692/FP for Alteration of Glass Waste bay width from 6200mm to 7555mm  
Date of Decision : 04.08.22  
Decision : **Non Material Amendment AGREED**

## **BACKGROUND PAPERS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

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**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:** Tuesday 6 September 2022

## **INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS**

Author – Linda Sparrow 01438 242837

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

### **1. APPEALS RECEIVED**

- 1.1 21/00717/ENFAPL, 134 Marymead Drive. Appeal against the serving of an Enforcement Notice relating to the unauthorised erection of an outbuilding and front extension.
- 1.2 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.

### **2. DECISIONS AWAITED**

- 2.1 21/00681/AD, McDonalds, Monkswood Retail Park, Elder Way. Appeal against refusal of advertisement consent for 1no. internally illuminated totem sign.
- 2.2 21/00809/FP. 168 Fairview Road. Appeal against refusal of planning permission for the erection on 1no. two bedroom detached dwellings with parking and access.
- 2.3 21/01152/ENF. 68 Basils Road. Appeal against the serving of an enforcement notice to remove the first floor of the two storey rear extension which was refused under planning permission reference number 21/01256/FPH.
- 2.4 21/01256/FPH. 68 Basils Road. Appeal against the refusal of planning permission for the retention of a part two storey, part single storey rear extension.
- 2.5 21/01126/FP. 56 Austen Paths. Appeal against the refusal of planning permission for the change of use from a 6-bedroom House of Multiple Occupation (HMO) Class C4, to a 7-bedroom HMO (Sui Generis), 3 x car parking spaces; 8-bicycle parking spaces, and location of 7-bin storage facilities to the rear driveway.
- 2.6 21/01101/FP, 303 Ripon Road. Appeal against refusal of planning permission for the conversion of 1 no. 4 bedroom dwelling to 3 no. studios, single storey front and rear extensions and conversion of garage including the change of use from public amenity land to residential use and associated parking.

### **3. DECISIONS RECEIVED**

- 3.1 None

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