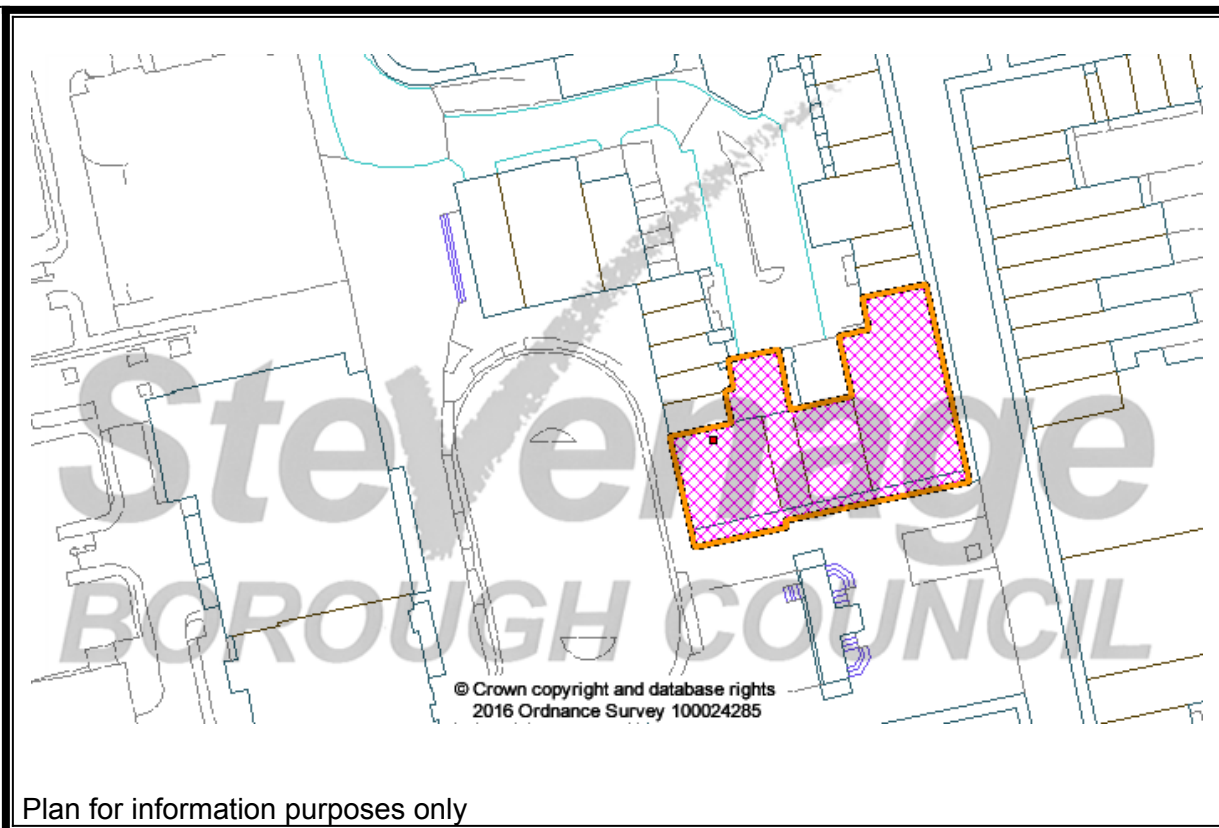


Meeting:	Planning and Development Committee	Agenda Item:
Date:	16 July 2019	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	19/00333/FPM
Location:	21-29 Town Square, Town Centre, Stevenage.
Proposal:	Variation of condition 1 of planning permission number 19/00063/FPM to amend approved drawings.
Drawing Nos.:	AA7916-2102A; AA7916-2013A; AA7916-2015A; AA7916-2101A; AA7916-2200C; AA7916-2201C; AA7916-2202B; AA7916-2203B; AA7916-2205B; AA7916-2206B; AA7916-2001' AA7916-2000; AA7916-2002; AA7916-2100A.
Applicant:	Stevenage Borough Council
Date Valid:	31 May 2019
Recommendation:	GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

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

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 19/00063/FPM sought permission for the Change of use of units 21 to 23 Town Square from Class A3 (Restaurant) to a mixed use Class A1 (Retail) and Class A3 (Restaurant and Café) space at ground and first floor level, conversion of existing office Class B1(a)) and Employment Agency (Class A2) at first and second floor level to a mixed use of offices (Class B1 (a)) and gallery (Class D1) and replacement of existing betting shop (Sui Generis) with a ground-floor communal lobby. External renovation works, use of rear roof-terrace as events and amenity space and associated plant. This application was granted in April 2019.
- 2.2 There have also been a number of applications for advertisements and planning permission which have been submitted over the years at the various premises within the application site.

3. THE CURRENT APPLICATION

- 3.1 This application seeks to vary condition 1 attached to planning permission 19/00063/FPM to amend the approved plans. For reference, this condition states the following:-

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

AA7916 - 2102 A; AA7916 - 2103 A; AA7916 - 2105 A; AA7916 - 2106 A; AA7916 - 2101 A; AA7916 - 2200 B; AA7916 - 2201 B; AA7916 - 2202 A; AA7916 - 2203 A; AA7916 - 2205 A; AA7916 - 2206 A; AA7916 - 2001; AA7916 - 2000; AA7916 - 2002; AA7916 - 2100 A;

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

- 3.2 Following the grant of planning permission 19/00063/FPM, detailed surveys undertaken on the building identified lower ceiling heights at second floor level. As a result, access from the second floor core into the gallery space would not have been usable due to headroom. The proposed amendment to the approved scheme seeks the introduction of a new roof lantern/lift overrun above the existing head clearance which will allow the lifts to be able to operate. The proposed roof lantern would measure approximately 4.72m in length, span 6.76m in width with a height of approximately 1.99m. It would be constructed of metal cladding and double glazed aluminium/composite windows.

- 3.3 This application has been referred to the Planning and Development Committee as Stevenage Borough Council is the applicant and landowner.

4. PUBLIC REPRESENTATIONS

- 4.1 This planning application has been publicised by way of a site notice and neighbouring properties have been notified about the application via a letter. The application was also published in the local press as it is located within the Town Square Conservation Area. Since the drafting of this report, no comments or representations have been received.

5. CONSULTATIONS

5.1 Council's Conservation Advisor

- 5.1.1 The applicants have demonstrated in their documentation that the roof lantern is necessary to provide access to the second floor gallery. Without the access this use cannot be provided and there would be a subsequent loss of activity within the town centre. The lantern has been located as far to the rear of the Town Square elevation as possible, and should only be visible in limited, long views of the building. The materials and fenestration of the lantern, whilst not the same as the town square building are simple and in the character of an addition to the structure.
- 5.1.2 The impact on the significance of the conservation area is limited. The change in roof form will be visible in some views, but this must be balanced by the improved access to upper levels of the building and the potential uses that this enables.
- 5.1.3 The NPPF requires consideration to be made to sustain heritage assets in viable uses that are consistent with their conservation that this development achieves. The regeneration benefits of bringing new activities and uses to the town centre buildings provides an obvious positive contribution to the character of the town centre conservation area in this scheme. The provision of equal access to all parts of the building to enable all to benefit from these uses provides a clear justification for this scheme.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
 - Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
 - The Stevenage Borough Local Plan 2011-2031 (2019) (Adopted Local Plan).
- 6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
- 6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits.

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Adopted Local Plan

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable Development in Stevenage;
Policy SP3: A strong, competitive economy;
Policy SP4: A Vital Town Centre;
Policy SP8: Good Design;
Policy SP13: The historic environment;
Policy EC7: Employment development on unallocated sites;
Policy TC1: Town Centre;
Policy TC5: Central Core Major Opportunity Area;
Policy TC8: Town Centre Shopping Area;
Policy HC7: New and refurbished leisure and cultural facilities;
Policy GD1: High Quality Design;
Policy NH10: Conservation areas.

6.5 Supplementary Planning Documents

Stevenage Design Guide Supplementary Planning Document January 2009.
Town Square Conservation Area Management Plan July 2012.

7. APPRAISAL

- 7.1 When considering applications of this type, local planning authorities are entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remain relevant, so that the only issue for consideration in the determination of this application is how the variation of the condition referred to above would impact on the approved scheme and whether any additional conditions are warranted.
- 7.2 The main issues for consideration of this application are, therefore, the acceptability of the changes to the scheme in respect of the visual impact on the conservation area.

7.2 Visual impact on the conservation area

- 7.2.1 In terms of design, Paragraph 127 of the National Planning Policy Framework (NPPF) 2019 stipulates that planning decisions should ensure development functions well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fail to make available opportunities available for improving the character and quality of an area and the way it functions”.
- 7.2.2 Turning to the impact on the setting of the Town Square Conservation Area along with the Grade II listed clock tower with associated pool and Joy Ride statue, paragraphs 193 to 196 of the NPPF have to be considered in the determination of this planning application. This is because, as established through case law, if there is any harm to these heritage assets, great weight has to be given as to the impact the development may have on these assets. Dealing with Paragraph 193, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.2.3 Paragraph 194 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification which includes grade II listed buildings. Paragraph 195 sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In reference to paragraph 196 of the NPPF (2019), this sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.2.4 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. Policy NH10 of the same document states that development proposals affecting a conservation area should have regard to the relevant Conservation Area Management Plan SPD.
- 7.2.5 The Conservation Area Management Plan SPD (2012) identifies that the Town Centre was planned as the first pedestrianised town centre with distinctive and architectural built form. The square itself is framed with low rise three-storey buildings arranged in a block form of rectilinear plots with continual retail frontages. The town square is identified as being relatively unaltered whilst existing public art and flat topped canopies being retained which provide the area with local distinctiveness. In addition, many of the buildings retain their original pre-cast panels and metal casement windows.
- 7.2.6 As set out in paragraph 3.2 of this report, the proposed amendment to the approved scheme seeks the introduction of a new roof lantern/lift overrun above the existing head clearance which will allow the lifts to be able to operate. The proposed roof lantern would measure approximately 4.72m in length, span 6.76m in width with a height of approximately

1.99m. It would be constructed of metal cladding and double glazed aluminium/composite windows. The lantern itself has been positioned as far to the rear of the Town Square elevation as possible in order to reduce its impact from long views of the building. The materials and detailing of the lantern, whilst differentiating from the Town Square building is simple in its design and sits comfortably against the characteristics of the building.

- 7.2.7 Given the aforementioned, the Council's Conservation Advisor considers the impact of the proposal in terms of the significance of the conservation area, would be limited. As such, whilst the change in the roof form would be visible, this must be balanced by the improved access to the upper levels of the building, including persons who are disabled, and the potential uses that this development would enable. In addition, the overall regeneration benefits of the development as whole which brings in new activities in uses to the town centre buildings provides an obvious positive contribution to the character of the town square conservation area. Consequently, the overall benefits of the development would outweigh the limited harm it would have on the conservation area and the setting of the listed buildings.

8. CONCLUSIONS

- 8.1 In summary, it is considered that the proposed amendment to the approved scheme would have an acceptable impact on the character and appearance of the Town Square Conservation Area within which the site lies.
- 8.2 Given the above, the proposed development accords with the Policies contained within the adopted Local Plan (2019), the Council's Supplementary Planning Documents, the NPPF (2019) and NPPG (2014).

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions:-
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
- AA7916-2102A; AA7916-2013A; AA7916-2015A; AA7916-2101A; AA7916-2200C; AA7916-2201C; AA7916-2202B; AA7916-2203B; AA7916-2205B; AA7916-2206B; AA7916-2001' AA7916-2000; AA7916-2002; AA7916-2100A.
- REASON:-** For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby permitted shall be begun before 4 April 2022.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 Prior to the undertaking of external concrete cladding works to the application building and the installation of the lift overrun, samples of the materials to be used to replace the concrete cladding of the development and the lift overrun hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON:- To ensure the finished appearance of the development enhances the character and appearance of the building as well as preserve and enhance the character and appearance of the Town Centre Conservation Area.
- 4 Prior to the undertaking of external fenestration works to the application building, drawn details of the replacement fenestration showing the detail and proportions of glazing bars

compared to existing fenestration for the front elevations to Danestrete, Town Square and Queensway shall be submitted to and approved in writing but the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON:- To ensure the finished appearance of the development enhances the character and appearance of the building as well as preserve and enhance the character and appearance of the Town Centre Conservation Area.

- 5 Prior to the first occupation of a Class A3 (Restaurants and Cafes) as detailed in the submitted application, a scheme for the installation of equipment to control the emissions of fumes and smell from these premises shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first use of the premises as Class A3 (Restaurants and Cafes). All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

REASON:- In order to protect the amenities of the occupiers of adjoining properties.

- 6 Before any plant and/or machinery is installed on the premises as detailed in the application submission, details of the acoustic louvered screen shall be submitted to and approved in writing by the Local Planning Authority. The acoustic screen shall be installed in accordance with the approved details prior to the first operation of the plant and/or machinery.

REASON:- In order to protect the amenities of nearby premises.

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

REASON:- In order to safeguard the amenities of the occupiers of neighbouring properties.

- 8 Prior to the occupation the building, details of measures to address adaptation to climate change shall be submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.

REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.

- 9 Prior to the occupation of the building, details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be erected in accordance with the approved details.

REASON:- To encourage a modal shift to more sustainable forms of transport and to ensure the development accords with the Council's adopted Parking Standards.

Pro-active Statement

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

10. BACKGROUND DOCUMENTS

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

2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012.
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.