

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

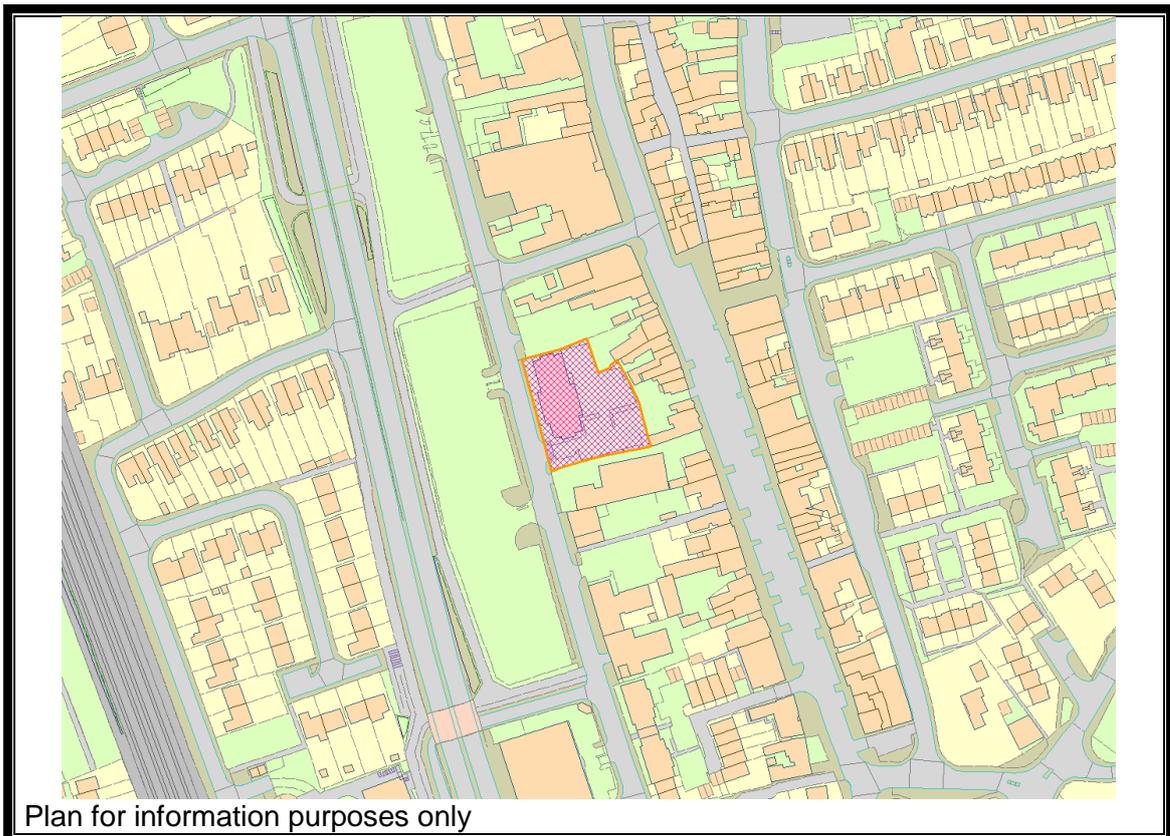
**Date:** 04 October 2022

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Application No:	22/00377/FPM
Location:	Stewart House, Primett Road, Stevenage
Proposal:	Erection of one and two-storey extensions with accommodation in the roof, installation of new windows, balconies, lightwells, dormer windows and ancillary works to convert the existing office building (Use Class E) to 21 no. residential units comprising 11 no. 1 bedroom and 10 no. two bedroom flats.
Drawing Nos.:	5712-3B; 5712-4H; 5712-5D; 5712-6; 5712-7;5712-8;
Applicant:	Mr Robert Stewart
Date Valid:	29 July 2022
Recommendation:	GRANT PLANNING PERMISSION



## 1.0 SITE DESCRIPTION

- 1.1 The site comprises a detached office building on the eastern side of Primett Road with two principal storeys and accommodation in the roof space. Access to the site is from Primett Road, leading to a pedestrian entrance in the southern flank of the building and to a gated car park at the rear. The site is located within the Old Town High Street Conservation Area and Accessibility Zones 1 and 2 for residential and non-residential parking respectively. In terms of environmental constraints, it is located in Flood Zone 1 (lowest risk).
- 1.2 Land uses surrounding the site are mixed, with a combination of offices and flats fronting Primett Road and array of typical town centre uses fronting the High Street to the east.

## 2.0 RELEVANT PLANNING HISTORY

- 2.1 22/00373/CPA - Prior approval for the change of use of office building to no 16 residential dwellings. Refused 21/06/2022.
- 2.2 22/00699/CPA - Prior approval for the change of use of office building (Use Class E(g)(i)) to no. 16 residential dwellings. Granted 12/09/2022.
- 2.3 22/00376/FP - External works to accompany prior approval reference number 22/00699/CPA to convert existing building to 16 no. residential flats which comprises erection of waste/cycle store and installation of balconies, light wells to lobbies, windows and dormer windows. Pending.

## 3.0 THE CURRENT APPLICATION

- 3.1 The application seeks full planning permission for the extension and alteration of the building to facilitate a change of use from offices (Use Class E(g)(i)) to 21no. flats.
- 3.2 The extensions and alterations would involve:
- A single storey rear extension, with accommodation in the roof space, measuring approximately 9m x 9m x 8.5m (w x d x h);
  - A single storey rear extension, to serve as cycle storage, measuring 6.2m x 2.2m x 2.8m (w x d x h);
  - A two storey side extension, with accommodation in the roof space, measuring 11.5m x 12.5m x 12m (w x d x h);
  - The erection of 6no. dormer windows (three each to the front and rear roof slopes);
  - The insertion of new and replacement windows to the front, rear and north side elevations; and,
  - The provision of balconies at first and second floor to the front and rear of the building.
- 3.3 Below is a schedule of the proposed accommodation.

Unit	Floor	Occupancy	Internal Area	External Area
1	GF	1b / 2p	50.7 m <sup>2</sup>	-
2	GF	1b / 2p	50.8 m <sup>2</sup>	-
3	GF	1b / 2p	50.0 m <sup>2</sup>	-
4	GF	1b / 1p	42.2 m <sup>2</sup>	-
5	GF	2b / 3p	70.2 m <sup>2</sup>	-
6	GF	2b / 3p	67.9 m <sup>2</sup>	-
7	GF	1b / 2p	50.5 m <sup>2</sup>	-
8	1	2b / 3p	61.2 m <sup>2</sup>	11.5 m <sup>2</sup>
9	1	2b / 3p	61.2 m <sup>2</sup>	11.5 m <sup>2</sup>

10	1	1b / 2p	50.7 m <sup>2</sup>	12.3 m <sup>2</sup>
11	1	1b / 2p	50.8 m <sup>2</sup>	5.5 m <sup>2</sup>
12	1	1b / 2p	50.0 m <sup>2</sup>	13.8 m <sup>2</sup>
13	1	1b / 1p	42.2 m <sup>2</sup>	-
14	1	2b / 3p	70.2	4.5 m <sup>2</sup>
15	1	2b / 3p	67.9	5.5 m <sup>2</sup>
16	1	2b / 3p	66.9	5.5 m <sup>2</sup>
17	2	2b / 4p	89.1	19.4 m <sup>2</sup>
18	2	2b / 4p	98.7	11.0 m <sup>2</sup>
19	2	2b / 4p	101.1	11.0 m <sup>2</sup>
20	2	1b / 2p	53.4	5.4 m <sup>2</sup>
21	2	1b / 2p	52.8	3.7 m <sup>2</sup>

3.4 This application comes before the Planning and Development Committee because it is a major residential scheme.

## 4.0 PUBLIC REPRESENTATIONS

4.1 The application has been publicised by neighbour letters, the posting of a site notice, and an advertisement in the local newspaper.

4.2 At the time of drafting this report, no representations were received. However, any representations which are received following publication of this report will be reported to the Planning and Development Committee accordingly.

## 5.0 CONSULTATIONS

5.1 Consultation responses are summarised below. Full copies of the responses can be found on the Council's website.

### 5.2 Thames Water

5.2.1 No objection, subject to an informative relating to groundwater discharges.

### 5.3 Affinity Water

5.3.1 No response received. Any comments received will be published as an update and reported verbally to the Committee.

### 5.4 NHS East and North Herts CCG

5.4.1 There is no request for S106 for Health (Primary Care GP, Acute, Mental Health or Community Health) in respect of this application.

### 5.5 Hertfordshire Constabulary Crime Prevention Design Service

5.5.1 The main entrance, which is located in the undercroft access to the car park, should have two sets of doors, to form an airlock system. Given this concern, CPDS cannot fully support the application.

5.5.2 The developer should also be encouraged to meet Secured by Design standards.

### 5.6 HCC Highways

5.6.1 No response received. Any comments received will be published as an update and reported verbally to the Committee.

## **5.7 HCC Growth and Infrastructure**

5.7.1 No response received. Any comments received will be published as an update and reported verbally to the Committee.

## **5.8 HCC Waste and Minerals Unit**

5.8.1 No response received. Any comments received will be published as an update and reported verbally to the Committee.

## **5.9 BEAMS (Heritage Consultant)**

5.9.1 The proposed side extension would be visible in views from the Old Town High Street. This would result in less than substantial harm to the significance of the Old Town High Street Conservation Area, towards the lower end of that scale.

5.9.2 The proposed dark frames for the windows are welcomed. A condition to secure the precise material and colour is advised.

## **5.10 SBC Planning Policy**

5.10.1 The proposed development would be welcomed, as it would deliver 21 new homes in a highly sustainable location. The proposed design would be sufficient to update and soften the building for residential use. The applicant should consider reducing parking provision to discourage car use and create more space for biodiverse landscaping and retrofit the building to a higher standard of sustainability.

# **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 (adopted 2019)
- 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:

<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-position-statement-august-2021.pdf>

- 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 (2021) which has the same status as the PPG.

### **6.4 Stevenage Borough Local Plan**

SP1 Presumption in Favour of Sustainable Development  
SP2 Sustainable Development in Stevenage  
SP5 Infrastructure  
SP6 Sustainable Transport  
SP7 High Quality Homes  
SP8 Good Design  
SP9 Healthy Communities  
SP11 Climate Change, Flooding and Pollution  
SP12 Green Infrastructure and the Natural Environment  
SP13 The Historic Environment  
EC7 Employment Development on Unallocated Sites  
IT4 Transport Assessments and Travel Plans  
IT5 Parking and Access  
IT6 Sustainable Transport  
HO5 Windfall Sites  
HO7 Affordable Housing Targets

HO9 Housing Types and Sizes  
HO11 Accessible and Adaptable Housing  
GD1 High Quality Design  
FP1 Climate Change  
FP2 Flood Risk in Flood Zone 1  
FP5 Contaminated Land  
FP7 Pollution  
FP8 Pollution Sensitive Uses  
NH9 Areas of Archaeological Significance  
NH10 Conservation Areas

## **6.5 Supplementary Planning Documents**

Parking Provision and Sustainable Transport SPD (2020)  
Developer Contributions SPD (2021)  
The impact of Development on Biodiversity SPD (2020)  
Old Town High Street Conservation Area Management Plan (2012)  
Design Guide SPD (2009)

## **6.6 Community Infrastructure Levy (CIL)**

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. The proposal would be liable for CIL, charged at a rate of £100/m<sup>2</sup>.

# **7 APPRAISAL**

7.1.1 The main issues for consideration in this case are: its acceptability in land use policy terms; affordable housing; the mix of dwelling sizes; the standard of the proposed accommodation; the impact on heritage assets; design and other visual considerations; the impact on the amenities of neighbouring landowners; and the impact on highway safety 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 Land Use Policy Considerations**

### Assessment against the Council's housing policies

7.2.1 The application proposes housing, which would be provided at the expense of existing office space, on a site not allocated in the Local Plan for any specific purpose i.e. a windfall site. Given that the site is accessible and the building on it is of a relatively modern construction, the quality of the office space it provides is assumed to be good. The building has however been vacant since January of this year, following the departure of The Follett Office Ltd to premises on London Road.

7.2.2 Paragraph 119 of the NPPF 2021 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 120 goes on to say that they should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

7.2.3 Paragraph 123 states that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a

specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in the Framework.

7.2.4 Policy SP7 of the Local Plan 2019 sets out the strategic objective of providing at least 7,600 new homes within Stevenage Borough between 2011 and 2031. Some of these homes are expected to be delivered on windfall sites i.e. sites that are not specifically allocated for housing within the Plan.

7.2.5 Policy HO5 sets out the criteria for housing development on windfall sites. It states that planning permission will be granted where:

- a) The site is on previously developed land or is a small, underused urban site;
- b) There is good access to local facilities;
- c) There will be no detrimental impact on the environment and the surrounding properties;
- d) Proposals will not prejudice our ability to deliver residential development on allocated sites; and,
- e) The proposed development would not overburden existing infrastructure.

7.2.6 With the above in mind, it can be said that the site is on previously developed land as defined in Annex 2 to the NPPF. It also benefits from good access to local facilities, being in close proximity to the High Street, which is the historic economic centre of Stevenage. The proposal would not prejudice the delivery of residential development on allocated sites, given the scale of the proposal and the fact that there are no allocated housing sites in the immediate vicinity. It would also not overburden existing infrastructure, given that it would be CIL liable and the purpose of the CIL payment is to mitigate infrastructure impacts.

7.2.7 Surrounding properties may be impacted by the development but these impacts would arise from the design of the development rather than being an inevitable consequence of the use of the land for residential purposes. The use of land surrounding the site is mixed, including a significant proportion of existing housing. Therefore, strictly from a land use perspective, it is considered that developing the site for housing would not have a detrimental impact on the environment or surrounding properties. The specific impacts on surrounding properties that arise from the design of the development are considered later in this report.

7.2.8 Having regard to the above, the proposal is considered to accord with Policy HO5 of the Local Plan 2019, insofar as it relates to the use of land for housing. It is also considered to accord with Policy SP7 because it would contribute to meeting the housing targets set by the policy.

7.2.9 Policy HO9 of the Local Plan 2019 states that Planning permission for residential schemes will be granted where:

- a. An appropriate range of market and affordable housing types and sizes are provided taking into account:
  - i. Structural imbalances in the existing housing stock;
  - ii. The housing needs of the Borough, as informed by up-to-date and relevant evidence;
  - iii. The location and accessibility of the application site; and
  - iv. Recent completions, existing permissions and sites in the five-year land supply;
- b. The resultant scheme would provide a density and character of development appropriate to its location and surroundings. Significantly higher densities should be achieved in easily accessible locations; and

- c. Aspirational homes are provided in appropriate locations including, but not necessarily limited to:
  - i. New neighbourhoods to the north, west and south-east of the town;
  - ii. Suitable suburban, edge-of-town sites;
  - iii. The town centre, Old Town and other highly accessible locations; and
  - iv. Other appropriate sites where aspirational homes would complement the prevailing character

7.2.10 The proposed development would provide a 11no. one-bed units and 10no. two-bedroom units. This is considered to be an appropriate range of sizes given the existing imbalance in the Borough's housing stock, which is weighted heavily towards dwellings with three or more bedrooms. It is also considered to be well-suited to the form and location of the development i.e. a flatted development on the periphery of the Old Town High Street Shopping Area.

7.2.11 Likewise, the density and character of the development is considered to be appropriate to the site's surroundings, which contains a number of other medium density housing developments, both flatted and otherwise. The site is considered to be relatively accessible and therefore able to sustain this type of development.

7.2.12 Having regard to the above, the proposal is considered to accord with Policy HO9 of the Local Plan 2019, which requires residential developments to provide a range of housing types and sizes to meet the Borough's needs.

#### Loss of employment

7.2.13 Turning away from the provision of housing and on to the loss of office space that it would entail, Policy EC7 of the Local Plan 2019 seeks to limit the change of use of unallocated employment land. It states that planning permission for the loss of employment land on sites not allocated for any specific purpose will be granted where:

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

7.2.14 The application is supported by a marketing statement authored by Davies & Co, a firm specialising in the letting of office premises along the A1(M) corridor in Hertfordshire. They state that the building has been privately marketed since 2019. This resulted in six viewings, which is said to be a good level of interest compared to other premises, even those that are openly marketed. However, none of the viewings resulted in any further discussions. The statement concludes that this is clear evidence of a very low level of interest in the building over a long period of time, including well before and after the main effects of the COVID-19 pandemic.

7.2.15 Officers are satisfied that the submitted statement is sufficient evidence that the application building has been unsuccessfully marketed over a considerable period of time. In addition, it has now been vacant for approximately eight months. Having regard to these considerations, the proposal is considered to be in accordance with Policy EC7 of the Local Plan 2019.

#### Other Matters

7.2.16 The planning history is also a material consideration and it is noted that the site benefits from prior approval for the change of use of the building to 16no. flats (application reference 22/00699/CPA). This approval is extant and is considered to be a realistic fallback position for the applicant. It is therefore highly material to the current application, since it effectively means

that the applicant already has permission for the loss of the office space and the introduction of housing as its replacement, albeit at a lower density than is now proposed and without requiring any extensions to the building.

7.2.17 With this in mind, it would be manifestly unreasonable to object to the loss of the office space on the site and its replacement with housing. In any event, the proposal is considered to accord with the relevant land use policies in the Local Plan. On this basis, the proposed development is considered to be acceptable in principle.

### **7.3 Affordable Housing and Section 106**

7.3.1 Policy HO7 of the Local Plan 2019 seeks to maximise the provision of affordable housing in residential developments. It requires 25% of the total number of units to be provided as affordable units for schemes on previously developed land.

7.3.2 The Policy goes on to state that where these targets are not met, planning permission will only be granted if:

- a. Developers robustly demonstrate that the target cannot be achieved due to site-specific constraints resulting in higher than normal costs, which affect its viability; or
- b. Meeting the requirements would demonstrably and significantly compromise other policy objectives.

7.3.3 Turning to affordable housing tenure, mix and design, Policy HO8 states that planning permission will be granted where those dwellings:

- a) Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
- b) Meets the requirements of Policy HO9 (House types and sizes);
- c) Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
- d) Will remain at an affordable price for future eligible households.

7.3.4 In addition to the above, paragraph 65 of the NPPF (2021) stipulates that for major developments involving the provision for housing, planning decisions should expect at least 10% of the total number of homes to be made available for affordable home ownership (this includes affordable housing for rent, starter homes, discounted market sales housing and other routes including shared ownership, equity loans and other low cost homes (at a cost to at least 20% below market value)). However, the 10% requirement is part of the overall affordable housing contribution for the site.

7.3.5 On the 24 May 2021, the Government announced its First Home policy through a Written Ministerial Statement (WMS) and accompanying changes to the Planning Practice Guidance (PPG). As a result, these changes came into effect on the 28 June 2021. First Homes are designed to support local first time buyers onto the property ladder, by offering homes at a discount to the market price. The discount will apply to the homes- in perpetuity, meaning that generations of new buyers and the local community will continue to benefit every time the property is sold.

7.3.6 First Homes are a specific kind of discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,

d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

7.3.7 First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.

7.3.8 Taking the above requirements into consideration, the proposed development would not provide any affordable housing. The developer has not demonstrated that the target cannot be achieved due to viability constraints, nor is it considered that meeting the requirements would significantly and demonstrably compromise other policy objectives. The proposal is therefore considered to be contrary to Policy HO7 of the Local Plan 2019.

7.3.9 However, the planning history of the site is considered to be highly material to this issue, since there is an extant approval to deliver 16no. units on the site, none of which would be affordable. Given that the current proposal would result in only five additional units versus this extant approval and an application for five units would not ordinarily trigger a requirement for affordable housing, it is considered that it would be unreasonable to object to the current proposal on the basis of a lack of affordable housing.

7.3.10 In terms of other obligations, no financial contributions towards education or healthcare are sought for the scheme. However, in accordance with the Developer Contributions SPD, an employment and apprenticeship strategy is sought, with the following terms:

- to attempt to employ Stevenage residents in 5% to 10% of on-site construction jobs and to pay a one-off sum of £4,000 per job shortfall; and,
- to 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) and to pay of one-off sum of £2,250/£1,250 per placement.

7.3.11 In terms of monitoring, the Council's Developer Contributions SPD sets out that the Council will seek a monitoring fee of 2.5% of the value of the contributions being monitored. The fee would be capped at £25,000.00. The monitoring fee itself would be secured as part of any S.106 legal agreement.

7.3.12 It is recommended that any resolution to grant planning permission be subject to the completion of a S106 agreement to secure this.

## **7.4 Standard of Accommodation**

7.4.1 Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Accordingly, Policy GD1 of the Local Plan requires new residential developments to meet the nationally described space standard and to provide for the amenities of future occupants. Policy FP8 of the Local Plan states that planning permission for pollution sensitive uses, such as dwellings, will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing or proposed pollution generating uses.

7.4.2 A schedule of the proposed accommodation is set out at paragraph 3.3. The proposed flats would in all cases meet and in some cases greatly exceed the requirements of the technical housing standards.

7.4.3 Beyond space standards, the proposed development is considered to be of an acceptable quality in terms of the living conditions of future occupants. Occupants of the ground floor would experience some limits on privacy given the proximity of windows to on Primett Road to the front and to the car park to the rear of the building. However, this is not considered to be

materially worse than the extant prior approval scheme. Furthermore, prospective occupants would be able to exercise a degree of choice over whether this is acceptable.

- 7.4.4 The potential for overlooking from the balcony of Flat 15 into the bedrooms of Flat 14 is also noted. It is recommended that a privacy screen be secured by condition to prevent these views.
- 7.4.5 Occupants of the upper floors would otherwise enjoy a reasonable degree of privacy due to the orientation of the building and positioning of the windows, noting that the medium density form of surrounding development does afford a degree of mutual overlooking between neighbours.
- 7.4.6 In terms of natural light, only five of the proposed flats would be dual aspect. However, all would benefit from large windows and none would be north facing. On this basis, it is considered that all of the flats would benefit from a reasonable amount of natural light.
- 7.4.7 In terms of noise, the applicant has submitted an acoustic assessment that recognises a number of nearby noise sources, including traffic on the A602 and plant associated with the food outlets fronting the High Street. The report recommends a system of improved performance glazing for flat 10 and repurposing the existing air conditioning system for residential use.
- 7.4.8 However, the report also identifies that the proposed balconies would suffer from high levels of noise from nearby pubs in the evenings, when ambient noise levels are lower. No measures are proposed to mitigate this, since it would involve enclosing the balconies. The Council's Environmental Health Department have yet to comment on the proposal and their comments will be reported verbally to the committee.
- 7.4.5 Turning to outdoor amenity space, Chapter 5.3 of the Design Guide SPD states that all dwellings, including flats, should have private open space. The only exception to this is where flats are developed in very central locations, where public open space is easily accessible and higher densities are required. In flatted developments, where private open space is required, the Council will normally aim to achieve a minimum useable communal area of 50 square metres for schemes up to 5 units, plus an additional 10 square metres per additional unit over 5.
- 7.4.6 The current proposal would not provide any communal space. The majority of the proposed flats would be provided with private balconies but in total this would not amount to the amount of space sought by the SPD. Although this is regrettable, it is considered to be appropriate given the relatively central location of the site and its physical constraints (with much of the site already covered by the existing building and parking). It is also relevant that the extant prior approval scheme would provide 16 units without any outdoor space, communal or otherwise. Furthermore, alternative public amenity space is located in close proximity to the site, with the King George Playing Fields and the Millennium Garden both within a ten minute walk.
- 7.4.7 Turning to Policy HO11, this requires that for Major Developments, there will be a requirement to provide at least 50% of all new units to be accessible and adaptable dwellings. To this end, there should be at least 11.
- 7.4.8 Details of accessible units have not been provided. However, the development would be served by a lift, which would allow fully accessible units across all floors. It is recommended that the required number of accessible units be secured by condition.
- 7.4.9 Having regard to the above, it is considered that the proposed development would offer an acceptable standard of accommodation, subject to further consideration of the noise impacts on the proposed balconies. Aside from this, the proposal is considered to accord with Policies

GD1 and FP8 of the Local Plan 2019 insofar as these policies relate to quality of accommodation.

## **7.5 Heritage Assets**

- 7.5.1 The site is located within the Old Town High Street Conservation Area. It does not contain any listed buildings but is located in close proximity to 94-98 High Street, which is a Grade II\* listed building.
- 7.5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant permission for development which affects a listed building or its setting, special regard should be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.5.3 Section 72 of the same Act states that in exercising any functions under the Planning Acts with respect to buildings or other land in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character and appearance of that area.
- 7.5.4 Paragraphs 199 to 201 of the NPPF 2021 set out national policy for considering potential impacts on heritage assets, stating that great weight should be given to the conservation of designated heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm. Both the nearby listed building and the Old Town High Street Conservation Area are designated heritage assets.
- 7.5.5 Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.5.6 Paragraph 202 states 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.
- 7.5.7 Policy NH10 of the Local Plan states that development proposals affecting a conservation area should have regard to the relevant conservation area management plan SPD.
- 7.5.8 The significance of the Old Town High Street Conservation Area is as the economic centre of a settlement that grew around the Great North Road from the medieval period onwards. The presence of a significant number of listed buildings ensures that the zone around the application site maintains its historic character.
- 7.5.9 The significance of the listed building is as a well-preserved hall plan house, dating from the 16<sup>th</sup> century or possibly earlier.
- 7.5.10 Primett Road has a distinctly contemporary character, especially when compared with the more historic frontage of the High Street. It is developed almost entirely with late 20<sup>th</sup> century buildings and the application building is typical of this. It is not of any particular architectural interest and is a fairly typical late 20<sup>th</sup> century low-rise office building.
- 7.5.11 A full description of the proposed works is set out at paragraph 3.2 of this report.
- 7.5.12 The residential use of the building and the changes to the elevations, consisting primarily of new and replacement windows, is considered acceptable in heritage terms. As per the advice of the Council's heritage consultant, a condition is recommended to secure the precise colour and material of the window frames, since these would be a key feature in the elevations.

- 7.5.13 The overall height of the building would not be altered by the development. However, the extension to the south (the side extension) would cause the building to appear more prominently in views from the High Street, through the gap between 98 and 102 High Street. This is not considered to result in any harm to the setting of the listed building.
- 7.5.14 However, it is considered to cause some harm to the character and appearance of the conservation area. This harm would be less than substantial and towards the lower end of that scale.
- 7.5.15 In accordance with Paragraph 202 of the NPPF, the identified less than substantial harm must be weighed against the public benefits of the scheme. These benefits primarily comprise the redevelopment of a brownfield site to provide additional housing, boosting housing delivery and contributing towards meeting the Council's housing targets. There would also be some economic benefits as a result of construction activity and modestly increasing housing density on the edge of the High Street Shopping Area.
- 7.6.16 Noting that the identified harm is towards the lower end of less than substantial, it is considered to be outweighed by the benefits listed above. This is considered further in the conclusion of this report.

## **7.6 Design and Other Visual Considerations**

- 7.6.1 Paragraph 127 of the NPPF 2021 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.
- 7.6.2 Paragraph 134 goes on to say that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- 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
  - 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 they fit in with the overall form and layout of their surroundings.
- 7.6.3 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 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.
- 7.6.4 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.

7.6.5 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.

7.6.6 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.

7.6.7 The Council's Design Guide SPD (2009) sets out that a high quality environment is essential for providing a good quality of life for residents. A well-designed and managed space not only provides a visually attractive environment, but can also help to ensure that a place is easy to move around and within, is safe and secure, and is useful for all members of the community.

7.6.8 A full description of the proposed works is set out at paragraph 3.2 of this report.

7.6.9 The proposed extensions and alterations would closely match the design of the existing building and in this sense would integrate well. Given the size of the existing building, they are considered to be of moderate scale and in preserving the existing ridge height, they would not cause the building to appear unduly prominent on Primett Road. Given that the building would continue to appear as a typical late 20<sup>th</sup> century building set amongst others dating from a similar period and of a similar scale, it is considered that the proposed development would have an acceptable impact on the character and appearance of Primett Road.

7.6.10 The impact on the High Street has been considered above, where it was concluded that the development would result in some harm to its character and appearance. The extent of this harm is considered to be relatively limited. Nonetheless, it represents a conflict with Policies SP8 and GD1 of the Local Plan and carries weight against the proposal.

## **7.7 Neighbouring Amenities**

7.7.1 Policy FP7 of the Local Plan 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. Policies GD1 and HO5 also require that developments do not have an adverse impact on neighbouring uses or the surrounding area.

- 7.7.2 In this case, the site is understood to be surrounded entirely by commercial premises. In any event, the building is and would remain well separated from neighbouring properties such that there would be no material impacts in terms of overbearing appearance, loss of natural light or loss of privacy. Similarly the level of noise generated by the development would be typical for a residential development, which is considered to be appropriate given the mixed use of the wider area.
- 7.7.3 The potential for future occupants of the development to affect the operation of nearby businesses by making noise complaints is recognised. Paragraph 187 of the NPPF is clear that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 7.7.4 Whilst noise levels within the proposed flats are likely to be acceptable, the same cannot be said of the proposed balconies. The applicant has considered mitigation in the submitted noise report but this has been discounted as it would mean enclosing the balconies, thereby defeating their primary purpose. Officers will update the committee verbally on this matter following receipt of comments from the Environmental Health Department.
- 7.7.11 Aside from this, it is considered that the proposed development would not have any undue adverse impacts on the amenities of neighbouring occupiers. In this respect, the proposal is considered to accord with Policy FP7 of the Local Plan 2019.

## **7.8 Parking**

### **7.8.1 Car Parking**

7.8.2 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020. According to these standards, 1 car parking space should be provided per one-bed flat, and 1.5 spaces should be provided per two-bed flat. For the current proposal, this results in a requirement for 26 car parking spaces.

7.8.3 However, the site is located within Residential Parking Accessibility Zone 1, which means the number of car parking spaces can be reduced to between 25% and 50% of the usual requirement. Applying this standard to the current proposal results in a total requirement for between 7 and 13 car parking spaces.

7.8.4 The application proposes 28 parking spaces. While this is above the suggested level, it is considered appropriate, noting the limited availability of on-street car parking on Primett Road and the existing provision of 42 spaces, all of which would be retained under the extant prior approval scheme.

### **7.8.5 Disabled Parking**

7.8.6 The Parking Provision and Sustainable Transport SPD requires 5% of all car parking spaces to be provided for disabled motorists. In this case, this would amount to two spaces.

7.8.7 No disabled spaces are shown on the submitted site plan. However, it is considered that the overall parking provision could be reduced to provide space for the necessary disabled spaces. Accordingly, a condition is recommended to secure a detailed parking plan including the provision of disabled parking spaces.

## 7.8.8 Electric Vehicle Charging Points

7.8.9 The Council is committed to supporting the transition to electric vehicles. Accordingly, development proposals are expected to adhere to the following principles:

- All new car parking should be designed to fulfil a Passive Electrical Vehicle Charging Point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases.
- The blend of access to charging points provided within new developments (i.e. public, restricted access, open access, shared) should be determined having regard to a travel plan.
- A minimum of 20% of new parking on a site should have access to an active EV charging point.
- A flexible approach to the requirement for speed of charging will be taken due to the pace of change of this technology. Ultra-fast charging points will become expected at short term, non-residential parking spaces as technology improves to make the use of electric vehicles more efficient.

7.8.10 The proposed development would provide all of the proposed car parking spaces with active charging points. This exceeds the requirements of the SPD and is a benefit to the scheme.

## 7.8.11 Motorcycle Parking

7.8.12 The Parking Provision and Sustainable Transport SPD requires applicants to allow for around 5% of the total stock of publicly accessible vehicle parking spaces to be for motorcycle use. The submitted site plan does not show any motorcycle parking. As with the disabled parking, it is recommended that this be secured by condition as part of a detailed parking plan which shows the two required spaces.

## 7.8.13 Visitor Parking

7.8.14 Visitor parking should be provided at a standard of 0.25 spaces per dwelling. This results in a requirement for the development to provide 6 visitor parking spaces.

7.8.15 Details of visitor parking are not shown on the submitted plans. It is recommended that the required number of spaces be secured by a detailed parking plan along with disabled spaces and motorcycle spaces.

## 7.8.16 Cycle Parking

7.8.17 The standard for cycle parking is for 1 space per one-bed unit and 2 spaces per two-bed unit. This amounts to a total requirement for 31 cycle parking spaces to serve the development.

7.8.18 The submitted plans show 17 cycle parking spaces located on the ground floor of the building adjacent to the rear car park. While this is below the required amount, it is considered that sufficient space existing within the site to make up the required numbers. It is recommended that this be secured by condition.

## 7.8.19 Overall

7.8.20 In its current form, the proposal does not accord with the requirements of the Parking Provision and Sustainable Transport SPD in terms of disabled car parking, motorcycle parking, and cycle parking. However, it is considered that this could readily be resolved through the imposition of suitable conditions. The proposal otherwise accords with the requirements of the SPD.

7.8.21 Therefore, subject to appropriate conditions, the proposal is considered to be in accordance with Policy IT5 of the Local Plan 2019, which requires development proposals to comply with the SPD.

## **7.9 Highway Safety**

7.9.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development would not have an adverse impact on highway safety.

7.9.2 The proposed development would retain the existing access leading off Primett Road. The local highway authority has not commented on the proposal but they are not considered to be a statutory consultee in this case, since the development would not result in a material change in the character or volume of traffic entering and leaving the site. If comments are received, they will be reported verbally to committee.

7.9.3 It should be noted that the traffic generated by the scheme is likely to be lower than the existing lawful use of the site as an office. It would therefore be likely to have less impact on the wider highway network.

7.9.3 Construction traffic is likely to require careful consideration given the scale of the development and the limited parking available on Primett Road. Consequently a condition is recommended to secure a construction transport management plan.

7.9.4 Having regard to these considerations, as well as the conclusions reached in the previous section regarding the level of car parking (and the consequent low likelihood of overspill car parking), it is considered that the proposed development would not have an adverse impact on highway safety. It follows that the proposal is in accordance with Policy IT4 of the Local Plan 2019.

## **7.10 Flood Risk and Drainage**

7.10.1 Policy FP2 of the Local Plan requires applications for major development in Flood Zone 1 to be accompanied by an appropriate flood risk assessment. Given that the site has an area of more than one hectare, a flood risk assessment is required in this case and one has been submitted.

7.10.2 The flood risk assessment must demonstrate, as a minimum:

- An estimate of how much surface water runoff the development will generate;
- Details of existing methods for managing surface water runoff, e.g. drainage to a sewer; and
- Plans for managing surface water and for making sure there is no increase in the volume of surface water and rate of surface water runoff.

7.10.3 Policy FP2 also requires that the use of SuDS is maximised on site so as not to increase flood risk and to reduce flood risk wherever possible.

7.10.4 The applicant has not submitted a drainage strategy in support of the application, nor any details of the existing drainage system. However, the application form does state that the development would seek to utilise the existing drainage system serving the vacant office building. It is recommended that details of this system be secured by the imposition of suitably worded conditions.

## **7.11 Impact on the environment**

### **Land Contamination**

- 7.11.1 Policy FP5 of the Local Plan requires development proposals to be supported by an appropriate preliminary risk assessment (PRA), demonstrating that any necessary remediation and subsequent development poses no risk to the population, environment or groundwater bodies.
- 7.11.2 The application site as it exists today is the result of development in the late 20<sup>th</sup> Century. It has been in use as an office since that date and since this is a not a use likely to have contaminated the land, the development is not considered to give rise to any significant risks as a result of contamination.
- 7.11.3 Having regard to the above, it is considered that the development would not have any unacceptable adverse impacts as a result of land contamination. The proposal is therefore considered to be in accordance with Policy FP5 of the Local Plan 2019. A condition is nonetheless recommended to secure remediation in the event that any unexpected contamination is found during the course of construction.
- 7.11.4 Light pollution
- In terms of light pollution, Policy FP7 of the Local Plan 2019 requires all development proposal should, where possible, minimise light pollution. Applications for development where pollution is suspected must contain sufficient information for the application to make a full assessment on impacts. Planning permission will be granted where it can be demonstrated that the development will not have unacceptable impacts on:
- a. the natural environment, general amenity and the tranquillity of the wider area which includes light pollution;
  - b. health and safety of the public; and
  - c. The compliance with statutory environmental quality standards.
- 7.11.5 The application does not provide details of external lighting. However, a condition is recommended to ensure that any external lighting installed at the site is angled so as not to result in any spillage beyond the site boundaries. Subject to this condition, it is considered that any external lighting would not cause nuisance to nearby residential occupiers or have any adverse impact on the wider environment.

## **7.12 Trees and Landscaping**

- 7.12.1 Paragraph 131 of the NPPF is clear 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 decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 7.12.2 Policy NH5 of the Local Plan states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate.
- 7.12.3 The existing site contains four semi-mature trees along its southern boundary, none of which are considered to make any particularly positive contribution to the character and appearance of the area (which is a conservation area). No landscaping details have been submitted with the application but according to the submitted site plan, five trees would be planted within the proposed car park.
- 7.12.4 Given the existing condition of the site and its physical constraints, the overall level of proposed landscaping is considered to be acceptable. However, it is recommended that full details of the

proposed soft landscaping be secured by condition to ensure that the proposed trees are of an appropriate species.

## 7.13 Climate Change

7.13.1 Policy FP1 of the Local Plan states that 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; and
- Using or producing renewable or low carbon energy from a local source.

7.13.2 The application is not supported by an energy strategy and no specific measures have been put forward in terms of adaptation to climate change. It is therefore recommended that a condition be imposed on any grant of permission to secure details of sustainability measures for the scheme.

7.13.3 Subject to the above condition, the proposal is considered to accord with Policy FP1 of the Local Plan 2019.

## 7.14 Crime Prevention

7.14.1 Policy GD1 of the Local Plan requires developments to create safe environments that design out crime. Hertfordshire Constabulary's Crime Prevention Design Officer was consulted on the application and raised concerns regarding the main entrance. As a result, the Officer was unable to fully support the application.

7.14.2 In accordance with the Officer's recommendation, the applicant is strongly encouraged to seek Secured by Design accreditation by way of an informative to this effect.

7.14.3 It is also recommended that some defensive space be achieved for the ground floor flats by way of hard and soft landscaping. This would be secured through a landscaping scheme condition.

## 7.15 Developer Obligations and CIL

7.15.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule on 1 April 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development, in line with the rates shown in the table below.

Development Type	CIL Rate (£ per square metre)	
	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>
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7.15.2 The proposed development would be liable for CIL, which would be chargeable at a rate of £100/m<sup>2</sup>.

7.15.3 The development would not give rise to any requirement for bespoke obligations.

## **7.16 Biodiversity**

7.16.1 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites 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 or alterations to buildings

7.16.2 In this case, the application site, which is a brownfield site, is almost entirely developed, with only small areas of mixed hedging and four semi-mature trees. The site therefore offers very limited habitat for species of ecological importance. Furthermore, it is not within close proximity to any statutory or non-statutory designated conservation sites.

7.16.3 In light of the above, the proposal is considered to fall within exemption (iv) above and it is not necessary to demonstrate a measurable net gain in biodiversity in this instance.

## **7.17 Other Matters**

### Air Quality

7.17.1 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, the development is not located within or in close proximity to an Air Quality Management Area (AQMA). Therefore it was not necessary for the application to be supported by an air quality assessment. It is noted that there would be activities which will affect local air quality during demolition of the existing building and construction of the development. These include dust emissions and exhaust emissions from plant, machinery and construction traffic.

7.17.2 In order to mitigate the construction phase, details of control of dust emissions shall be approved as part of the Construction Management Plan (CMP) to be secured by condition.

### Fire Safety

7.17.3 Fire safety is a material consideration. However, the application does not trigger any requirement for a fire safety statement.

## Human Rights and Equalities

- 7.17.5 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.
- 7.17.6 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers
- 7.17.7 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.
- 7.17.8 The proposal would not provide any disabled parking but it is considered that this could be remedied by the imposition of suitable conditions. It would also provide level access and be served by a lift, allowing for the provision of accessible units on all floors. A condition is recommended to secure 50% of the units as accessible and adaptable. Aside from this, it is considered that the proposed development would not impact persons with any of the protected characteristics listed under the Equalities Act.

## Waste and Recycling

- 7.17.9 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste from a site. The submitted plans indicate that there is sufficient provision for general waste and recycling for this site, showing bin stores on the southern side of the vehicular access. In addition, the bin stores are located within acceptable drag distances for future occupiers as well as refuse collectors. A condition is recommended to secure full details of the proposed bin stores and ensure the stores are provided prior to first occupation of the development.

## **8 CONCLUSIONS**

- 8.1 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.
- 8.2 The proposed development would provide 21 dwellings, making a modest contribution to the aim of boosting housing supply through the redevelopment of sustainable brownfield sites. This is a benefit which attracts significant weight in favour of the proposal.
- 8.3 The development would also benefit the local economy by providing construction jobs and increasing population density on the edge of the High Street Shopping Area. These benefits are considered to be relatively modest and accordingly, they attract moderate weight in favour of the proposal.

- 8.4 The dwellings would be provided at the expense of the existing office use of the site but the applicant has demonstrated that the site has been unsuccessfully marketed for office use. Furthermore, it has now been vacant for a considerable period of time.
- 8.5 However, the development would not provide any affordable housing, which is required for major residential schemes. The proposal is therefore contrary to Policy HO7 of the Local Plan.
- 8.6 Ordinarily, these policy conflicts would carry significant weight against the proposal. However, in light of the extant prior approval for the site which would, if implemented, result in the introduction of 16 dwellings with no affordable housing, it is considered that only very limited weight should be attributed.
- 8.7 The proposal would also result in some harm to the character and appearance of the area, in particular the High Street, which is designated as the Old Town High Street Conservation Area. The extent of this harm would be limited but it nonetheless represents a conflict with Policies SP8 and GD1 of the Local Plan. This carries moderate weight against the proposal.
- 8.8 The harm to the character and appearance of the Old Town High Street Conservation Area would amount to less than substantial harm to the significance of this designated heritage asset, towards the lower end of that scale. This harm must be weighed against the public benefits of the scheme.
- 8.6 In terms of the mix of dwelling sizes, the standard of the proposed accommodation, the impact on the living conditions of neighbouring occupiers, and the impacts on parking and highway safety, the proposed development is considered to be acceptable. These are neutral matters.
- 8.7 Having regard to the above, the significant benefits of delivering 21 dwellings are considered to outweigh the less than substantial harm to the conservation area, the moderate harm to the character and appearance of the area, and the very limited adverse impacts relating to affordable housing. The proposal is therefore considered to be in accordance with the development plan when read as a whole and in the absence of any other material considerations indicating that permission should be refused, it is recommended that the application be approved.

## **9 RECOMMENDATION**

- 9.1 That planning permission be GRANTED subject to the following conditions and the transfer of the signed S106 legal agreement which has secured and/or provides:
- Employment and Apprenticeship Opportunities
- 9.2 With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the obligation detailed above (including triggers where appropriate) as part of the Section 106 Agreement in order to mitigate the developments impact on infrastructure as well as secure the planning benefits which this scheme seeks to deliver. In addition, 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.

### **Conditions**

#### General

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 5712-3B; 5712-4H; 5712-5D; 5712-6; 5712-7;5712-8.

**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. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Mondays to Fridays, 08:00 hours to 13.00 hours on Saturdays and shall not operate on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.

**REASON:-** To ensure the demolition of the existing buildings and the construction and maintenance of the development does not prejudice the amenities of occupiers of nearby premises due to noise pollution.

4. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries 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.

5. 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.

6. At least 50% of the residential units shall be Category 2: Accessible and Adaptable dwellings.

**REASON:-** To ensure the development will meet the increase in demand for accessible and adaptable units for elderly and disabled residents in accordance with Policy HO11 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019).

7. The noise mitigation measures as detailed in the Noise Impact Assessment prepared by [ ] shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To ensure there is an acceptable living environment for future occupiers and neighbouring residential properties.

## 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 (excluding demolition and site clearance) until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 1) Detailed infiltration tests conducted to BRE Digest 365 standards and geotechnical investigations to confirm the feasibility of discharge via infiltration and groundwater levels on site.
  - 2) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
  - 3) Final post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change event with half drain down times.
  - 4) Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.
  - 5) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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 details of refuse stores have been submitted to and approved in writing by the Local Planning Authority. The approved refuse stores shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

**REASON:-** To ensure the proper disposal of waste for the lifetime of the development

12. No development shall take place above slab level until a detailed scheme for car parking, disabled parking, motorcycle parking, cycle parking, and electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to beneficial occupation of the development and permanently retained as such thereafter.

**REASON:-** To ensure adequate provision of parking facilities within in the development and to promote sustainable modes of transport.

13. No development shall take place above slab level until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in the first planting and seeding season following completion of the development and any trees or shrubs which die or become damaged within five years of that date shall be replaced to the satisfaction of the Local Planning Authority.

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

Prior to Occupation/Completion

14. Upon completion of the drainage works for the site and in accordance with the timing/phasing arrangement, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of a complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

**REASON:-** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

**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.

4. The developer is strongly encourage to achieve Secured by Design (SBD) accreditation for the development. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227

5. 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).

## 6. 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).

### **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. The Stevenage Local Plan 2011-2031.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); The impact of Development on Biodiversity SPD (2020); Design Guide SPD (2009).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework July 2021 and the National Planning Practice Guidance.
7. Responses to consultations with statutory undertakers and other interested parties referred to in this report.