

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

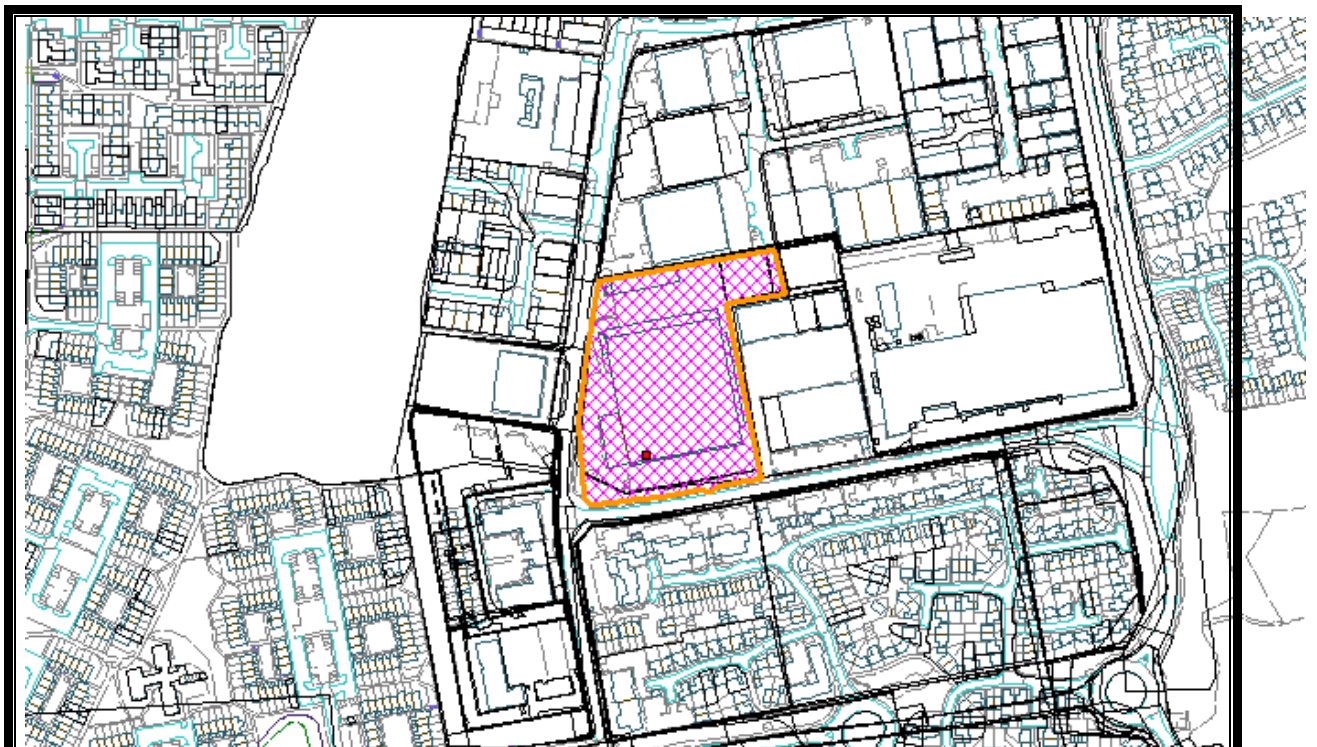
Date: 25 May 2023

Author: Ailsa Davis 07702 874529

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Ailsa Davis 07702 874529

Application No :	22/00245/FPM
Location :	Albany House, Cartwright Road, Stevenage
Proposal :	Demolition of the existing building and construction of a new food store, petrol filling station, commercial unit, together with associated car parking, servicing and landscaping
Drawing Nos.:	PL_01B; PL_02B; PL_03E; PL_04D; PL_05D; PL_06E; PL_07C; PL_08C; PL_09D; PL_10D; PL_11C; PL_12A; T656_03C; T656_02A; 2124-21-03 REV P8; 20-3631_E63-EX01; 2124-21-02; T656_06; 9602-WML-00-XX-CA-C-0001 P02; 9602-WML-ZZ-XX-DR-C-0801 P02; 9602-WML-ZZ-XX-DR-C-0802 P02; 9602-WML-ZZ-XX-DR-C-0805 P05; 9602-WML-ZZ-XX-DR-C-0825 P03; 9602-WML-ZZ-XX-RP-C-9001 P02; 9602-WML-ZZ-XX-RP-C-9002 P03; 9602-WML-ZZ-XX-DR-C-0805 P06; 9602-WML-ZZ-XX-DR-C-0825 P04; 9602-WML-ZZ-XX-RP-C-9002 P04
Applicant :	WM Morrison Supermarkets Ltd
Date Valid:	23 March 2022
Recommendation :	GRANT PLANNING PERMISSION



Plan for illustration purposes only

1. SITE DESCRIPTION

- 1.1 The application site forms part of the Pin Green Industrial Estate located in the north-east of Stevenage, which is the second largest employment area in the town. It has relatively low density comprising a mix of small/medium sized warehousing, light industrial and some offices. The majority of these uses now fall within Class E of the Town and Country Planning (Use Classes) (Amendment) Regulations 2020 covering business, commercial and service uses. The site is positioned in an 'out-of-centre' location based on the policy direction in the NPPF. It comprises a broadly square parcel of land measuring 1.9 hectares in area and is surrounded by a 'horseshoe' of industrial and commercial units to the north, west and east, and an extensive residential area to the south.
- 1.2 The topography of the site is level and is dominated by the main warehouse and annexed two-storey office building. The remainder of the site comprises a mix of hardstanding for car parking, servicing and storage. The site is designated within the Local Plan (2019) as falling within the Pin Green Employment Area, however, has no other specific allocations and/or designations. It is not located within nor adjacent to a Conservation Area, it neither contains any statutory/locally Listed buildings nor are there any immediately adjacent. The Environment Agency's Flood Map indicates it falls within Flood Zone 1 (low probability of fluvial flooding).

2. RELEVANT PLANNING HISTORY

- 2.1 No planning history.

3. THE CURRENT APPLICATION

- 3.1 Bond International has occupied the application site for approximately twenty years but, with the passage of time, the overall condition and performance of the building and infrastructure have significantly deteriorated. The existing building is outdated, inefficient and unsuitable to support the current and future operational needs of the company. Therefore, the company has recently relocated to new premises elsewhere in Hertfordshire. The closure has led to a loss of approximately 80 jobs and the application site is now vacant.
- 3.2 This application is seeking full planning permission for the demolition of the existing building and construction of a new food store, petrol filling station and commercial unit on the site, together with associated car parking, servicing and landscaping. In summary, the following is proposed:
 - Demolition of existing building on the application site
 - Morrisons food store measuring 5,638m² with in-store café; Home Delivery and Click and Collect
 - Small external Garden Centre (44m²)
 - Six-pump petrol filling station and kiosk (166m²)
 - Commercial Unit measuring 357m²
 - Car park with 243 spaces (including 14 disabled, 14 parent and child spaces and 4 electric charging spaces) as well as cycle parking spaces
 - Vehicular access to the car park via Wedgwood Way
 - Dedicated service road within the application site to the rear (north) of the store allowing access to the delivery yard
 - Associated external plant area (138m²), sprinkler tanks and pump house.

- 3.3 The food store, attached commercial unit and servicing/delivery area would be located within the northern half of the site with the car park to the south. The petrol station and forecourt would be sited in the south western corner on the junction of Cartwright Road and Wedgwood Way. Space would be left around the western, southern and eastern boundaries for soft landscaping.
- 3.4 The application site is located within an employment area and as the application is classified as a major development on a site not allocated for retail use in the Local Plan, it is considered a departure from the Development Plan.

4. PUBLIC REPRESENTATIONS

- 4.1 As a major planning application, the proposal has been publicised by way of two site notices and a press notice. In addition, neighbouring properties have been consulted by way of letter. At the time of drafting this report, **192** representations of support have been received, **7** general comments and **14** objections. In terms of support, the comments expressed enthusiasm for having a Morrisons supermarket in the town, especially within the north eastern area. General comments raised issues such as accessibility of the site for cyclists and cycle parking on behalf of Cycling UK (Stevenage), pedestrian and vehicular access, bus stops and accessibility of the site by bus and access and egress from Ely Close. The objections raise issues such as loss of privacy to neighbouring dwellings, traffic congestion, noise and disturbance, increased crime, pollution and smell from petrol station, negative impact on small local shops in terms of loss of business.
- 4.2 An objection has been received from Asda Stores Ltd who object on the basis that a proposed food store in this location would be contrary to the Local Plan designation as an employment site and that the proposal would fail the sequential test given the availability of the Local Plan (2019) allocated food store site at Graveley Road. An objection has been received from the owner of the Budgens convenience store opposite the site on Wedgwood Way on the grounds that the proposal would negatively impact the store's business.
- 4.3 The application has also elicited a commercial objection made by Martin Robeson Planning Practice contained in a letter dated 16 March 2023 on behalf of Tesco Stores Limited, which operates the town centre Tesco Extra in The Forum and a superstore on London Road. The following principal objections are raised by Tesco to Morrisons' application:
- (i) The retail consultants engaged by both Morrisons and the Council have failed to properly recognise the preferential development plan and sequential test status of the site at Graveley Road which is allocated in the Stevenage Local Plan under policy TC11 in order to meet the identified need for a major new food store to serve the Borough. Further, the Morrisons' development would frustrate the delivery of a food store on that allocated site, which would be prejudicial to the proper planning of the area given the proximity of the North of Stevenage housing allocation for 800 dwellings to which it would be well connected. The allocation is not out of date and cannot be put aside, there being no cogent material considerations advanced to such a step.
 - (ii) Even were it right to undertake a comparative assessment of the performance of the allocated and Morrisons' site against the sequential test, the allocated site would be considered sequentially preferable.

(iii) There is insufficient evidence to support assertions made by Morrisons' consultant and its agent that it is very unlikely that a food store of the size anticipated by policy TC11 would be built on the allocated site.

(iv) Morrisons have failed to demonstrate that there will not be a significant adverse impact on Stevenage Town Centre by reason of the impact on the town centre Tesco Extra and consequential loss of footfall. The impact has neither been correctly nor effectively addressed. On the partial evidence that is available, it seems highly likely that there would be a significant adverse impact on the town centre. Planning permission should therefore be refused in accordance with Policies SP4 and TC13 of the Local Plan and paragraph 91 of the NPPF.

(v) Non-employment uses such as retail development are unquestionably contrary to the Local Plan and the claimed employment benefits of the proposed Morrisons' store do not take account of the "loss" of employment which would otherwise have been delivered on the Graveley Road site. A B8 development of the site and a food store on the allocated site would generate much greater employment and a B2 development of the site would also deliver greater levels of employment and has not been ruled out. Morrisons' argument that there is no need to retain all the employment land within the Borough is entirely unsubstantiated.

4.4 Please note that a verbatim copy of all comments and representations received are available to view on the Council's website. The issues raised in the objections received are dealt with in section 7 of this report. Both the Planning Authority and the applicant have sought a legal opinion on the issues raised within the objection from Tesco Stores Limited, which have formed the basis for the assessment of the retail considerations for this proposal.

5. CONSULTATIONS

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

5.2 HCC Highway Authority (comments dated 24 March 2022)

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

5.2.2 The Highway Authority notes the submission of materials in support of a planning application for a Morrisons supermarket, petrol filling station and commercial unit. The Transport Assessment document is considered to satisfactorily present that the development may be accommodated on the local highway network in vehicle capacity terms. The off-site highways infrastructure works are considered a critical component of the planning application and seek to connect the proposed development with the existing segregated Stevenage cycle network. Such works would need to be secured via a Section 278 agreement.

5.2.3 The application would also upgrade an existing bus stop. With the proposed off-site highway works and the proposed supermarket's access to a catchment within a reasonable walking and cycling distance, the Highway Authority is content that the site may be considered sustainable and in accordance with policy as outlined within Hertfordshire County Council's Local Transport Plan 4 document. However, the Highway Authority is

seeking further detail regarding cycle parking, including the provision of cycle parking space for disabled cyclists and those using cargo bicycles, as per the requirements set out within LTN 1/20.

5.2.4 In summary, the Highway Authority does not wish to restrict the grant of planning permission subject to the aforementioned planning conditions and Advisory Notes.

5.3 Thames Water

5.3.1 No objection.

5.4 Herts and Middlesex Wildlife Trust

5.4.1 No comments, impact on biodiversity is negligible.

5.5 SBC Environmental Health

5.6.1 I have considered the ground investigation report and am satisfied that if the recommendations are followed this will be sufficient, in particular paragraph 9.5 and the need to keep a watching brief during demolition of the existing concrete slab and other areas of hardstanding. I have read and accepted the acoustic assessment. The lighting design statement details appropriate measures to take.

5.7 Flood Risk and Drainage Consultant

5.7.1 Due to resourcing issues at Hertfordshire County Council as Lead Local Flood Authority (LLFA), the LLFA is temporarily unable to comment on planning applications. The Council has appointed an independent drainage consultant to assess the Flood Risk Assessment and Surface Water Drainage Strategy in line with Guidance issued by the LLFA. The consultant reviewed the information provided with respect to flood risk and drainage and prepared a technical note advising the Planning Authority on how the proposed drainage strategy for the site could be improved. Following amendments and improvements to the drainage strategy, the consultant was able to recommend that planning permission is granted subject to conditions relating to design of the surface water run-off scheme and SuDS Maintenance.

5.8 SBC Arboriculture and Conservation Manager

5.8.1 I have analysed this application, inspected the site and can confirm that I have no objections from an arboriculture viewpoint. I see that the most important trees, the large mature Oak and nearby Maples are showing as protected during this development which is what I was expecting to see.

5.9 North Herts District Council

5.9.1 North Hertfordshire District Council objects to the above application. The proposal is in an out-of-centre location and benefits from no particular policy support from either the Development Plan or national policies. Based upon current information, the Applied Planning appraisal of the application identifies a trade diversion of between 30-40% from the Budgens store in Great Ashby. The Budgens store provides the 'anchor' for an identified local centre in our adopted Local Plan and supports the sustainability of this area of the District. Applied Planning characterise this as "a significant and adverse impact on Budgens and in turn Great Ashby Centre". The proposal is therefore contrary to policies TC11 and TC13 of the Stevenage Borough Local Plan and paragraph 91 of the National Planning Policy Framework. I would be grateful if you could share any further information that is provided by the applicant on the retail impact of this proposal in response to the Applied Planning report.

5.9.2 Further information relating to the impact on Budgens in Great Ashby was shared with North Herts District Council who were given an opportunity to respond; however no further comments were received.

5.10 HCC Minerals and Waste

5.10.1 No comments received.

5.11 SBC Engineering Services

5.11.1 No comments received.

5.12 SBC Land Sales

5.12.1 No comments received.

5.13 Affinity Water

5.13.1 No comments received.

5.14 SBC Waste Storage

5.14.1 No comments received.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

6.2 Central Government Advice

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

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

6.3 Planning Practice Guidance

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

6.4 National Design Guide

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

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

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

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 SP5: Infrastructure
Policy SP6: Sustainable transport
Policy SP8: Good design
Policy SP11: Climate change, flooding and pollution
Policy EC6: Pin Green Employment Area
Policy TC11: New convenience retail provision
Policy TC13: Retail impact assessments
Policy IT4: Transport Assessment and Travel Plans
Policy IT5: Parking and access
Policy IT6: Sustainable Transport
Policy IT7: New and Improved Links for Pedestrians and Cyclists
Policy GD1: High quality design
Policy FP1: Climate change
Policy FP2: Flood risk in Flood Zone 1
Policy FP5: Contaminated land
Policy FP7: Pollution
Policy NH5: Trees and Woodland

6.6 Supplementary Planning Documents

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

Parking Provision and Sustainable Transport SPD (2020)
Stevenage Design Guide SPD (2023)
Developer Contributions SPD (2021)
The Impact of Development on Biodiversity SPD (2021)

6.7 Community Infrastructure Levy Charging Schedule

- 6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development. As the supermarket would fall within planning use class E(a) – display of retail sale of goods, other than hot food this proposal would be CIL liable at £60/m².

7. APPRAISAL

7.1.1 The main issues for consideration in the determination of this application are its acceptability in land use and retail policy terms, design and appearance, flood risk and drainage, climate change mitigation, amenity, noise, highway impact, access and parking, trees, biodiversity and landscaping and planning obligations to mitigate the impact of the development.

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 Considerations

7.2.1 *Loss of Employment Use*

7.2.2 This scheme proposes the introduction of retail, which is a main town centre use, to an out-of-centre location, the Pin Green Employment Area. This area is subject to Policy EC6 of the Stevenage Borough Local Plan 2019.

7.2.3 Policy EC6 supports development for research and development (B1(b)), light industry (B1(c)), general industry (B2), and storage and distribution (B8) purposes within the area provided that any new individual units are of an appropriate size. Use classes B1(b) and B1(c) were replaced by classes E(g)(ii) and E(g)(iii) respectively by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Development for offices is also supported, but only where it would be ancillary to one of the uses already described, where it would be essential to the continued operation of an existing office use, or where a sequential test demonstrates that there are no other suitable sites in more accessible locations.

7.2.4 Development for retail is not supported by policy EC6 and therefore, there is a conflict with this policy. As a consequence, it is therefore expected that the loss of the site for B class uses should be clearly and convincingly justified as part of the planning application submission, with reference to an employment land review. The applicant has submitted a Stevenage Employment Study in support of the planning application, which considers the past performance of the Pin Green Industrial Estate and future expected demand and assesses whether the loss of the site for B class uses would harm the economic prosperity of the town. The Study also considers the additional economic benefits which might result from the development, including direct benefits such as employment as well as broader benefits.

7.2.5 The Study confirms that employment growth in Stevenage over the past 10 years has been below benchmark areas and most of the growth has been office (formerly B1, now Class E), noting that office development at Pin Green is only allowed if it is ancillary to industrial uses, which indicates that this is happening in other parts of Stevenage. The Study also concludes:

“Whilst industrial vacancy levels in Pin Green and Stevenage have been declining since 2012, there has been a slight rise in vacancy levels since 2019. This is also reflected in rental values, which saw a large rise since 2012 but have been flat lining since 2019. No or negative net absorption at Pin Green and Stevenage is another indicator of slowing demand for industrial floorspace.”

7.2.6 The Study concludes demand for industrial uses is strongest at Gunnels Wood, which is more accessible and more central and that there are several issues which explain why Pin Green is less attractive as an employment location:

- Poor quality employment space: the Pin Green site originated in the 1960's and 1970's and much of the employment space dates from this time, with very little new stock being developed. The Costar data provides a star rating for the industrial units based on the quality of the stock. Pin Green has a higher proportion of lower ranked industrial units than the Stevenage average with 38% of properties graded 2* compared to 34% across wider Stevenage.
- Constrained sites: the 2013 Employment Study for Stevenage found several issues with the Pin Green industrial area, but the main issue is the lack of ability to expand on current premises due to the relatively small nature of the employment area and a lack of vacancies. This is the primary reason for Bond International moving outside of the area as they were unable to create modern new premises at their current location and it was more economically viable to take up space elsewhere.
- Accessibility: the 2013 Employment Study refers to the poor strategic road network around the Pin Green estate.
- Poor quality amenities: the 2013 Stevenage Employment Study highlights the lack of available services in the area as being a key issue.

7.2.7 The Study goes on to consider the economic benefits of the application proposal and concludes that the proposal has the potential to generate significant social and economic benefits for the local economy, far above those currently contributed by the existing industrial use. The benefits would comprise:

- The development would support 240 construction jobs over the development period (1 year).
- At least 12-24 of these would be filled by Stevenage residents and the scheme would support 10 apprenticeships.
- The proposed development is estimated to support 190 full time employees on the site, which is 94 full time employees more than the current 96 full time equivalent.
- The higher employment on the site would provide a higher level of local worker spend as currently it is estimated that employees spend around £208,000 locally. This is less than half the estimated local spend of workers in the proposed development (£475,000).
- The locality of workers in the retail industry means that a higher proportion of the worker spend could be captured locally. Around 62% of retail workers live within 10km of their place of work, compared to an average of 54% for all industries.
- The change of use of the site would provide a major increase in gross value added, which is estimated to increase from the current value of around £7.1m to approximately £12.6m annually.
- A financial contribution would be made through a S106 agreement towards the cost of administering a travel plan and in engaging in an annual travel plan review.
- The proposed development would deliver a high-quality modern design, which would improve the physical appearance of this gateway site. It would also bring forward an under-utilised site.
- The proposed development would help to minimise the carbon dioxide emissions arising from the site. The proposals would include provision for roof-mounted solar photovoltaic cells to assist in meeting the store's energy needs and an air source heat pump is also being considered.
- Finally, the food store would provide greater amenity for workers on the Pin Green Industrial Estate, through the provision of a superstore, a cafe and petrol station.

7.2.8 In light of the detailed and robust assessment undertaken within the Employment Study, whilst the proposal would result in the loss of an industrial building and use, it is considered it would not harm the economic prosperity of the town. Indeed, the Study sets out the clear and significant economic benefits which would result from the development, including a significant increase in employment opportunities and local spend. The proposed development would introduce an alternative employment generating use on the application site that would taper any economic and social impact caused by loss of B class employment land.

7.2.9 In order to consider the loss of the existing employment use further, the Local Planning Authority needs to form a judgement as to the employment benefits of the Morrisons development and the development which might occur on the Graveley Road Local Plan allocated food store site, in the event that the Morrisons development is approved. A comparison then needs to be made with what may be achieved by the Council refusing planning permission on employment policy grounds i.e. what employment might be delivered on the site by way of B8 storage and distribution and/or B2 industrial development and the Graveley Road site combined.

7.2.10 The employment benefits of the Morrisons development have already been discussed above. The employment benefits of any mixed retail / employment development brought forward on the allocated site at Graveley Road have also been considered by the applicant. An indicative drawing showing how such a development could be laid out is provided in drawing no. SK_29 (see below). The applicants commissioned a firm of Chartered Surveyors, Knight Frank to comment on the allocated food store site at Graveley Road, in particular an allocation for 5,250m² net retail floorspace to serve the North of Stevenage urban extension, which will deliver 800 new homes. The net sales area for a food store is typically 60 - 70% of the gross area, therefore a net sales area of 5,250m² would suggest a gross store area of 8,000m².



7.2.11 Knight Frank conclude in their letter dated 23 September 2022 that it is highly unlikely a food store of this scale would come forward. This is despite the Local Plan allocation justification explaining that the Council would entertain a planning application for a new food store of this size here. Knight Frank advise another relevant factor to be considered is that the Sainsbury's store at Hitchin Road is situated close to the existing housing to the north of Stevenage and is better located to serve this part of Stevenage and the forthcoming housing developments than the Graveley Road site, which is slightly separated being to the north of the major roundabout at junction 8 of the A1(M).

7.2.12 Morrisons have already confirmed that the Graveley Road site is not a viable store location due to its location on the very edge of Stevenage and the existence of a large Sainsbury's superstore within 1km of the site. It is acknowledged that Tesco, Sainsburys, Asda and Morrisons are the primary supermarket operators who trade 'superstores' (i.e. those stores with a net retail floor area of 2,500m² or more) within the UK. Commercial advice from

Knight Frank suggests none of these supermarket operators are currently seeking to develop stores of the scale envisaged by the Graveley Road allocation.

- 7.2.13 Current superstore provision within Stevenage comprises 2 x Tesco's, 2 x Sainsbury's and 1 x Asda store. Therefore, Knight Frank conclude that the retailers who could operate a large format store at Graveley Road are already represented and there are no obvious gaps in provision across the town. Further, whilst there could be demand from others, it would be for a much smaller format store than the Local Plan allocation allows. Knight Frank advise the site is more likely to deliver a smaller neighbourhood store which would primarily serve the North of Stevenage urban extension, possibly as part of a mixed-use development.
- 7.2.14 The indicative mixed retail / employment development shown on drawing ref. SK_29 would deliver a food store of 2,287m² Gross Internal Area, which is of a similar size to the smaller neighbourhood store format discussed above. The plan also shows 11 employment units of varying sizes providing 6,505m² of floor space. Knight Frank conclude the Graveley Road site has good access onto the A1(M) and there would be strong demand from several industrial occupiers for a range of unit sizes. This proximity to the motorway network, as well as accessibility to the town to the south, makes it a more attractive location for either mixed retail / employment use or solely employment use than the application site at Wedgwood Way.
- 7.2.15 The development of the Graveley Road allocated site in the manner suggested above also has the potential to generate significant social and economic benefits for the local economy. The benefits would comprise:
- The development would support construction jobs over the development period, including jobs and apprenticeships for Stevenage residents.
 - The food store as shown on plan ref. SK_29 is estimated to create between 115 and 150 jobs. This would be reduced to 40 jobs if it was a discount food retailer.
 - The commercial units as shown on plan ref. SK_29 are estimated to create between 92 and 180 jobs, depending on the mix of uses.
 - The higher employment rate on the site would provide a higher level of local worker spend.
 - The locality of workers in the retail industry means that a higher proportion of the worker spend could be captured locally.
 - The mixed retail / employment use of the site would represent an increase in gross value added.
 - A financial contribution would be made through a S106 agreement towards the cost of administering a travel plan and in engaging in an annual travel plan review.
 - The development could deliver a high-quality modern design, which would improve the physical appearance of this site.
- 7.2.16 Should both the application site and the site at Graveley Road come forward for development in the manner presented above, it is considered there would be significant economic benefits to the town, including a significant increase in employment opportunities and local spend. Turning then, to what employment benefits might be delivered on the application site should it be developed for a B8 and/or B2 use in accordance with Local Plan policy EC6, an indicative layout plan has been provided by the applicant ref. SK_26 (see below) for a light industry (Class E(g)(iii)), B2 general industry and B8 storage and distribution uses based on a 6,721m² (GIA) floor area spread across 8 commercial units.



7.2.17 The applicant has provided a table which compares the economic benefits of the different development scenarios for the application site, based on the indicative layout plan ref. SK_26 showing how the site could be redeveloped for B class uses:

Table 1.2 Comparison					
	Current Scheme	Morrisons Scheme	Policy Compliant Scheme		
			Light Industrial B1c (now Class E)	Manufacturing B2	Storage B8
Direct Jobs	96	190	146	187	96
Indirect Jobs	48	95	73	93	48
Direct GVA	£7.1m	£12.6m	£16.4m	£21.3m	£8.4m
Indirect GVA	£3.4m	£6.7m	£8.2m	£10.7m	£4.2m
Worker Spend	£208,000	£475,000	£364,700	£466,700	£240,000
Business Rates	£215,000	£292,300	£222,000	£156,000	£179,700
Financial Contribution	-	S106 agreement towards the travel plan	S106 agreement likely	S106 agreement likely	S106 agreement towards the travel plan
Physical Appearance	Not fit for use and underutilised	High quality modern design of the gateway site	More modern but potentially less attractive gateway site		
Environmental		Minimise CO2 emissions	CO2 emissions likely to be higher, particularly for B8 (storage) uses.		
Locality	The warehousing and logistics industry employees tend to live further away from their place of employment	Retail employees tend to live closer to work & Morrisons vow to employ 75% within 3-miles	The warehousing and logistics industry employees tend to live further away from their place of employment		

- 7.2.18 The above table demonstrates the economic benefits which would result from the proposed Morrisons scheme exceed those realised by the existing buildings and use of the site. They are also far greater than those for a B8 (storage/distribution) scheme and a light industry (Class E(g)(iii)) scheme. The results do show that a B2 manufacturing scheme would realise significant economic benefits. However, based on the assessment and conclusions of the Stevenage Employment Study submitted in support of the application, the greatest demand for employment development within Stevenage is for B8 uses (storage or distribution) and not B2 (general industrial). Local agent consultations confirmed that demand is greatest for large storage, warehousing and distribution uses.
- 7.2.19 The Employment Study advises that if the site were to be developed for a policy compliant scheme, this would most likely be for B8 storage/distribution uses, which would deliver significantly less economic benefits for Stevenage compared to the proposed Morrisons food store.
- 7.2.20 Comparing therefore the two scenarios set out in paragraph 7.2.9 above, it is considered there is cogent and adequate evidence before the Council to support the conclusion that the combined economic benefits of the Morrisons development and the development which might occur on the allocated site at Graveley Road in the event that the Morrisons development is approved would outweigh the economic benefits of the development of the application site for a (most likely) B8 storage/distribution scheme combined with a mixed retail / employment scheme on the Graveley Road allocated site.
- 7.2.21 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. It is considered the conclusion reached above, based on a balancing exercise weighing up the economic benefits of all development scenarios on the application site and allocated site at Graveley Road, indicates that the economic benefits of the application proposal together with the way in which the Graveley Road site is most likely to be developed are a material planning consideration in favour of the application proposal.
- 7.2.22 It is acknowledged that the proposal does not fall within the criteria set out by Local Plan Policy EC6 and is in conflict with this policy, however given the above benefits and the cogent and adequate evidence presented to the Local Planning Authority, it is concluded the use of the site for retail would not conflict with the employment aims and objectives of the Local Plan.

7.3 Retail Policy Considerations

7.3.1 Sequential Test

- 7.3.2 The proposed development comprises a main town centre use in an out of centre site. Paragraph 87 of the NPPF 2021 directs Local Planning Authorities to apply a sequential test to applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 7.3.3 Paragraph 88 explains that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

- 7.3.4 Confirmation of how the sequential test should be used in decision taking is set out in the 'Ensuring the Vitality of Town Centres' section of the PPG which provides a checklist of the considerations which should be considered in determining whether a proposal complies with the sequential test as follows:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
- 7.3.5 The Supreme Court in *Tesco Stores v Dundee City Council* confirmed that provided the applicant has demonstrated flexibility with regard to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site.
- 7.3.6 The High Court Judgement (*Threadneedle Property Investments and Simons Developments Ltd v North Lincolnshire Council* [CO/4764/2012]) further considered the Supreme Court interpretation and confirmed the need to take account of the operator's commercial requirements, and the need to work in the real world. In the case considered by the High Court, the Court came to the view that 'operator specifics' were indeed relevant in the application of the sequential test. It looked at the specifics of the proposals and the retailer's commercial needs.
- 7.3.7 These rulings are clear that there must be realism applied to the sequential test, having regard to the business model of the applicant, commercial realities and business decisions. Whilst retailers are expected to demonstrate reasonable flexibility, these appeal decisions underline the need for decisions to be based in the real world.
- 7.3.8 The 'Mansfield Judgment' (*Aldergate v Mansfield District Council & Anor* [2016]) has further clarified that the sequential test should be considered on the basis of the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale. At paragraph 35 of the Judgement states:
- 'In my judgement, "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content. Nothing in Tesco v Dundee City Council, properly understood, holds that the application of the sequential test depends on the individual corporate personality of the applicant or intended operator.'*
- 7.3.9 The Mansfield Judgement affirms that, in applying the sequential test, the decision maker will generally be required to consider the type and format of the proposed development, rather than the requirements of any specific named operator. It identifies that the area and sites covered by the sequential test search should not vary from applicant to applicant according to their identify, but from application to application based on their content.

- 7.3.10 Against this legislative and policy background, the parameters of the sequential test should be established having regard to the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale and taking into account the commercial realities of the business model.
- 7.3.11 The submitted Retail Planning Assessment (March 2022) sets out the following site search parameters at paragraph 6.22. Notably the applicant has conducted the site search of potential alternative sequentially preferable sites and premises to 'assess their ability to accommodate the same elements as the proposed development as follows:'
- a) sufficient land to accommodate a gross floor area measuring 5,638m² (GIA);
 - b) suitable on-site servicing arrangements that are safe and efficient allowing delivery vehicles to arrive, unload and depart without any disruption;
 - c) an appropriate level of surface level car parking to allow the safe and direct transfer of goods to customer vehicles; and
 - d) a petrol filling station.
- 7.3.12 It is not considered that this approach demonstrates reasonable flexibility in the format and/or scale of the broad type of proposed land use in the application. Food superstores commonly vary in size, but the sequential test parameters do not consider sites that could accommodate a store of less than 5,638m² GIA and it would be expected that there should be flexibility in size of the store of approximately 20% of floorspace to demonstrate flexibility in the format and/or scale of the proposal.
- 7.3.13 In respect to the other parameters, it is accepted that a sequential site must have 'suitable on-site servicing' and an 'appropriate level of surface car parking' given that a large proportion of shopping trips are bulk purchase and shoppers are reliant on trolleys. However, the applicant does not advise what quantum of car parking would be an 'appropriate level of car parking' for a food superstore of this size.
- 7.3.14 In regard to the requirement for the proposed petrol filling station to be on site, it is accepted that petrol filling stations commonly form part of a food superstore's commercial offer and it is noted that competing food superstores in Stevenage also provide on-site petrol filling stations. The sequential test should not seek to disaggregate the business model of the applicant and it is therefore accepted that for the purposes of the sequential test that a potential sequentially preferable site should be capable of accommodating a petrol filling station on site (or within reasonable proximity) to allow for the commercial realities of the business model.
- 7.3.15 Whilst officers do have concerns that the Retail Planning Assessment (March 2022) does not allow for reasonable flexibility in the applicant's business model in terms of store size when assessing the suitability of potential alternative sequentially preferable sites, a review of the sequential test has been undertaken below in this context.

Area of Search/Catchment Area

- 7.3.16 The Retail Planning Assessment considers sequential opportunities with Stevenage Town Centre, Stevenage Old Town (and edge of centre thereof) given that these centres are higher order centres in the retail hierarchy. In addition, the applicant has assessed the Graveley Road site allocation (Policy TC11) for a new food store.
- 7.3.17 In this instance, given the proximity of competing stores, and the fact that the catchment area is a relatively densely populated urban area, it is considered that the sequential test search area is robust. Given the role and function of the lower order centres in the retail hierarchy which primarily serve the day-to-day needs of residents, it is not considered appropriate to include these centres in the sequential test and it is agreed that the sequential test should focus on Stevenage Town Centre and Stevenage Old Town.

7.3.18 The Retail Planning Assessment identifies nine potential sequentially preferable sites within and on the edge of Stevenage Town Centre and Stevenage Old Town, in addition to the Graveley Road allocation. The sites considered in the sequential test are as follows:

- Stevenage Town Centre Regeneration Development
- Park Place, Stevenage Town Centre
- 85-103 Queensway, Stevenage Town Centre
- Matalan Site, Danestrete, Stevenage Town Centre
- Plots A and K, Town Centre Regeneration Scheme
- Major Opportunity Areas, Stevenage Town Centre
- Former BHS Store, 7 The Forum, Stevenage Town Centre
- Former Office Outlet, Unit 11, Fairlands Way, Stevenage
- Former Waitrose Store, Stevenage Old Town
- Graveley Road Allocation, Out of Centre

7.3.19 Officers consider there are no other sites/units which should be included in the sequential analysis and therefore the above list is agreed. A summary of the review of the sites is as follows:

Site 1 – Stevenage Town Centre Regeneration Development

7.3.20 In January 2012, Stevenage Borough Council resolved to grant outline planning permission (ref: 07/00810/OP) for the comprehensive redevelopment of this part of the town centre for a mix of uses including retail, housing, hotel, replacement of the bus station and a magistrate's court subject to the applicant (Stevenage Regeneration Limited) entering into a S106 agreement.

7.3.21 The S106 agreement was not completed and the regeneration strategy for the Town Centre has now progressed separately from the outline application, which the committee resolved to permit. In addition, the scheme was mixed use and resolved to permit up to a maximum of 2,000m² of food convenience floorspace on an irregular shaped site but the proposal was primarily for comparison goods retail floorspace (minimum 35,000m²).

7.3.22 Given that redevelopment of Stevenage Town Centre has progressed separately from this scheme and that that Planning and Development committee resolved to permit a mixed use scheme which was comparison floorspace led, the site is not considered suitable for the proposed development.

Site 2 – Park Place, Stevenage Town Centre

7.3.23 Planning Permission was granted under 16/00511/FPM in December 2016 for a 'change of use of an existing three-storey building from A1 (retail), B1 (office) and D1 (dental clinic) to retail and residential use and the construction of three additional floors for residential use comprising no. 44 studio units, no. 120 one-bedroom residential units, and no. 38 two-bedroom residential units'. The permission has subsequently been subject to a series of non-material amendments. The Park Place site extends to 0.5ha and the approved scheme comprises a total of 2,018m² of retail floorspace at ground level.

7.3.24 The Morrisons application site extends to 2 hectares and seeks permission for 5,638m² of floorspace, as well as petrol filling station and on-site car parking. Therefore, when allowing for flexibility in format and scale, the Park Place site could not accommodate the application proposals. Given the significant variations in site size and the quantum of development that can be delivered at Park Place, it is agreed that this site is not suitable for the proposed development.

Site 3 – 85-103 Queensway, Stevenage Town Centre

- 7.3.25 Planning Permission was granted under 18/00268/FPM in December 2018 for the 'partial demolition of existing buildings to facilitate erection of new residential building comprising 39no. studio, 54no. one-bed and 1no. two-bed flats with under-croft car parking; retention of existing office use (Use Class B1) on upper floors; change of use of existing retail units (Use Class A1) to a mixed use development of Use Classes A1 (Shops), A2 (Professional & Financial Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments) and D2 (Gym) with associated enhancements to shop frontages; replacement canopies; public realm improvements and associated car parking and highway works'.
- 7.3.26 The site is centrally located within Stevenage Town Centre and the approved plans show 11no. retail/leisure units at ground floor which provide a total of circa 4000m² of retail/leisure floorspace at ground floor level. Furthermore, 42 car parking spaces are shown to the rear of the buildings. As such the site is too small to accommodate the application proposals when allowing for flexibility in format and scale. It is agreed that this site is not suitable for the proposed development.

Site 4 – Matalan, Danestrete

- 7.3.27 This site forms part of allocation TC2 in the Local Plan (Southgate Opportunity Area) which states applications should address design and land uses principles for landmark building, pedestrian linkages and include high density residential uses. On Site 4 itself, outline planning permission was granted under 14/00559/OPM in October 2017 for a 'residential development of up to 526 residential apartments and commercial units Class A1 (retail) A2 (professional and financial) A3 (restaurant) and A4 (drinking establishments) and A5 (hot food take away) with associated access, parking and landscaping following demolition of existing buildings'. Pursuant to the outline planning permission, reserved matters for access, appearance, layout, landscaping and scale were granted under 20/00643/RMM in April 2021 and development has now commenced.
- 7.3.28 The site extends to 1.3 ha and is considered too small to accommodate the business model proposed in the application and meet the wider development plan policy uses and design requirements of Policy TC2. It is agreed that this site is not suitable for the proposed development.

Site 5 – Town Centre Regenerations Scheme SG1

- 7.3.29 The site (known as SG1) extends to approximately six hectares of land within Stevenage Town Centre and is located west and south of Queensway, which is the main pedestrianised area of the town centre. In October 2020, the Planning Committee resolved to grant planning permission, subject to the completion of a legal agreement and direction to the SoS, for a hybrid application for a mixed-use development under 19/00743/FPM comprising 'outline planning permission for the demolition of existing buildings on the site and the mixed-use redevelopment of Plots A-K including new retail and food and beverage uses (A1-A5), leisure (D2), office (B1), community (D1) and residential (C3). New buildings to comprise residential accommodation (Class C3), retail floorspace Class (A1/A2/A3/A4/A5 floorspace), leisure floorspace (D2), office floorspace (Class B1), Public Services Hub (Class D1/B1/A1/A3), primary school (D1), plant and storage, servicing, new vehicle and pedestrian accesses and circulation, new public amenity space, new and amended car parking, new landscaping and public realm and associated works. Full details (access, appearance, landscaping, layout and scale) are submitted for Plots A and K and all matters reserved for Plots B to J'.
- 7.3.30 This site is located in the TC2 and TC5 Major Opportunity Areas in the Stevenage Local Plan which states that applications should address design and land use principles for landmark building, create pedestrian linkages and include high density residential uses.

Whilst this site is physically large enough to accommodate the application proposal, the proposed business model would take up approximately a third of the parcel of land and the fundamental requirements of the business model to provide large floorplates, surface level car parking and a petrol filling station would conflict with requirements of policies TC2 and TC5. Therefore, it is agreed that this site is not suitable for the proposed development.

Site(s) 6 – Other Major Opportunity Areas

- 7.3.31 The Retail Planning Assessment considers whether the other Major Opportunity Areas allocated within the Local Plan represent sequentially preferable sites. For the reasons set out above, it is agreed that TC3, TC4, TC5 and TC8 are not sequentially preferable opportunities as the fundamental requirements of the application business model would conflict with the respective allocation policy requirements. However, Policy TC6 (Northgate Major Opportunity Area) includes for the provision of a replacement major food store (the redevelopment of Tesco Extra) alongside a mix of uses including high density residential and offices premises.
- 7.3.32 The supporting text to the policy advises that the policy seeks to redevelop the Tesco Extra, but that this site is unlikely to come forward until the end of the plan period, transitioning into the post-2031 period. In considering this site in the sequential test, it is relevant that Policy TC6 does not seek to allow a new food store, but rather seeks to guide the redevelopment of the existing Tesco Extra. There are no indications that this site would be made available to another operator and moreover, the Local Plan advises that the site would not be available until the end of the plan period being 8 years hence. It is therefore considered that the site would not become available within a reasonable period of time (as required by paragraph 87 of the NPPF) and therefore it is agreed that this site is not available for the proposed development.

Site 7 – Former BHS Store, 7 The Forum

- 7.3.33 This vacant unit extends over three floors and was previously occupied by BHS. Planning permission was granted under 19/00647/FPM in August 2021 for the ‘partial demolition and redevelopment of existing former BHS store to create 11 storey building comprising 1no ground floor commercial unit, 129no. 1 bed, 120no. 2 bed and 1no. studio apartments with associated infrastructure including amenity space, car parking, bicycle storage, refuse storage and plant rooms’.
- 7.3.34 The site only extends to 0.33 ha and is considered too small to accommodate the business model proposed in the application. It is agreed that this site is not suitable for the proposed development

Site 8 - Former Office Outlet, Unit 11, Fairlands Way

- 7.3.35 This vacant unit lies adjacent to the existing Tesco Extra petrol filling station, has direct vehicular access off Fairlands Way and there are 38 car parking spaces to the front of the unit. The unit also benefits from a dedicated servicing area and additional parking to the rear. If a mezzanine was constructed in the existing unit, the building could potentially provide circa 3,250m² of floorspace. Planning permission was granted under 21/01002/FPM in October 2022 for the ‘demolition of existing outlet store (Use Class E) and construction of a part 9 storey, part 13 storey building comprising 224 no. build to rent dwellings consisting of 162 no. 1 bedroom, 50 no. 2 bedroom and 12 no. 3 bedroom units; 161 sq.m of Use Class E and Use Class F floorspace; ground floor parking area, cycle storage facilities, associated plant and equipment, landscaping and ancillary works, comprising both residential and commercial / ancillary residential floorspace along with associated landscaping and public realm enhancements refuse storage, and cycle and car parking’.

7.3.36 If the site was redeveloped as per the above planning permission or the existing unit refurbished, it is considered too small to accommodate the business model proposed in the application when allowing for flexibility in scale and format. It is agreed that this site is not suitable for the proposed development.

Site 9 – Former Waitrose

7.3.37 This opportunity is too small to accommodate the business model proposed in the application when allowing for flexibility in scale and format. It is therefore agreed that this site is not suitable for the proposed development.

Site 10 – Graveley Road Allocation

7.3.38 The allocation of the Graveley Road site for an out of centre food store was justified by the fact that, as at the date of the preparation of the Local Plan there were no alternative sites capable of accommodating a store of the required size. In consequence, the NPPF's sequential test (paragraph 87) was satisfied and, were an application for a food store to come forward on that site, there would be no obligation for the application to be supported by any sequential test analysis. The allocation thus exempts a proposal from the need to apply the sequential test. However, in retail policy terms, that is the only preference which the NPPF accords to it over other out of centre sites.

7.3.39 The NPPF does not advise that Local Plan allocations for town centre uses should themselves be treated as town centres and protected as such. Further, the Local Plan accords no such protection to the Graveley Road allocation. Policy TC11 identifies that site, but neither the policy nor any other, states that other out of centre food store sites will be resisted within the Borough. Indeed, the policy expressly provides that, save for 1500m² of additional convenience goods floorspace reserved for the extension of existing stores within the retail hierarchy, the remainder of the forecast capacity is to be met "in other stores in accordance with the sequential test".

7.3.40 In consequence, there is nothing in either the NPPF or the Local Plan which states or implies that the allocated site should be accorded priority over any subsequently identified out of centre retail sites or that it should be treated as if it were a Town Centre site. It was allocated because it is well located to serve the North of Stevenage development and also because it was the only suitable site which the Council had been able to identify (see paragraph 7.70 of the Local Plan).

7.3.41 Given this context, there is nothing in the Local Plan which would support a conclusion that in retail policy terms, the allocated site takes preference over later identified sites which might be sequentially preferable or, at worst, sequentially equivalent. A food store development on the allocated site can benefit from the presumption in favour of the Development Plan without further sequential testing. It is not the logical corollary of that, that any unallocated out of centre food store application, conflicts with policy TC11.

7.3.42 In this instance the Graveley Road allocation and the application site are both in out of centre locations and it is considered that neither site is 'better connected to a defined centre'. As such neither site is in a sequentially preferable location. The purpose of the sequential test is not to protect out of centre allocations; the purpose is to guide main town centre uses towards town centre locations. For these reasons, it is not considered that the Graveley Road allocation is a sequentially preferable site and therefore the application would not fail the sequential test if detailed analysis concluded that the allocation is suitable and available for the proposed development allowing for flexibility on issues such as format and scale.

7.3.43 It is, however, necessary for the Local Planning Authority to consider the extent to which approval of the Morrisons application might prejudice the delivery of the Graveley Road site

in so far as it might better serve the needs of the town and in particular, the needs of the North of Stevenage urban extension. That is a material consideration given the objective of the allocation and the weight accorded to it will be informed by whether that site is likely to be brought forward for a large food store development, and if not, what alternative retail development it has a prospect of supporting. These are matters of judgment for the Local Planning Authority based on all the evidence before it.

- 7.3.44 This issue has already been examined in detail in section 7.2 above, where based on commercial advice from Chartered Surveyors Knight Frank, it was concluded the Graveley Road site is more likely to deliver a smaller neighbourhood store which would primarily serve the North of Stevenage urban extension, possibly as part of a mixed retail / employment use development.
- 7.3.45 Commercial advice from Knight Frank suggests that the Graveley Road site is not a viable location for a new superstore (net retail floor area of 2,500m² or more), due to its location on the very edge of Stevenage and the existence of a large Sainsbury's superstore within 1km of the site. The Sainsbury's store would assist in serving the needs of the North of Stevenage urban extension in addition to any smaller neighbourhood store on the Graveley Road site. It is therefore considered unlikely that the site will come forward for a large food store development as envisaged by Local Plan policy TC11 and that a smaller, neighbourhood store is more likely in conjunction with commercial units for B8/B2 use.
- 7.3.46 It is therefore considered the development of the application site for a food store as proposed would better serve the needs of the town and would not prejudice the delivery of a mixed retail / employment development on the Graveley Road site. This is a material consideration given the objective of the allocation, which carries significant weight in favour of the application proposal given commercial evidence suggests the Graveley Road site is not a viable location for a new superstore, but more suitable as a mixed retail / employment site.
- 7.3.47 Given the primacy of the Development Plan and that the plan period runs until 2031, it is considered a plausible scenario that a future planning application for a food store may come forward on allocation TC11 and for these reasons the applicant was advised to assess the cumulative retail impact of the current planning application and allocation TC11 on defined centres. This is considered in further detail below.
- 7.3.48 Following a review of the sequential test within the Retail Planning Assessment (March 2022), it is considered that there is cogent and adequate evidence to support the Council's conclusion that there are no site/units which are available and suitable for the proposed development. It is concluded therefore, based on the information available, the application complies with the sequential test.

Appraisal of Impact Assessment on Town Centre Vitality and Viability

- 7.3.49 The site is in an out of centre location and for applications for town centre uses located outside of defined centres paragraphs 90 and 91 of NPPF state:

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

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

Where an application is likely to have a significant adverse impact on or more of these considerations it should be refused.

7.3.50 Policy TC13 of the Local Plan (2019) provides locally set thresholds where impact assessments are required and confirms that impact assessments are required for any proposal more than 300m² for main town uses outside of the Town Centre. In this instance, the application proposes a 5,638m² food store, a small garden centre and petrol filling station and therefore a retail impact assessment is required.

7.3.51 Confirmation of how the retail impact test should be used in decision taking is set out in the Town Centres and Retail Section of the PPG. The PPG states that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. The PPG also states that the following steps should be taken in applying the impact test:

- establish the state of existing centres and the nature of current shopping patterns (base year).
- determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur.
- examine the 'no development' scenario (which should not necessarily be based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure).
- assess the proposal's turnover and trade draw (drawing on information from comparable schemes, the operator's benchmark turnover of convenience and comparison goods, and carefully considering likely catchments and trade draw).
- consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a finer-grain analysis of anticipated impact).
- set out the likely impact of that proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues
- any conclusions should be proportionate: for example, it may be sufficient to give a broad indication of the proportion of the proposal's trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences to the viability and vitality of existing town centres.

7.3.52 The PPG goes on to advise that a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.

7.3.53 The application is supported by a Retail Planning Assessment (March 2022), Retail Planning Assessment addendum (September 2022), Retail Addendum (February 2023) and a letter from WM Morrison Supermarket dated 8 February 2023 in respect of the Morrisons Daily store on Canterbury Way. All of these documents seek to address the above policy requirements to assess the retail impact of the application proposal on Stevenage Town Centre and other defined centres vitality and viability; namely: High Street Major Centre (Policy SP4), Poplars District Centre (Policy HC1/1), The Glebe Local Centre (Policy HC1/3), The Hyde Local Centre (Policy HC1/4), The Oval Local Centre (Policy HC1/7), Canterbury Way Neighbourhood Centre (Policy HC1/9) and Great Ashby Centre within North Herts.

- 7.3.54 The applicant undertook health checks of the above centres in June 2022 to establish their baseline vitality and viability, their retail composition and each centre's susceptibility to competition. Officers instructed an independent retail consultant to review the health checks who agreed with the applicant that the centres are relatively healthy, perform strong roles catering for day-to-day top up shopping needs and it is noted that each centre contains a national multiple convenience anchor complementing other retail operators. It is principally the national multiple retailer which anchors these local centres.
- 7.3.55 It is considered that this additional information, in conjunction with the household survey which informs the retail impact assessment, adequately establishes the state of existing centres and provides an appropriate baseline to inform the impact assessment. The applicant has carried out an impact assessment on both convenience and comparison goods shopping in the Town Centre and the other defined centres, which has been reviewed by an independent retail consultant, including a cumulative impact assessment of the application proposal and food store allocation TC11 on defined centres.
- 7.3.56 Issues were raised by the retail consultant in respect of impact on Morrisons Daily, Canterbury Way and the Budgens at Great Ashby. However, following the submission of the additional requested information provided within the Retail Addendum (February 2023) and the letter from WM Morrison Supermarket dated 8 February 2023 the retail consultant is satisfied there would be no significant and adverse impact on these stores. Further details are set out below, including conclusions relating to impact on Tesco Extra and the Town Centre and the cumulative impact of the application proposal and food store allocation TC11.

Impact of the Proposal on Morrisons, Canterbury Way and Canterbury Way Centre

- 7.3.57 The household survey undertaken by NEMS to inform the original retail impact assessment identified that the Morrisons at Canterbury Way Centre only has a turnover of £0.37m. It is not uncommon for household surveys to under-record the turnover of smaller stores due to the sample size of the surveys and the retail consultant previously advised that the household survey derived turnover of £0.37m for this store appeared unrealistic based on site visits to the store. A letter has subsequently been provided by WM Morrison Supermarkets Ltd dated 8th February 2023. The letter advises that the turnover of the store is far more than that modelled by the applicant and currently stands in excess of £2.9m. It is also advised that current lease period of the store is up until June 2026.
- 7.3.58 The Morrisons at Canterbury Way is a local store that serves a top-up function. Morrisons have advised that the store has a trading floorspace of 234m² which results in the store having a robust trading density of £12,393m². The retail consultant previously advised that the proposed development would divert approximately £0.3m of convenience goods trade from Morrisons Canterbury Way in the 2027 test year. This would equate to approximately a 10% retail impact on the Morrisons store, which when taking account of trading position of the store is not considered to give rise to a significant and adverse impact on the Morrisons or in turn Canterbury Way centre. As such it is not considered necessary to seek to secure the continued operation of this store through a planning obligation.

The Impact of the Proposal on Budgens and Great Ashby Centre

- 7.3.59 The Budgens in Great Ashby Local Centre is located approximately 600 metres to the north of the application site and is one of the closest convenience goods retailers to the proposed superstore. The household survey undertaken by NEMS indicated that the Budgens had a turnover of £1m. However, the retail consultant advised that due to the relatively small size of the store, it maybe that the household survey data is not representative of the actual turnover. It was therefore recommended that the applicant undertake a site visit and confirm the benchmark turnover/trading characteristics of the Budgens store so that the reliance of the household survey data could be tested.

7.3.60 The applicant subsequently undertook site surveys of the Budgens store between Wednesday 25th – Saturday 28th January 2023 over four separate 1 hour periods. This is considered a representative sample period. The survey identified that there were a total of 630 customer visits in the four hour period being:

- 132 shopping trips between 0800 to 0900 on Wednesday 25th January
- 138 shopping trips between 12:00 to 1300 on Thursday 26th January
- 223 shopping trips between 15:00 to 1600 on Friday 27th January
- 137 shopping trips between 10:30 to 11:30 on Saturday 28th January

7.3.61 This equates to approximately 157 trips per hour. In order to forecast the weekly trips to the store, the applicant applied a conservative estimate, that within store peak hour periods during weekdays (i.e. morning, lunchtime and afternoon) there would be 405 trips per day (i.e. 135 per hour). In the remaining 14 trading hours each day on Monday to Friday, the applicant has assumed that there are an average of 40 trips per hour which equate to 440 additional trips per day. The same assumptions have been applied to Saturdays and Sundays. Based on the site surveys above these assumptions appear reasonable.

7.3.62 This generates a total number of weekly visits of 5,580. It has been assumed that average spend of each customer will be between £10-£12 (which again is reasonable) which gives rise to an annual turnover of the store of between £2.9m and £3.48m. It is the case that there are several assumptions above, which if altered would change the estimated turnover of the store. However, a retail impact assessment must also be proportionate and draw on the information available and what the surveys do indicate is that the store is trading significantly higher than £1m identified in the household survey. The Budgens store has a trading floorspace of circa 500m² and based on comparable retailers, the Council's retail consultant considers that the benchmark trading density of Budgens would be in order of £8,000m², which would equate to a benchmark turnover of £4m. The on-site surveys indicate that the store is trading relatively healthily with a notable number of shopping trips within the surveyed hours.

7.3.63 It is noted that the survey evidence demonstrates that the Budgens is almost primarily used for top-up shopping trips and the only operational trolley park contained 6 trolleys. Due to the nature of the shopping trips at the Budgens, taking into account the established retail planning principle that like-competes-with-like, it is considered that the trade diversion from the store would be at the lower end of the spectrum of £0.3m to £0.4m. It is therefore considered that based on the estimated survey derived turnover of store, sensitivity tested against the benchmark turnover, that the likely retail impact of the proposed development on the Budgens store would be in the order of 10% in the test year.

7.3.64 It is not considered that this trade diversion on Budgens would give rise to a significant adverse impact on the vitality and viability of the individual store or in turn Great Ashby Centre as a whole.

The Impact of the Proposal on Tesco Extra and Stevenage Town Centre

7.3.65 A solus impact of 12.86% and a cumulative impact of circa 18% is identified on the convenience goods turnover of the Tesco Extra store at the Forum in Stevenage Town Centre. Solus denotes exclusive products of the company e.g. Tesco own branded goods. This store is located in Stevenage Town Centre and is protected by retail planning policy and moreover the store contributes to the vitality and viability of Stevenage Town Centre through facilitating linked trips.

7.3.66 The level of linked trips between Tesco Extra and the Town Centre was specifically addressed within the Retail Planning Assessment Addendum (Sept 2022) from paragraph 2.11 onwards and within the Applied Planning (Nov 2022) review at paragraphs 2.12 to

2.15. The Retail Planning Assessment Addendum (Sept 2022) advises that the level of linked trips was affected by the orientation of the store away from the Town Centre and observations on site suggested a low number of linked trips. It was concluded that whilst there would be some reduction in trade to the Tesco store, this is unlikely to affect the Town Centre as a whole via reducing linked trips. This view was reached on the basis that the purpose of linked trips is to access cafes and non-food shopping and that shoppers at the application site would still need to visit the Town Centre to undertake these activities, since there is nowhere closer to the site which meets these needs. This was a view broadly endorsed by the Council's retail consultant at paragraph 2.15 in the Nov 2022 review, where it is concluded that the application would result in 'some loss of linked trips' for this reason.

7.3.67 The Planning Authority now has a spectrum of views before it ranging from the applicant's conclusion that there would be no impact on linked trips, the independent retail consultant's assertion that there would be some impact and Tesco's conclusion that there would be a significant impact on the Town Centre caused by a reduction in linked trips. The Planning Authority has the benefit of the data from the NEMS Household Survey as to the percentage of shoppers undertaking linked trips (a third of Tesco shoppers undertake linked trips to the Town Centre). A judgement therefore needs to be made as to whether this would be likely to be materially affected by a reduction in trade at Tesco Extra, and then in turn whether such a reduction would be likely to amount to a significant effect on the Town Centre overall.

7.3.68 Overall, the independent retail consultant concludes that the application is likely to have a slightly greater impact on the Town Centre than the applicant's analysis, however, both conclude that the effect is not a significant one and that paragraph 91 of the NPPF is not engaged. In resolving this issue, the Planning Authority is required to make a series of judgements based upon the evidence before it:

- a) What is the likely level of existing linked trips from Tesco Extra to the Town Centre?
- b) What is the likely reduction in linked trips as a result of the development and is this reduction significant?
- c) Even if there is a significant reduction in linked trips, would that lead to a significant adverse impact on the Town Centre as a whole?

7.3.69 Data from the NEMS Household Survey suggests 55% of Tesco Extra customers carry out linked trips, however only a proportion of these (65%) carry out linked trips to Stevenage Town Centre, the remainder of which undertake linked trips within Tesco itself and other food stores (outside of the town centre). Given the cogent and adequate evidence before the Planning Authority including the conclusions reached by the applicant and the independent retail consultant, it is also concluded that the answer to the second question is 'no'. Any reduction would not be significant given the need for shoppers to visit the Town Centre anyway for cafes, restaurants, and non-food shopping and that if a person needs additional facilities, they would be more likely to shop at Tesco Extra in order to facilitate this.

7.3.70 It is also considered that a reduction in linked trips would not lead to a significant adverse impact on the Town Centre as a whole. There is no evidence that this is the case, other than Tesco's objection letter which is essentially an assertion that this is the case rather than clear evidence of such a causal relationship supported by careful analysis as to the scale of effect.

7.3.71 Given the ostensibly reasonable approach taken by the applicant and the independent retail consultant in relation to the second question and absence of evidence which would support a positive answer to the third question, it is officers' view that the Tesco objection does not raise, nor evidence, any issue which would materially undermine the Planning Authority's conclusion on this point. Legal advice obtained by the Planning Authority has confirmed this

is an area for the judgement of the decision-maker and therefore largely outside the remit of the Court to interfere with, save for rationality. Legal advice has confirmed it does not approach being irrational for the Council to agree with the planning judgements of its appointed external advisors on this point.

- 7.3.72 Finally, the Tesco objection asserts that 'further justification is required to demonstrate how an impact of 13% on an underperforming store will not have adverse effects on the role that the store plays in terms of its anchor function on the centre as a whole'. Again, Legal advice has confirmed this is a matter of judgement for the Council, (subject to challenge on rationality) as to whether it considers that sufficient information has been provided to enable a view to be taken as to compliance or otherwise with relevant policy. Officers do not consider that the conclusion reached is in any way unreasonable, let alone that it reaches the high threshold for irrationality for the Council to adopt the findings of its professional advisors in relation to whether or not a particular percentage impact does or does not amount to a 'significant' adverse impact. This is quintessentially a matter of judgement for the decision-maker.
- 7.3.73 On balance, it is concluded there is cogent and adequate evidence to support the conclusion that the identified impact, taking account of the current trading position of the store, would not give rise to a significant adverse impact on Stevenage Town Centre, through either the impact on the store itself or the loss of linked trips. This conclusion is based on the available information and in the absence of any other evidence submitted to contradict it.

Cumulative Impact Assessment of Application Proposal and Allocation TC11 on defined Centres

- 7.3.74 In respect of the Graveley Road allocation, a theoretical exercise has been undertaken by the applicant to assess the potential cumulative impact should this site come forward for a food store. The allocation allows for a store of 4,600m² net convenience and up to 920m² net comparison. Whilst the allocation sets an upper limit floor area for a new food store, it has been discussed above that it is unlikely a store of this scale will come forward. Given the existing level of food store provision within the town, including the site's close proximity to the Sainsburys at Corey's Mill, commercial evidence suggests the site is more likely to deliver a smaller neighbourhood store which would primarily serve the North of Stevenage urban extension (800 dwellings).
- 7.3.75 In this context, it is beneficial to consider the likely level of convenience spend from the new residents of the urban extension. Adopting a high-level assessment, the annual convenience spend from the future residents would be around £4.8m (on the basis the site would likely support around 2,000 new residents and their annual spend per person would be around £2,400 per person). On its own, this level of spend will only support around 400m² of convenience floorspace (on the basis that a modern food store will turnover at around £12,000 per m² per year).
- 7.3.76 Whilst no firm proposals have come forward for the Graveley Road site, nor is there any known expressions of interest in the site for a supermarket, for robustness the applicant has tested a scenario with a store at 2,300m² gross / 1,400m² net. Given the retailer is unknown, an average has been taken from the 10 retailers listed in the Global Data - Convenience and Comparison Goods Sales Densities of Major Grocers – 2021 (i.e. Aldi, Asda, Co-op, Iceland, Lidl, M&S Food, Morrisons, Sainsbury's, Tesco and Waitrose). In terms of its catchment and likely level of trade draw, the applicant has assumed it would have a similar catchment / trade draw to the existing Sainsburys at Corey's Mill.
- 7.3.77 The estimated trade diversion from existing retail destinations has been calculated by applying the trade draw to the market shares of each retail destination (based on the results of the household telephone survey) and adjusting these where appropriate. For example,

given the very close proximity of the Sainsburys at Corey's Mill, it is reasonable to expect a significant proportion of trade draw would be derived from this store.

- 7.3.78 In respect of the cumulative impact, the forecast cumulative impact on the majority of in centre stores would be low (around 10% or less). In respect of the Tesco Extra at The Forum, the applicant acknowledges this store would experience a greater cumulative convenience impact (around 18%). However, it is considered this level of trade draw / impact would not threaten the viability of the store or result in a significant adverse impact on Stevenage Town centre. It is also important to note should the Graveley Road site come forward for a discount retailer e.g. Aldi or Lidl, noting that Lidl are not represented in Stevenage, then the store turnover would lower and level of cumulative impact would be less (c.16%).
- 7.3.79 It is concluded that the proposal, when considered cumulatively against the most plausible scenario at the Graveley Road allocation, would not have a significant and adverse impact on any other defined centre, including Stevenage Town Centre.
- 7.3.80 Officers together with the independent retail consultant have carefully reviewed the planning application against the NPPF paragraph 90b impact test and conclude that based on the information available, the proposal is acceptable in regard to the NPPF paragraph 90b impact tests in respect of the Town Centre and all defined centres.

Appraisal of Impact Assessment on Committed and Planning Investment

- 7.3.81 Paragraph 90a of the NPPF states that an impact assessment should include an assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
- 7.3.82 As food store allocation TC11 is not located within a centre or centre in the catchment area of the proposal, an assessment on the impact of the proposal on allocation TC11 is not a requirement of the impact test.
- 7.3.83 Within Stevenage Town Centre, there are several existing, committed and planned public and private investment projects which benefit from development plan allocations and/or have obtained planning permission. Based on the established retail planning principle that 'like-competes-with-like' and that the allocations/investment proposals are primarily residential schemes with retail and leisure uses at lower floors, it is considered that the only allocation which requires consideration within the paragraph 90a impact test is Policy TC6 – Northgate Opportunity Area. This allocation includes the existing Tesco Extra and at criterion (d) the policy states that the replacement of the food store will be supported. Paragraph 7.53 of the Local Plan confirms that 'in principle' discussions have taken place with Tesco and that the site is unlikely to come forward until the end of the plan-period transitioning into the post-2031 period.
- 7.3.84 Notwithstanding that this allocation is within a defined centre in the adopted Development Plan, the applicant has stated at paragraph 7.3 of the Retail Planning Assessment (March 2022) that they were not aware of any existing, committed or planned investments which would be adversely impacted upon by the proposed development.
- 7.3.85 The applicant was advised that given the policy status of Policy/Allocation TC6 and that it would compete with the application proposals on a like-for-like basis, it should be considered under the remit of the NPPF paragraph 90a impact test. Despite this request, the Retail Planning Assessment Addendum (September 2022) does not provide such an assessment. Notwithstanding this, the impact analysis has indicated that the proposal would result in a trade diversion from Tesco Extra of £5.32m on a solus basis and circa £7.43m on a cumulative basis and that the Tesco store would be under trading. As a result, there would be less expenditure available to support the redevelopment of the Tesco Store.

- 7.3.86 On the other hand however, the Local Plan (2019) identifies at paragraph 7.68 that there is a projected Borough-wide need for 7,600m² of convenience goods trading floorspace up to 2031. The proposed Morrisons would provide 2,216m² of convenience floorspace and the development scenario at the Graveley Road allocation would provide circa 1,120m² of floorspace, being a total of circa 3,336m². The Development Plan therefore identifies that by the end of the plan period to 2031, should both developments be completed, there would remain a Borough-wide need of at least 4,000m².
- 7.3.87 Indeed, the Policy TC11 of the Local Plan allows for 1,500m² to be reserved to be provided as extensions to existing stores. The adopted Local Plan therefore indicates that there is quantitative need in Stevenage to facilitate the redevelopment of Tesco Extra store, when allowing for both the Morrisons and the development scenario at the Graveley Road allocation. Notwithstanding this, paragraph 015 of the Ensuring the Vitality and of Town Centres Section of PPG (Reference ID: 2b-015-20190722) states that:
- Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:*
- *the policy status of the investment (i.e. whether it is outlined in the Development Plan)*
 - *the progress made towards securing the investment (for example if contracts are established)*
 - *the extent to which an application is likely to undermine planned developments or investments based on the effects on current/forecast turnovers, operator demand and investor confidence*
- 7.3.88 In this instance, the replacement of the Tesco Extra store is identified as an ‘opportunity’ within Policy TC6 of the Stevenage Local Plan. However, the supporting text provides several important clarifications and notably paragraph 7.51 states that *‘the redevelopment, perhaps towards the end of the plan period, into a smaller store with other uses above is a possibility’*.
- 7.3.89 Therefore the Development Plan is seeking a smaller store on the site, which would have a lower benchmark turnover and it is not the adopted Development Plan policy to provide a food store of the same size at the Northgate Quarter Opportunity Area. As such, based on the information available, the estimated retail impacts would not have a significant adverse impact on the aspirations of Policy TC6 to provide a replacement and smaller food store in this part of the Town Centre.
- 7.3.90 Furthermore, this redevelopment is expected to occur towards the end of the plan-period. To date, there has been no progress towards securing the investment and no redevelopment proposals have been put forward to the Council. Therefore, whilst the opportunity is identified in the Development Plan, there is no planning application, and there does not appear to be a prospect of a planning application in the short term, and based on the information available, the proposal is not tangibly impacting on committed and planned public or private investment.
- 7.3.91 For these reasons, based on the information available, it is concluded that the proposed development would not give rise to a significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and therefore satisfies NPPF paragraph 90a.
- 7.3.92 On the basis of the above assessment, it is concluded it has been successfully demonstrated the proposal would comply with the relevant paragraphs in chapter 7 of the NPPF; namely ‘Ensuring the vitality of town centres’. The proposal is therefore considered acceptable in terms of retail planning considerations.

7.4 Design, Layout and Appearance

- 7.4.1 Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”. It goes on to state that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 7.4.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:
- will function well and add to the overall quality of an area;
 - is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
 - is sympathetic to local character and history;
 - establishes or maintains a strong sense of place;
 - optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
 - creates 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.
- 7.4.3 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change”.
- 7.4.4 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.5 The Council’s Design Guide SPD (2023) generally reflects the above policies requiring development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places. The National Design Guide (2019) is also a material consideration in the determination of the development proposal. The scheme has been assessed against the key policy criteria on good design, as well as how it meets the four key objectives in the National Design Guide on what is considered to be a well-designed place.

Context and Layout

- 7.4.6 The application site sits to the north east of Stevenage, on the southern edge of the Pin Green employment area. Residential development is located to the south and south west, with industrial buildings to the west, north and east. The character of the area therefore comprises a mix of industrial and residential buildings.
- 7.4.7 The site layout proposes a regeneration of the existing site, which is now vacant and in poor condition through the removal of the existing industrial units, hard standings and containers and replacing them with a modern food store, petrol filling station and associated car park. The food store, attached commercial unit and servicing/delivery area would be located within the northern half of the site with the car park to the south. The petrol station and forecourt would be sited in the south western corner on the junction of Cartwright Road and Wedgwood Way. Space would be left around the western, southern and eastern boundaries for soft landscaping. Replacement boundary fencing would be provided.

7.4.8 The proposal would maintain its access points from Wedgwood Way with separate points for service vehicles and customers. The access point from Cartwright Road has been removed, and the existing trees where possible have been retained. The car park offers 243 parking spaces with dedicated disabled and parent and child spaces close to the store entrance and along one of the main pedestrian routes across the site. The incorporation of click and collect bays and home shopping would provide customers with choice on how they wish to shop. The proposal also incorporates an attached commercial unit with its own dedicated parking.

Design and Appearance

7.4.9 The proposed architectural design for the Morrisons food store utilises modern materials and simple forms to create a clean crisp aesthetic. The building facade would comprise horizontal cladding panels in light grey, with a dark grey to the front elevation that would wrap around the building from east to west via the car park elevation. A grey concrete plinth would anchor the building to the ground and provide a weather resilient finish.

7.4.10 The choice of cladding colour of light grey would reduce the impact of the mass of the building against the majority of its boundary. The dark grey would provide a clear entrance and feature to the front of the store. The building cladding is consistent with other retail and commercial buildings of a similar size within the locality. The building focal point would be the entrance lobby delineated by a change of material to brick, with signage to the canopy providing clear legibility. The entrance canopy would stand proud of the main building line, welcoming customers into the store with views of 'Flowerworld'. Further active frontage would be provided by glazing looking into the checkouts.

7.4.11 The petrol filling station would use a similar material palette, but the feature dark grey cladding would be replaced with a Morrisons dark green finish. This would aid in the transition from landscaping along Wedgwood Way to the proposed development, in addition to giving the petrol filling station its own sense of architectural identity. The materials have been selected not only on their architectural merit, but as a wider sustainability consideration, for their low maintenance, thermal and airtight efficiencies. In addition to their minimising material waste on site through preformed and standardised elements and their ability to maintain a high-quality finish throughout the lifespan of the building.

7.4.12 LED lighting would provide artificial lighting throughout the site, as the roof would largely comprise solar panels reducing the food store's reliance on grid fed energy. LEDs would provide a comprehensive low energy, high efficiency scheme, incorporating intelligent switching and lighting directed to point of use to further lower the food store's carbon footprint.

7.4.13 It is acknowledged care has been taken to ensure that the design and layout are sensitive to the surrounding context. On this basis, it is considered the proposal would represent high quality design which would respect the character and appearance of the wider area and would be in accordance with Local Plan Policies SP8 'Good Design' and GD1 'High quality design' and the relevant paragraphs of the NPPF.

7.5 Highway Impact, Access and Parking

7.5.1 The development proposal has been through a pre-application process with Hertfordshire County Council (HCC) as Highway Authority. The highway and access arrangements as proposed are a result of discussions between HCC as Highway Authority, the Council and the applicant and reflect what has been agreed.

Access

- 7.5.2 The proposed development would be supported by two new vehicular access points on Wedgwood Way, forming the main customer and service accesses respectively. The main customer access would be formed by a priority T-junction. The junction has been designed to accommodate mostly light vehicles with infrequent heavy use related to the servicing of the Petrol Filling Station. The junction would provide direct access to the surface car park serving the development and to the Petrol Filling Station. The service access has been designed to accommodate an 18.5m long articulated HGV and provides access to a separate service yard to the rear of the proposed food store.
- 7.5.3 A drawing detailing the proposed junction layout, geometry and achievable visibility is appended to the Transport Assessment under ref. T656_02A. The proposed junctions would replace the existing access junctions associated with the existing land use. Notably, a single priority junction on Wedgwood Way and Cartwright Road. The proposed access arrangements have been subject to a Stage 1 Road Safety Audit (RSA1) undertaken by Hertfordshire County Council (HCC) and would be delivered as part of a S278 agreement under the Highways Act with HCC.
- 7.5.4 In terms of pedestrian access, the site would be accessed directly from the site side footways on Cartwright Road and Wedgwood Way. A dedicated link is provided along the southern boundary of the site and provides a priority route through the car park to the store entrance, enabling a step free route to and from the bus stop on Cartwright Road. This link would also be used by pedestrians and cyclists who arrive from the east of the site. Footways flanking the access road provide a convenient route from Wedgwood Way to the store entrance, with a zebra crossing provided over the access road. The footways leading into the site measure at least 2 metres in width and link with pedestrians arriving from the north, west and south of the site.
- 7.5.5 Off-site infrastructure improvements are proposed, the principal element of which would be the provision of a 3m shared footway/cycleway extending from the northern site access to the southern end of Wedgwood Way, where (via a Toucan crossing) the existing segregated Stevenage cycle network could be joined at Martin's Way. There would also be a tactile crossing point at the site access junctions and also at the junction of Wedgwood Road/Cartwright Road. Improvements to the existing bus stop on Cartwright Road are also proposed. The bus stop would be upgraded to incorporate raised accessibility kerbs and a shelter. The above off-site works are shown in drawing T656_03C.
- 7.5.6 In terms of cycle access, cyclists would enter the site via the main access junction off Wedgwood Way. Cycle parking would be provided for the proposed food store and commercial unit and accessible from the access road. The proposed extension of cycling facilities to the south of the site would enable most cyclists to access the site via the proposed shared footway / cycleway on Wedgwood Way.
- 7.5.7 The Highway Authority is content that the proposed access arrangements are satisfactory. On this basis, it is concluded the proposal would comply with Local Plan Policy IT5 'Parking and Access' in that it would (i) provide safe, direct and convenient routes within the development, (ii) link to existing cycleway and pedestrian networks and (iii) contribute towards improving cycleways and pedestrian routes serving the development site.

Highway Impact

- 7.5.8 The submitted Transport Assessment assesses the proposed land use, trip generation, mode and trip type connected to the development proposals. The development would have the largest effect on the network at peak times. The peak hours have been determined using traffic surveys undertaken on the local highway network. Fully classified traffic counts were undertaken on the local highway network by an independent survey company on

Friday 14th and Saturday 15th January 2022. An ATC was also installed on Wedgwood Way and Cartwright Road covering the same survey period, providing 24 hours traffic flows and vehicle speeds. The traffic survey identified the respective weekday and Saturday network peak hours as Weekday PM peak hour: 1700 – 1800 and Saturday peak hour: 1115 – 1215.

- 7.5.9 Traffic related to the proposed food store and Petrol Filling Station was estimated using bespoke trip rates, calculated using an analogous ‘new format’ Morrisons store with Petrol Filling Station in St Ives, Cambridgeshire. Traffic surveys undertaken at the store in St Ives Cambridgeshire surveyed all entry and exit points within the site and therefore determined the trip generation of the store, commercial unit and Petrol Filling Station and the interaction between them.
- 7.5.10 On the basis of the results of the trip generation exercise, junction impact assessments were carried out in respect of Martins Way / Wedgwood Way Signal Junction, Wedgwood Way / Giles Crescent / Cartwright Road, Proposed Main Site Access / Wedgwood Way and Cartwright Road / Great Ashby Way. The Highway Authority has reviewed the trip generation data and junction assessments and confirmed the trip generation and distribution exercise is satisfactory. The methodology based upon an existing Morrisons supermarket and petrol filling station in St Ives was also considered representative. The Highway Authority is satisfied that the development may be accommodated on the local highway network and that satisfactory levels of capacity are available on the tested junctions.

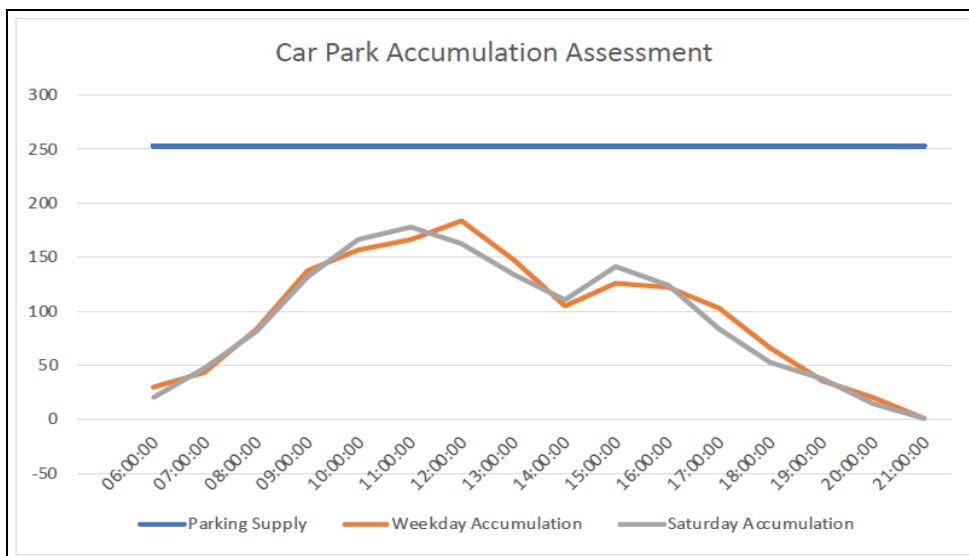
Parking

- 7.5.11 It is proposed to provide a quantum of 243 car parking spaces, comprising:
- 15 no. accessible bays
 - 14 no. parent & child bays
 - 3 no. click and collect bays
 - 4 no. Electric Vehicle Charging (EVC) bays
- 7.5.12 A total of 234 car parking spaces would be allocated for the proposed food store, with a remaining 9 spaces supporting the proposed commercial unit. The site is not located within an accessibility zone within the Parking Provision SPD (2020), therefore it would be expected that 75% - 100% of the maximum number of parking spaces are provided. Based on the adopted parking standards the maximum parking provision would be as follows:

Land Use	Vehicle Maximum	Disabled Parking (minimum)	Required Cycle Parking		Electric Vehicles
			Short Stay	Long Stay	
Food Store & PFS (5638 sqm GFA/ 234 spaces)	403 spaces	15 spaces	38 spaces	32 spaces	50 active spaces
Employment Unit (357sqm GFA / 9 spaces)	9 spaces		0	1	
Total	412 spaces	15 spaces	38 spaces	33 spaces	50 active spaces

- 7.5.13 The food store trip generation has been used to inform parking demand, including any demand linked to the Petrol Filling Station (i.e. visits PFS then parks at store). No demand

has been included for the PFS or proposed commercial unit, as these land uses are considered ancillary to the proposed food store in terms of parking demand. The submitted parking accumulation calculations demonstrate that the proposed car park would have capacity for the proposed development:



7.5.14 The proposed car parking provision represents 57% of the maximum standard as stated in the above table, which is below the recommended 75 – 100% as stated by the Parking Provision SPD. The applicant has sought to justify this based on the food store trip generation to calculate the parking demand, which is shown in the above graph. The Highway Authority have accepted the trip generation calculations as being satisfactory and representative for a store of this size. On this basis, officers consider sufficient evidence has been provided to justify the level of car parking proposed and the proposal is considered acceptable in this regard.

Electric Vehicle Parking

7.5.15 The Parking Provision SPD (2020) requires 20% of the overall spaces to have active electric vehicle charge points, with the remaining 80% providing passive provision for future upgrade. Morrisons as a business seek to implement fast and rapid charging on their sites, as these provide the most utility to customers, providing a meaningful charge whilst undertaking a food shop. However, these chargers require a significant energy supply and therefore cannot be provided in significant numbers. As a result, an initial provision of 4 chargers are proposed near to the store, with potential for expansion along the eastern boundary.

7.5.16 The uptake of electric vehicles in the local area is consistent with the average for Stevenage at circa 0.9%. The local uptake is however relatively low when compared to the County as a whole, with an average proportion of 5.4% in Hertfordshire. Further analysis of electric vehicle type would suggest that the actual demand locally for charging would be circa 0.42% when only Battery Electric Vehicles (BEVs) are included. Plug-in Hybrid Vehicles (PHEVs) are less likely to require charging given the smaller battery size and alternative propulsion.

7.5.17 Applying the local BEV proportion to the proposed parking supply (243 spaces) would outline a likely demand of 1 space (243×0.42) on site. The provision of 4 spaces would therefore be considered appropriate for the predicted likely charging demand on site. The adopted Travel Plan would continually monitor the Electric Vehicle Charging demand on site and could increase charging points when necessary. It is considered this approach is acceptable, given the provision of rapid charging points which would be most practical for

customers using the supermarket. A planning condition can secure the provision of 4 EV spaces and for 10% of all spaces to be passive (i.e. ducting to be provided) for future use.

Disabled Parking

- 7.5.18 Disabled spaces should be in accordance with the standards set out in Table 7 of the Parking Provision SPD (2020). For this proposal, the requirements state 6% of spaces should be accessible, which equates to 15 spaces. Fifteen accessible spaces are shown to be provided at the front of the store, close to the entrance which meets the requirements and are acceptable.

Cycle Parking

- 7.5.19 A minimum of 71 cycle spaces would be required on site, including 38 short stay spaces for visitors and 33 long stay spaces for staff. Forty short stay cycle parking spaces, in the form of 'Sheffield type' hoops, would be provided on key entry points to the site and near to building entrance points. Long stay cycle parking, in the form of cycle storage lockers, would be provided to the rear of the employment unit and would be covered and secure. It is considered the proposed cycle parking arrangements are acceptable. Final details of cycle parking would be sought by planning condition should planning permission be granted.

Servicing and Deliveries

- 7.5.20 The servicing of the proposed food store is proposed to be carried out entirely within the site using a dedicated service access and service yard. The service route has been subject to detailed swept path analysis using the largest vehicle (18.5m long articulated HGV). Servicing of the proposed Petrol Filling Station is to be carried out entirely within the site using the access off Wedgwood Way. The service route has been subject to detailed swept path analysis using the largest vehicle (Oil Tanker). The servicing and delivery requirements of the proposed commercial unit would be determined by the end occupier(s). Nevertheless, the size of the unit would largely dictate that servicing would be undertaken by light vehicles and would be carried within the proposed car park.

7.6 Flood Risk and Drainage

- 7.6.1 A Flood Risk Assessment and Drainage Strategy prepared by WLM Consulting have been submitted. The FRA report reviews the drainage and flood risk issues associated with the proposed development and the Drainage Strategy sets out how surface water run off would be accommodated. The report states that the application site is located within Flood Zone 1 and that flood risk from fluvial flooding is very low. Environment Agency mapping indicates small areas of the site are susceptible to surface water flooding. However, the flood risk assessment concludes the risk of flooding is notional and would be managed through the proposed drainage strategy. The development of the site for a supermarket and petrol filling station is therefore appropriate as set out by the 'flood risk vulnerability classification' contained within the Planning Practice Guidance.
- 7.6.2 The Drainage Strategy sets out details in respect of surface water and foul water drainage. Drainage strategies should adhere to the Sustainable Drainage Strategy (SuDS) hierarchy provided in the Local Flood Risk Management Strategy 2 (2019). The hierarchy identifies that living roofs and walls are the most-sustainable SuDS features, followed by ponds and basins, infiltration devices and permeable surfaces. Tanked and piped systems are identified as the least sustainable, providing no pollution reduction nor biodiversity benefit.
- 7.6.3 Investigations confirmed that the ground conditions on the site are not suitable for infiltration and there are no nearby watercourses within the vicinity. As such, the Drainage Strategy

proposes the disposal of all surface water via a connection to the public sewer. The applicant has contacted Thames Water to confirm acceptable connection points and discharge rates. Thames Water have confirmed that as long as the applicant follows the sequential approach to the disposal of surface water, they would have no objections to the discharge to their network.

- 7.6.4 Following comments from the Council's drainage consultant, recommending that the applicant revise their Drainage Strategy to incorporate and commit to the use of a greater range of SuDS elements, a revised strategy was submitted incorporating permeable paving across parking areas which would provide an element of attenuation. Above ground SuDS features, such as swales and rain gardens were not considered practical due to the limited amount of soft landscaping available across the site, however tree pits have been incorporated into the landscaping design which have SuDS/biodiversity benefits. Surface water would be prevented from entering the buildings through site levels which would fall away from the entrances, mitigating the need to raise finished floor levels.
- 7.6.5 Following the submission of an amended Drainage Strategy at the request of the Council's Drainage Consultant to address the identified issues relating to the range of SuDS elements proposed, the Consultant was re-consulted and raised no objection, subject to conditions relating to design of the surface water run-off scheme and SuDS Maintenance.

7.7 Landscaping and Biodiversity

- 7.7.1 Emphasis throughout the design development has been to prepare a scheme that respects the character of the adjoining local landscape, enhances the ecology of the site and provides a stimulating, coherent and well-structured landscape and therefore a positive setting for the development. A significant proportion of the planting would be native, including tree, thicket, hedgerow and wildflower/species rich grassland to extend and integrate the surrounding landscape character and species distribution into the site. Where a higher level of amenity is required, ornamental species would be included around the building envelope, along access routes and within prominent locations throughout the car park and adjacent to footpaths.
- 7.7.2 To the west of the plot, along Wedgwood Way a clipped native hedgerow would be planted creating a natural landscape boundary between the adjacent street-scene and the development plot. The mixed species native hedgerow would be set back from the pavement edge by a close mown grass verge and lined with an avenue of extra heavy standard trees. Helping to screen the development whilst forming a clean and presentable boundary that defines ownership and extents of the development.
- 7.7.3 Along the southern boundary, the same boundary treatment would be continued to give a consistent, presentable and easily maintainable landscape aesthetic to the retail frontage. Areas of mixed transitional and low shrubs would be introduced behind the hedgerow to increase the density of the landscape buffer in prominent locations, creating a stronger and more robust green corridor while also helping to screen views and emphasise elements such as pedestrian and vehicular entrances.
- 7.7.4 Within car parking and areas of pedestrian access, the approach would be kept reasonably open to provide a 'feel safe' environment, assisting in security monitoring of the areas. The emphasis for these areas would be to create a clean and presentable visual aesthetic. This would be achieved predominantly through the use of ornamental groundcover species and clipped formal hedge planting that would serve to soften views across the car park. Species would be carefully selected to appeal to pollinators and invertebrates in an effort to promote biodiversity, and to supply local fauna with food supply while maintaining a strong and presentable visual aesthetic.

7.7.5 The proposal would take account of the future maintenance requirements by careful selection of plant species and their relationship, with emphasis on achieving good establishment whilst minimising maintenance costs. Overall, it is considered the landscape strategy for the site would integrate the development into its surrounding context and provide an attractive and functional working environment.

Trees

7.7.6 Section 15 of the NPPF (2021) requires developments to preserve and enhance the natural environment. Policy NH5 of the Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate. In terms of facilitating the development proposal, small sections of hedgerow and trees would be removed from the northern and southern site boundaries. The large oak and two maples on the southern boundary would be retained. Where existing trees and hedges are to be retained they would be protected in accordance with BS 5837:2012 – Trees in relation to design, demolition and construction – Recommendations. The protective fence would be fixed prior to commencement of the works and retained throughout the construction phase of the development.

7.7.7 Replacement tree planting with extra heavy standard trees would be proposed around the southern, eastern and western site boundaries and within the car park. The proposed species have been listed on landscape concept proposal plan ref. 2124-21-03 REV P8 and are agreed. The Council's Arboriculture and Conservation Manager has raised no objections to the proposed landscaping scheme and replacement tree planting.

Biodiversity

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

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

7.7.9 As the application site comprises hard surfaced areas and industrial buildings, it is considered it would meet exception criteria iv) and v) above as the site is currently developed and does not contain any protected habitats. On this basis, there would be no requirement to achieve a 10% biodiversity net gain on the site. Hertfordshire and Middlesex Wildlife Trust has raised no objection to the proposals and advised the impact on biodiversity would be negligible.

7.7.10 Notwithstanding this, the proposed landscaping strategy discussed above would provide significant biodiversity enhancement to the site, namely a 58.21% increase in habitat

biodiversity units largely achieved by including a large number of urban trees on the site. The ornamental shrub planting would contribute 0.23 habitat biodiversity units to the assessment, while the modified/amenity grassland would contribute 0.02 biodiversity units. The retained urban trees contribute 0.08 biodiversity units to the overall scheme. The new native species-rich hedge would provide an enhanced linear feature and contributes 0.96 linear hedgerow biodiversity units to the scheme. Alongside the planted habitats, there are additional 'artificial' habitat features proposed within the scheme, comprising bat roosting and bird nesting boxes, which would help support local populations of fauna.

7.7.11 With the implementation of the proposed biodiversity enhancement into the development design and landscaping, it is considered that the development proposals would result in an overall enhancement to the biodiversity and ecological value of the application site, improve access to nature and ensure compliance with Section 15 of the NPPF and policies SP12 and NH5 of the Local Plan (2019).

7.8 Archaeology

7.8.1 The application is supported by an Historic Environment Desk Based Assessment by SLR Consulting which concludes the archaeology and cultural heritage in and immediately around the site as negligible. The current building that stands within the site boundary is of late 20th-century date and retains no architectural merit. It is probable that when this building was constructed, limited archaeological attention was given to the site. It is probable that the groundworks for the existing buildings removed any potential archaeological remains and therefore, it is unlikely that any below-ground archaeology will survive in those areas of the site where deep footings and foundations (including subbase) are present.

7.8.2 There is, however, a slight possibility that sub-surface archaeological remains may survive in those areas where limited groundworks activity had occurred (i.e. on a small parcel of land south of the current building). Based on the results of the historic environment records, SLR Consulting advises that a limited archaeological watching brief be undertaken in those areas of the site that are currently not occupied by buildings. This can be secured by way of a planning condition.

7.9 External Lighting

7.9.1 An External Lighting Statement has been prepared by DDA. The report demonstrates how the external lighting design has been prepared to provide a safe and secure car park whilst minimising the impact on local adjoining properties. Measures have been incorporated to minimise lighting spill beyond the boundary of the site, to minimise impact on animal species. The illumination that would normally be free flowing from site boundaries has been restricted. Careful consideration has also been taken to ensure no loss of amenity due to glare through shielding of the lamps, choice of luminaires and efficient mounting heights. All systems would be designed in compliance with ILE Zone 3, CIBSE guidelines and Part L of the Building Regulations. The Council's Environmental Health Officer has reviewed the report and raised no objection. It is therefore considered the proposed external lighting strategy is acceptable. The external lighting design would be secured by planning condition should planning permission be granted in accordance with the recommendations of the External Lighting Statement.

7.10 Climate Change Mitigation

7.10.1 Policy FP1 of the Local Plan (2019) states that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely future variations in temperature

- Reducing water consumption to no more than 110 litres per person per day, including external water use
- Improving energy performance of buildings
- Reducing energy consumption through efficiency measures
- Using or producing renewable or low carbon energy from a local source and
- Contributing towards reducing flood risk using SuDS or other appropriate measures.

7.10.2 The planning application is supported by a Sustainability Statement by DDA which provides an overview of the initiatives WM Morrisons Supermarkets Ltd (WMS) are proposing on the application site. In addition, the report outlines the range of initiatives Morrisons are undertaking across their estate with a view to achieving the goal of being net zero carbon by 2040. In terms of site-specific measures, these would include:

- Orientation – Stores are generally orientated so that the large, glazed facades are facing North/ North-West, which offers advantages of high levels of natural daylight within the store (to reduce the need on artificial lighting to achieve design internal lighting/ lux levels), while also managing the solar gains attributed to large glazed facades. The reduced solar gains due to orientation ensures the potential for overheating is mitigated, and any associated mechanical cooling loads can be reduced.
- Building Fabric – Focusing on a building's fabric thermal performance and specifying those materials that demonstrate reduced heat loss properties enables heating loads during winter months, and cooling loads through summer months to be significantly decreased, whilst ensuring higher levels of occupancy comfort. With enhanced glazing properties, there is a reduction in solar gains which reduces the direct solar heating effect on occupants. Solar glare is reduced on reflective surfaces and blinds can be kept open allowing natural daylight penetration reducing electric lighting needs. Furthermore, high performance glazing can reduce heat loss, thus reducing mechanical heating loads and associated energy consumption.
- Thermal Mass – Morrisons stores generally have a low to medium thermal mass. This will absorb solar radiation during the day, thus reducing heat gains within a space. The heat is then re-emitted into the space when the ambient temperature is lower than the surface temperature of the structure. This has the added benefit of not only reducing internal heat gains during summer but putting heat back into the space when needed.
- Mechanical ventilation – Sales areas are heated and ventilated through the incorporation of a centralised air handling unit. Air handling units incorporate energy efficient EC fans to reduce auxiliary loads, highly efficient gas heating coils coupled with a preheater served by a refrigeration waste heat recovery circuit.
- Low energy lighting and controls.
- Building energy management system.
- Low water consumption – Low flow taps, Percussion taps to eliminate the risk of leaving taps, 4litre flush WC cisterns.
- Air source heat pump – Air source heat pumps exchange heat between the outside air and a building to provide space heating in winter and cooling in the summer months.
- Roof mounted Solar PV.
- Air to water heat pumps (hot water) – It is proposed to utilise air to water heat pumps to heat the domestic hot water for use by the store.
- Refrigeration heat pump plant waste heat recovery – Retail supermarkets have high refrigeration loads which reject heat directly into the atmosphere. When used with high efficiency air to water heat pumps, this rejected heat (waste heat) is harnessed via a plate heat exchanger and used to feed the heating coil on the sales floor air handling unit. This provides boosted efficiencies, ensuring the main heating load is provided through a renewable, low carbon technology.
- 2No 150kW electric vehicle chargers serving 2 spaces each (4 spaces total).

7.10.3 The above measures show that the proposed store would incorporate a range of best practice energy efficient design strategies, coupled with additional renewable technologies

to ensure that it would meet the sustainability goals set by Morrisons on their road map to net zero carbon by 2040. It is considered the information provided within the application demonstrates that the proposed development would accord with the requirements of policies SP2 and FP1 of the Local Plan (2019) in relation to sustainable construction and climate change mitigation and is acceptable.

7.11 Noise Impact

- 7.11.1 The planning application is accompanied by a Noise Report by Acoustic Control Engineers and Consultants ref. B5484 2022-03-07 R. Some of the mechanical plant and equipment servicing the food store would operate 24 hours per day while other plant may only operate at similar times to when the store is open. The plant at the store and PFS would be selected, located, oriented and mitigated to produce of 44 dB LAeq,1hr and 38 dB LAeq,15min at the most noise sensitive receptors during the day and night respectively which would protect the amenity of nearby receptors.
- 7.11.2 Previous measurements made at other Morrisons car parks indicate that maximum sound levels of up to 80 dB LAmax at 1 m can be produced on occasions when car doors/boots are being closed. It has been calculated levels of around 54 dB LAmax would be expected at the receptors to the south from car parking spaces closest to the dwellings. Other spaces closer to the store would have levels closer to 44 dB LAmax. This is below the current residual sound levels measured during the evening, which is likely to be the most sensitive period when these spaces would be used (as they are further from the store entrance). The report concludes there would therefore be no significant acoustic impact on any potential receptors arising from activities associated with the store car park.
- 7.11.3 The resulting sound levels at the most sensitive receptors from activities associated with deliveries are considered to have no significant adverse impact on receptors, allowing deliveries to occur on a 24/7 basis. Sound from activity at the PFS which includes vehicle movements, use of vacuum and tyre air stations, deliveries, and use of the forecourt itself is suitable according to relevant guidance at the most sensitive receptors and would be largely masked by the residual acoustic environment, especially during times of peak use.
- 7.11.4 The report concludes the proposed development would ensure that the amenity of neighbouring residents is properly protected whilst enabling the proposed site to operate efficiently and in an environmentally sustainable manner. The Council's Environmental Health officer has raised no objections and agrees with the conclusions of the report. As such, it is concluded the proposed development would be in accordance with Local Plan Policy FP7 'Pollution' in relation to noise.

7.12 Amenity

- 7.12.1 The application site lies to the north of four storey flatted development located off Giles Crescent across Wedgwood Way to the west (Moxham House) and Admiral Drive across Cartwright Road to the south. There are no residential properties sited to the east or north of the site. The submitted noise assessment does not identify any potential amenity issue with the proposed development of the application site for a food store and petrol filling station with regards to noise, however it is proposed to limit opening hours of the store to 06.00 – midnight Monday to Saturday and Sunday trading hours. This has been agreed with the applicant and would be secured via a planning condition subject to planning permission being granted.
- 7.12.2 With regards to impact on amenity in terms of light and overbearing impact, the food store building itself would be sited in the northern half of the site approximately 109m from the flats on Admiral Drive and 101m from the flats in Moxham House. Given the height of the food store would not exceed the four-storey height of the flats and the generous separation

distances, it is not considered there would be any loss of light or overbearing impact on these dwellings.

7.12.3 With regards to outlook and privacy, the same reasoning can be applied. Given the proposed food store would be located over 100m away from the closest residential dwellings and that the height of the store would not exceed the four-storey height of the flats, it is not considered there would be any loss of outlook or privacy for the occupiers of these flats, who already live on the edge of an industrial/commercial area with views of commercial buildings and activities.

7.12.4 It is not considered the proposed food store or petrol filling station would raise any amenity issues with occupiers of nearby residential properties in terms of noise, outlook, light, and privacy due to the relative building heights and separation distances involved. The proposal is considered acceptable in this regard and in accordance with Local Plan Policy GD1 'High Quality Design'.

7.13 Planning Obligations

7.13.1 The following planning obligations would be attached to any planning permission:

- S278 Agreement of the Highways Act 1980 (covering the off-site highway improvements)
- £6000 Travel Plan evaluation and support fee
- Local Employment and Apprenticeships
- s106 monitoring fee

7.13.2 The above obligations have been agreed with the applicant and Hertfordshire County Council as Highway Authority (where relevant) and would be secured via a S106 Legal Agreement, subject to planning permission.

7.14 Other Matters

Community Infrastructure Levy

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

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

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

7.14.3 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application. The proposed development would be liable for CIL at £60/m².

Equality, Diversity and Human Rights

7.14.4 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.

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

7.14.6 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.

7.14.7 In terms of inclusive access, the proposed buildings have been designed to be fully accessible and inclusive. All spaces in the new buildings would be accessible; the floors and thresholds would be level and lifts would serve all floors. The routes into the building would be clear and signed and demarcated appropriately using landscape treatments. There would be no abrupt changes in levels on the approach to the proposed buildings. Disabled parking spaces would be provided within the MSCP at ground floor level. The design proposals have been developed with reference to Approved Document Part M (AD-M) and BS8300:2018 'Design of an Accessible and Inclusive Built Environment.'

7.14.8 Level access would be provided to the development at all pedestrian access points. The design of the scheme provides a safe, secure and attractive environment. The immediate connectivity of a development site includes factors that relate to pedestrian and cycle access as well as access by wheelchair users. In terms of pedestrian facilities in the area, footways are generally of a high standard, are level / trip free and well lit.

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

8 DRAFT NATIONAL PLANNING POLICY FRAMEWORK

8.1 The Department of Levelling Up, Housing and Communities (DLUHC) undertook a consultation between the 22 December 2022 and 2 March 2023 on a revised version of the National Planning Policy Framework (NPPF). DLUHC is currently undertaking a review of the consultation responses to the draft version of the NPPF with a view to adopt the new NPPF in Spring 2023. For reference, a copy of the draft NPPF can be viewed in the link below:

- 8.2 Whilst the revisions to the NPPF are in draft form and the policies contained within have limited weight, an assessment has been undertaken against the policies set out in the draft NPPF. This is in the event it is formally adopted prior to, or after the determination of this application by the Council's Planning and Development Committee.
- 8.3 Aside from changes to the paragraph numbers, the content of the relevant retail policies within section 7 'Ensuring the vitality of town centres' remains unchanged. Therefore, the assessment carried out under national retail policy in this report would be consistent with both the adopted and draft NPPF and no further analysis is required.

9 CONCLUSIONS

- 9.1 The policies considered to be most relevant for determining this application are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up to date. Accordingly, Paragraph 11(d) of the NPPF is not engaged and the application falls to be determined against a straightforward planning balance.
- 9.2 It has been clearly demonstrated that the application site satisfies the sequential test and the proposed development would not impact on any existing, committed and planned investment and there would be no significant adverse impact on the vitality and viability of Stevenage Town Centre and other defined centres (including local consumer choice and trade). The proposals would deliver a new food store, which would result in more sustainable shopping patterns and significant economic / employment benefits for the town. The application has been supported by over 190 residents.
- 9.3 Commercial evidence suggests that the Local Plan allocated Graveley Road food store site is not a viable location for a new superstore (net retail floor area of 2,500m² or more), due to its location on the very edge of Stevenage and the existence of a large Sainsbury's superstore within 1km of the site. It is envisaged the Sainsbury's store would assist in serving the needs of the North of Stevenage urban extension, in addition to any smaller neighbourhood store on the Graveley Road site. It is therefore unlikely that the site will come forward for a large food store development under Local Plan policy TC11 and that a smaller, neighbourhood store is more likely in conjunction with commercial units for B8/B2 use. It has been demonstrated that the application proposal would not undermine the delivery of this.
- 9.4 Whilst the proposals would result in the loss of an existing industrial site and conflict with Local Plan policy EC6 'Pin Green Employment Area', evidence submitted to the Local Planning Authority suggests it would not harm the economic prosperity of the town. Indeed, the Employment Study sets out the clear and significant economic benefits which would result from the development, including a significant increase in employment opportunities and local spend in comparison to the most likely future industrial use of the site for B8 storage and distribution. As such, based on cogent and adequate evidence and weighing up the planning balance, it is concluded the benefits of the proposal outweigh this policy conflict and the loss of the industrial use.
- 9.5 Furthermore, it is concluded the proposal would give rise to several positive environmental, economic and social benefits to which significant weight should be attached in the determination of this planning application. In the absence of any identified harm and considering the significant tangible positive benefits arising from the proposed development and the presumption in favour of sustainable development, it is concluded that it should be granted planning permission subject to conditions and a Section 106 Agreement.

10 RECOMMENDATIONS

10.1 That planning permission be GRANTED subject to:

- A) No intervention from the Secretary of State from the Department for Levelling Up Housing and Communities following reference of the application under the Town and Country Planning (Consultation) (England) Direction 2021;
- B) The applicant having first entered into a S106 agreement to secure/provide contributions towards:
- S278 Agreement (covering the off-site highway improvements)
 - £6000 Travel Plan evaluation and support fee
 - Local Employment and Apprenticeships
 - S106 monitoring fee

10.2 In the event the updated version of the National Planning Framework is formally adopted and is materially different to the published draft version issued in December 2022, the application will be referred back to the Planning and Development Committee for its decision.

10.3 The detail of the S106 legal agreement would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:

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

PL_01B; PL_02B; PL_03E; PL_04D; PL_05D; PL_06E; PL_07C; PL_08C; PL_09D; PL_10D; PL_11C; PL_12A; T656_03C; T656_02A; 2124-21-03 REV P8; 20-3631_E63-EX01; 2124-21-02; T656_06; 9602-WML-00-XX-CA-C-0001 P02; 9602-WML-ZZ-XX-DR-C-0801 P02; 9602-WML-ZZ-XX-DR-C-0802 P02; 9602-WML-ZZ-XX-DR-C-0805 P05; 9602-WML-ZZ-XX-DR-C-0825 P03; 9602-WML-ZZ-XX-RP-C-9001 P02; 9602-WML-ZZ-XX-RP-C-9002 P03; 9602-WML-ZZ-XX-DR-C-0805 P06; 9602-WML-ZZ-XX-DR-C-0825 P04; 9602-WML-ZZ-XX-RP-C-9002 P04

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 site clearance or construction work relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.

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

Prior to Commencement

4. Prior to the commencement of the use hereby permitted, visibility splay(s) shall be provided in full accordance with the details indicated on the approved plan number T656_02A. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
5. Prior to the commencement of the development hereby permitted (excluding demolition), a scheme for pedestrian access from the proposed supermarket to all car parking spaces shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Prior to first use of the development, the scheme shall be completed in accordance with the approved details.
REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
6. No demolition or development shall commence 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 / Statement shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic 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.**REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).
7. Prior to the commencement of the development hereby permitted (excluding demolition), details of the public transport infrastructure shall be submitted to and approved in writing by the Local Planning Authority. This infrastructure shall comprise of but is not limited to the following:
 - i. Details of bus stop facilities to include raised height kerbs and shelter and real-time information (within the site), where agreed;
 - ii. A programme for the delivery of the public transport infrastructure.Prior to first use of the development the public transport infrastructure shall be implemented.
REASON:- To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).
8. Prior to the commencement of the development hereby permitted (excluding demolition), a final design of the drainage scheme for the site shall be submitted to and approved in

writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall include the following:

- updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year + 40% climate change event;
- the water quality treatment provision should be quantitatively demonstrated that it is suitable for the pollution hazard level by the Simple Index Approach, This will need to be demonstrated for the roof water and surrounding hardstanding drainage systems;
- an updated full detailed surface water drainage plan showing the proposed discharge points, the location of the proposed SuDS features, any pipe runs and size;
- detailed engineering drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs. This should include the provision of Tree Pits integrated into the drainage strategy;
- An updated surface water exceedance diagram that includes the Commercial Unit; and
- evidence that the proposed CCTV drainage survey of the surrounding surface water sewerage network which it is proposed to discharge into has been undertaken, and that this has shown that the drainage proposals for this site can be accommodated.

REASON:-

1. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site; and
2. To ensure that sufficient treatment of surface water is provided before disposal, to prevent pollutants entering downstream watercourses.
3. To determine that the receiving drainage network is fit for purpose and of sufficient capacity condition in order to be able to receive discharge from the site drainage system.

9. No demolition or development shall commence until a detailed Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall detail how waste materials generated as a result of the proposed demolition and/or construction works will be disposed of, and the level and type of soil to be imported to the site as part of the development.

REASON:- In order to reduce the level of waste generated during the demolition and construction phases of development and to recycle all waste materials where possible.

10. No development, including site clearance, shall commence until the trees shown to be retained on the site, as identified on the approved plans, or subsequently approved landscaping scheme, have been protected by fencing or other means of enclosure in accordance with BS:5837:2012. Such protection shall be maintained until the conclusion of all site and building operations.

REASON:- To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.

Development above Slab Level

11. Notwithstanding the details shown in this application, the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.

REASON:- To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.

12. Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement

works as indicated on drawing number T656_03C have been submitted to and approved in writing by the Local Planning Authority.

REASON:- To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

13. No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping, details of the treatment of all hard surfaces and the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.

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

Prior to first use

14. Prior to the first use of the development hereby permitted, the vehicular access(es) shall be provided and thereafter retained at the position shown on the approved plan drawing number T656_02A. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON:- To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

15. Prior to the first use of the development hereby permitted, vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number T656_03C only. Any other access(es) or egress(es) shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

16. Prior to the first use of the development hereby permitted the proposed access / onsite car and cycle parking / servicing / loading, unloading / turning shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Prior to the first use of the development hereby permitted, the development shall include provision for 4 of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready charging points and 10% of all spaces to be passive (i.e. ducting to be provided).

REASON:- To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

18. Prior to the first use of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be

submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first brought into use and thereafter retained for this purpose.

REASON:- To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

19. Prior to first use of the development hereby permitted, the external lighting to the site shall be installed, maintained and operated in accordance with the details on drawing numbers 20/3631_E63/EX01 Rev A. There shall be no other sources of external illumination.

REASON:- To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

20. Prior to the first use of the development hereby permitted, the offsite highway improvement works referred to in condition 12 shall be completed in accordance with the approved details.

REASON:- To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

21. No part of the development hereby permitted shall be brought into use prior to the implementation of the approved Travel Plan and dated March 2022 (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to first use). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after first use shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is operational.

REASON:- To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

22. Prior to the first use of the development hereby permitted, a management and maintenance plan for the approved SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

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

REASON:- To maximise the use of SuDS in the interests of mitigating the risk of flooding to the site itself and downstream; to prevent pollutants entering downstream watercourses; and to maximise the sustainability of the development throughout its lifetime.

General Compliance

23. The development hereby permitted shall be carried out in accordance with the ecological mitigation and enhancement measures as detailed in the 'Extended Phase 1 Habitat Survey And Bat Inspection Of Building – March 2021 (Minor Updates March 2022)'. This

document shall be adhered to at all times during construction, including site clearance works, and during occupation of the development.

REASON:- To ensure protection of the natural environment

24. All planting, seeding and turfing comprised in the approved landscaping details as specified in condition 13 of this approval shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.

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

25. All hard surfacing comprised in the approved landscaping details as specified in condition 13 of this approval shall be carried out prior to the first use of the site or the completion of the development, whichever is the sooner.

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

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

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

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

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

28. Within the areas to be fenced off in accordance with condition 10, there shall be no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit and no dumping of toxic chemicals will be permitted and no retained trees shall be used for winching purposes.

REASON:- To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.

29. All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

REASON:- Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).

30. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 31 which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme

a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 31.

REASON:- To ensure that the site does not pose any risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.

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

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

32. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, as required under condition 30, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

33. A limited archaeological watching brief shall be undertaken in those areas of the site that are currently not occupied by buildings in accordance with the recommendations of the Historic Environment Desk Based Assessment by SLR ref. 406.01490.00032.

REASON:- To ensure the investigation and recording of any items of archaeological interest.

34. The measures to address adaptation to climate change as set out within the Sustainability Statement by DDA shall 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.

35. The development to which this permission relates shall be carried out in accordance with the recommendations set out within the Phase 2 Ground Investigation by ARC Environmental as approved or any alternatives to be submitted to and approved by the Local Planning Authority.

REASON:- To ensure a satisfactory form of development.

36. The development to which this permission relates shall be carried out in accordance with the recommendations set out within the Noise Report by Acoustic Control Engineers and Consultants ref. B5484 2022-03-07 R as approved or any alternatives to be submitted to and approved by the Local Planning Authority.

REASON:- To safeguard the amenity of the surrounding area.

37. Unless otherwise agreed in writing by the Local Planning Authority, the food store and commercial unit shall operate between the hours of 06.00 and midnight Monday to Saturday and 10.00 to 16.00 on Sunday and the petrol filling station 06.00 to midnight Monday to Sunday.
REASON:- To protect the amenity of the occupiers of adjoining properties.
38. No internal alterations shall be carried out so as to provide additional floorspace, without the prior written agreement of the Local Planning Authority.
REASON:- To enable the Local Planning Authority to assess the adequacy of car parking / servicing on site and retail impact in relation to the proposed level of floorspace.
39. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 (as amended), and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Orders revoking or re-enacting these Orders) this permission shall only permit the use of the premises as approved under this planning permission and for no other use or purpose, including any use or purpose within the same use Class.
REASON:- To enable the Local Planning Authority to fully consider the effects of any development normally permitted by these Orders to safeguard the amenities of the locality.

INFORMATIVES

1. 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 or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

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. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority,

and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

3. Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx
4. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery 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 website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
5. Obstruction of public highway land: 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 website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Debris and deposits on the highway: 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.
7. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
8. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements

of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

9. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.
10. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk.
11. During the demolition and construction phase of the development, the guidance in BS5228-1:2009 (Code of Practice for Noise Control on Construction and Open Sites) should be adhered to.
12. The applicant is advised to contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design to ensure that the development is compliant with both National and Local Planning Policies. In addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations".
13. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
14. To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at 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).

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 led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

11 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Developer Contributions SPD 2021; Parking Provision and Sustainable Transport SPD 2020; The impact of Development on Biodiversity SPD 2020; Design Guide SPD 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council’s Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2021 and Planning Policy Guidance March 2014.