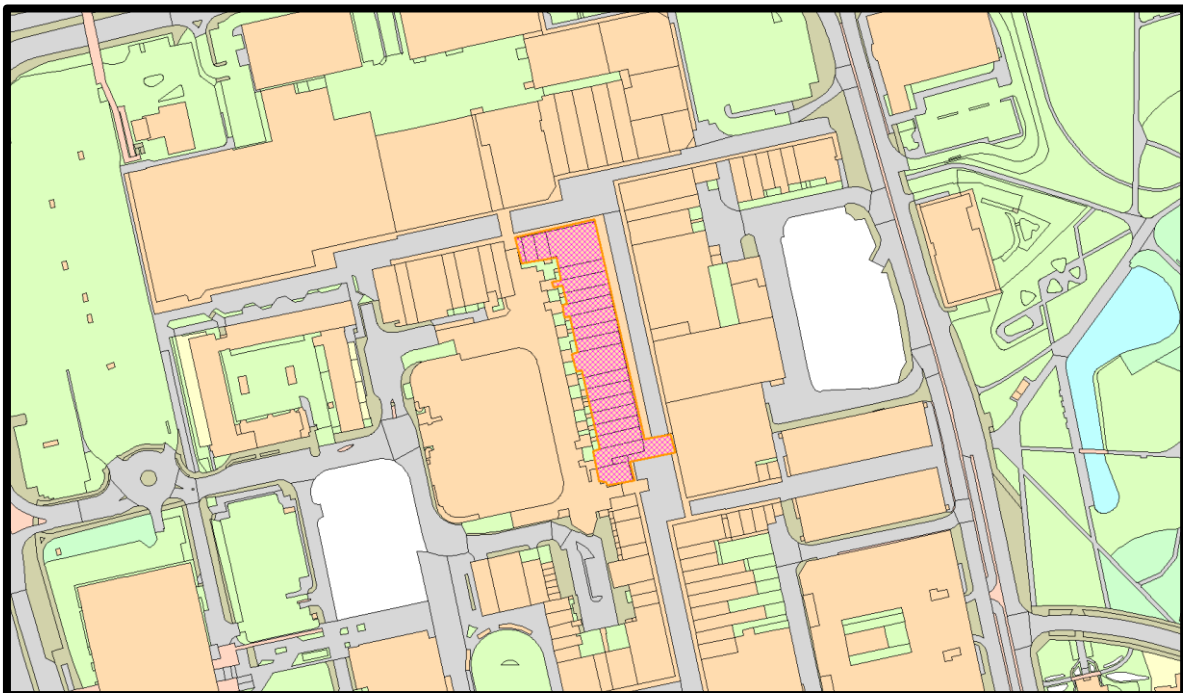


Meeting: Planning and Development Agenda Item:
Committee
Date: 2 April 2024
Author: Thomas Frankland-Wells
Lead Officer: Zayd Al-Jawad
Contact Officer: Thomas Frankland-Wells

Application No:	23/00502/FPM
Location:	58-90 Queensway and Forum Chambers, Town Centre, Stevenage, Herts, SG1 1EE
Proposal:	Change of use of ground floor retail unit (80 Queensway), first and second floor office units (58-80 Queensway) and Forum Chambers (all Use Class E) to residential use (Use Class C3) and all associated ancillary infrastructure, and the upward extension of two additional storeys and associated external alterations and works to create a total of 71 residential units.
Drawing Nos.:	1294.11.001; 1294.11.002; 1294.11.010; 1294.11.011; 1294.11.012; 1294.11.013; 1294.11.100 Rev B; 1294.11.101 Rev B; 1294.11.102 Rev A; 1294.11.103 Rev A; 1294.11.104 Rev A; 1294.11.105 Rev A; 1294.11.200; 1294.11.201 Rev A; 1294.11.202; 1294.11.300 Rev A;
Applicant:	ABC Commercial Stevenage 1 Ltd
Date Valid:	27 June 2023
Recommendation:	GRANT PLANNING PERMISSION



The above plan is for illustrative purposes only.

1 SITE DESCRIPTION

- 1.1 The site comprises a three storey row of shops and offices on the western side of Queensway, running from Queensway Chambers to the western turn onto The Forum. The ground floor is mostly made up of shops, whilst the upper floors comprise incidental storage space for the shop units and separate offices. Access is pedestrian only and can be taken from various points on Queensway and the Forum at ground floor level, as well as from the rear service yard at first floor level.
- 1.2 The site is located within the town centre shopping area and the ground floor is a primary retail frontage. It is also located within Flood Zone 1 and The Town Centre Residential Parking Accessibility Zone. The Town Square Conservation Area lies immediately adjacent to the site to the south.

2 RELEVANT PLANNING HISTORY

- 2.1 The relevant planning history is set out below.

Reference	Description	Decision & Date
23/00578/CPA	Prior approval for proposed change of use of first and second floor from Class E (Commercial/Business/Services) to Class C3 Residential for 23 units.	Prior Approval Granted 20/09/2023
21/01353/FPM	60A-80 Queensway Stevenage - Conversion of building comprising Use Class E (Retail) to 30 no. residential units (Use Class C3) comprising 27 no. 1 bedroom and 3 no. 2 bedroom flats with associated external alterations, including additional building access from Queensway and external alterations to existing building.	Withdrawn
20/00512/CPA	Forum Chambers – Change of use from B1(a) Offices to C3 Residential to include 12 flats	Prior Approval Granted 17/11/2021
20/00737/FP	66-98 Queensway and 20-22 The Forum – Removal of existing canopy and erection of replacement canopy	Permission Granted 27/01/2021
19/00644/FP	58 Queensway - Continued use of the first floor as Use Class D2 (Leisure) with ancillary Use Class A1 (Retail)	Permission Granted 11/12/2019
17/00074/FP	90 Queensway – Single Storey Rear Extension	Permission Granted 24/03/2017
17/00311/FP	58 Queensway - Temporary Change of Use from Class B1 (Training Centre) to Mixed B1/D1 Use (Training Centre/Hearcare Audiologist) for a period of 18 months.	Permission Granted 22/06/2017
13/00331/FP	92-94 Queensway – Retention of a new shop front to Unit 94.	Permission Granted 17/09/2013
12/00473/FP	86 Queensway - Change of use to Class A3 (Restaurants and Cafes)	Permission Granted 22/11/2013
12/00584/FP	64 Queensway – Alterations to shop front, installation of internal roller shutters and replacement hoarding.	Permission Granted 30/01/2013
12/00026/FP	20 The Forum - Installation of a new shop front and replacement AC condenser on rear elevation	Permission Granted 24/02/2012
10/00519/FP	78-80 Queensway - Change of use from Class A1 shop to Class A2 bank.	Permission Refused 12/01/2011
05/00343/FP	64 Queensway – New shop front and extension	Permission Granted 02/09/2005

03/00159/FP	60B Queensway – Replacement Shopfront	Permission Granted 27/05/2003
00/00545/FP	82 Queensway – New Shopfront	Withdrawn

3 THE CURRENT APPLICATION

- 3.1 The application seeks full planning permission for the change of use of the first and second floors of the building to provide 42 flats and the erection of a two storey upward extension to provide a further 29 flats, making a total of 71 residential units. The ground floor of 80 Queensway would also be converted to provide a new access.
- 3.2 The application also proposes refurbishment of the elevations of the building, including the replacement of the existing canopy to match the development opposite. Private balconies and a communal garden would be provided for future occupants, and the building would be topped by a green roof.
- 3.3 The application is put forward as car-free i.e., no dedicated off-street car parking is proposed. In addition to the new access at 80 Queensway, the existing accesses on Queensway and The Forum would be retained.
- 3.4 The application comes before the Planning and Development Committee because it is for major development.

4 PUBLIC REPRESENTATIONS

- 4.1 The application was publicised by way of a site notice, a press advert, and letters to neighbouring occupiers. Two representations were received, both of which requested the provision of integrated swift bricks within the development and raised no other material issues.

5 CONSULTATIONS

- 5.1 The outcome of third party consultations is summarised below.
- 5.2 Thames Water
- 5.2.1 No objection.
- 5.3 HCC Growth and Infrastructure
- 5.3.1 No objection, subject to a cash contribution towards primary education (Further details of this contribution are set out in detail in section 7 of this report).
- 5.4 HCC Highways
- 5.4.1 Objection on the grounds of lack of electric vehicle charging, lack of disabled parking, and the provision of two-tier cycle racks. A cash contribution of £484,646 is also requested towards sustainable transport improvements.
- 5.5 HCC Waste and Minerals
- 5.5.1 No objection, subject to a condition to secure a site waste management plan.
- 5.6 HCC SuDS (Lead Local Flood Authority)

5.6.1 No objection, subject to conditions to secure various details relating to flood risk and drainage.

5.7 BEAMS (SBC Heritage Consultant)

5.7.1 The development would result in a low level of less than substantial harm to the Town Square Conservation Area, which should be balanced against the public benefits of the proposal.

5.8 SBC Environmental Health

5.8.1 No objection, subject to conditions to secure additional noise mitigation.

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 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For Stevenage, the statutory development plan comprises the following documents:

- The Stevenage Borough Council Local Plan 2011-2031 (adopted 2019)
- The Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026 (adopted 2012)
- The Hertfordshire Waste Site Allocations Development Plan Document 2011-2026 (adopted 2014)
- The Hertfordshire Minerals Local Plan Review 2002-2016 (adopted 2007)

6.2 National Planning Policy Framework

6.2.1 A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
- change to policies on Biodiversity.

6.2.2 The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which

should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.2.3 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 79 of the NPPF. This will be in addition to the preparation of an Action Plan. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development under paragraph 11d) of the NPPF. The latest HDT results published by the Department for Levelling Up, Housing and Communities (DLUHC) in December 2023 identifies that Stevenage delivered 57% of its housing requirement.

6.2.4 Turning to 5-year housing land supply, the Council published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department confirmed the Council at the time of the decision could demonstrate a housing supply of 6.68 years (including 20% buffer).

6.2.5 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, as this policy is now engaged, it means Local Plan policies would be classed as out-of-date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing. The Council must also apply a 20% buffer in its 5-year housing supply calculations and it also has to produce an Action Plan in order to boost housing delivery.

6.2.6 The Council is now commencing preliminary work into a review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment. In addition, it will now prepare an updated Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years. Moreover, the Council is also preparing updated statements with respect to 5 year housing land supply given the last monitoring report was published in 2022.

6.3 Planning Practice Guidance

6.3.1 The Planning Practice Guidance ("PPG"), with which Members are fully familiar, is an online resource containing guidance supplementing the NPPF. The PPG is a material consideration which should be taken into account in determining planning applications.

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

6.5.1 The Local Plan policies most relevant in considering whether to take enforcement action are as follows:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Sustainable Development in Stevenage
- SP3 A strong, competitive economy
- SP4 A vital town centre
- SP5 Infrastructure
- SP6 Sustainable Transport
- SP7 High Quality Homes
- SP8 Good Design
- SP9 Healthy communities
- SP11 Climate Change, Flooding and Pollution
- SP12 Green Infrastructure and the Natural Environment
- SP13 The Historic Environment
- EC7 Employment development on unallocated sites
- TC1 Town Centre
- TC8 Town Centre Shopping Areas
- IT4 Transport Assessments and Travel Plans
- IT5 Parking and Access
- IT6 Sustainable Transport
- HO5 Windfall Sites
- HO7 Affordable Housing Targets
- HO8 Affordable Housing Tenure, Mix and Design
- HO9 Housing Types and Sizes
- HO11 Accessible and adaptable housing
- HC8 Sports facilities in new developments
- GD1 High Quality Design
- FP1 Climate Change
- FP2 Flood Risk in Flood Zone 1
- FP7 Pollution
- FP8 Pollution Sensitive Uses
- NH10 Conservation Areas

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
- The impact of Development on Biodiversity SPD 2020
- Developer Contributions SPD 2021
- Design Guide SPD 2023

6.7 Community Infrastructure Levy

6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy (“CIL”) Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location, and floor space of a development. The proposal would be liable for CIL at a rate of £40/m².

7 APPRAISAL

7.1 The main issues in the assessment of the application are:

- The principle of the development

- Housing mix and tenure
- Standard of accommodation
- Accessibility
- Character and appearance
- Heritage
- Impact on neighbouring amenities
- Parking
- Servicing
- Highway safety
- Climate Change
- Flood risk and drainage
- Contamination
- Ecology and biodiversity
- Developer contributions

7.2 Principle of Development

- 7.2.1 The application proposes the provision of housing. Policy SP7 of the Local Plan states the Council's intention to deliver 7,600 dwellings over the Local Plan period, including on appropriate unallocated sites. The proposal qualifies as windfall development because the site is not allocated for any specific purpose in the Local Plan.
- 7.2.2 Policy HO5 sets out various criteria which windfall development proposals should meet in order to be considered acceptable. The first of these is that the site should be previously developed land or a small, underutilised urban site. The application site falls within the definition of previously developed land as set out in the NPPF. The proposal therefore accords with criterion (a).
- 7.2.3 The second criterion is that the site should benefit from good access to local facilities. In this case, the site benefits from very good access to local facilities because it is located in the heart of the town centre. The proposal therefore accords with criterion (b).
- 7.2.4 The third criterion is that the development should not have an adverse impact on the environment or surrounding properties. This is largely a matter of detail rather than of the principle of land use, although it is noted that there are existing residential uses in the surrounding area. Criterion (c) will be given further consideration later on in this report.
- 7.2.5 The fourth criterion is that the development should not prejudice the delivery of housing on allocated sites. In this case, the nearest allocated sites are the various opportunity areas on the periphery of the town centre but these are separated from the site by other land and buildings. In any event, there is nothing to indicate that the introduction of additional residential development in the vicinity would constrain the delivery of these sites. The proposal is therefore considered to accord with criterion (d).
- 7.2.6 The fifth and final criterion is that the development should not overburden existing infrastructure. In this regard, it should be noted that the development would be liable for CIL, the purpose of which is to mitigate infrastructure impacts. There would be an additional impact on primary education but this would be mitigated by a cash contribution, which the applicant has committed to paying in full. In the absence of any other apparent impacts on infrastructure, the proposal is considered to accord with criterion (e) and with Policy HO5 more generally insofar as it relates to land use.
- 7.2.7 The application also proposes the change of use of various parts of the existing building. The most heavily protected part of the building that would change use is the ground floor of 80 Queensway, which forms part of a primary frontage.

- 7.2.8 Policy TC8 of the Local Plan broadly reserves the primary frontages for retail purposes, with some exceptions for restaurants and cafes in specific locations. In other locations, permission should only be granted for a change of use for purposes other than retail where the overall benefits to the vitality and viability of the town centre would equal or outweigh those provided by a retail or professional services use. This should be determined having regard to whether an active frontage would be retained, the amount of footfall generated, and whether the unit in question has remained vacant or been unsuccessfully marketed over the preceding six months.
- 7.2.9 In this case, an active frontage would be retained because the shopfront would remain in place as existing but rather than providing views into a retail unit, it would expose a large lobby and stairs leading up to the upper floor retail units. Footfall is difficult to compare because the unit has now been vacant for in excess of three years and it would generally either be directly measured or estimated based on sales data. However, it can be said that the introduction of 71 new residential units with a maximum occupancy of 141 people would generate commensurate footfall.
- 7.2.10 The applicant has provided a comprehensive marketing report which shows that the unit (currently forming a double unit with 78 Queensway) has been marketed continuously since September 2020 with pauses only for the first and second COVID lockdowns. These efforts resulted in four viewings but only one offer which sought unreasonable terms and did not progress. Most enquirers eventually found alternative space within the town and fed back that the associated storage space on the upper floors was surplus to requirements.
- 7.2.11 In light of the retention of an active frontage, the footfall the proposed development would generate, the considerable period of time that the unit has been vacant, and the efforts to market the property well beyond the six months required by Policy TC8, it is considered that the proposed change of use of 80 Queensway would be of greater benefit to the vitality and viability of the town centre than a retail or professional services use in the same location. It follows that the proposal accords with Policy TC8.
- 7.2.12 The incidental retail storage space at first and second floor levels from 66 to 80 Queensway would also change use. There are no Local Plan policies which protect retail uses above ground floor level but similar considerations are applicable in terms of what would be in the best interests of the vitality and viability of the town centre. In this regard, it is noted that 70, 72 and 76 Queensway have been vacant and unsuccessfully marketed for in excess of one year, whilst 66, 68 and 74 are occupied at ground floor level only. Accordingly, it is considered that the change of use of the first floor of these units would also be of overall benefit to the vitality and viability of the town centre.
- 7.2.13 Finally, it is necessary to consider the change of use of the offices at Queensway Chambers and Forum Chambers. Policy EC7 of the Local Plan seeks to protect against the loss of employment land, including offices, on unallocated sites across the Borough. Permission should only be granted for the loss of such land where it can be demonstrated that there is sufficient alternative employment land available elsewhere, that the proposal would provide overriding benefits against other Local Plan objectives, or that the land in question has remained vacant or been unsuccessfully marketed over a considerable period of time.
- 7.2.14 Queensway Chambers is divided into northern and southern units at first and second floor level. The southern unit on the first floor was until recently occupied by a games retailer (at 25% of the market rate with no service charge) but they have now moved to new premises on Market Place. The northern unit at first floor has been vacant since December 2018 and the second floor has been entirely vacant since November 2019. The marketing report confirms that efforts to secure interest from potential occupiers has

been unsuccessful due to the age and poor condition of the premises, low visibility, and poor access.

7.2.15 Forum Chambers has been entirely vacant since 2020. Marketing details have not been submitted for this part of the site but the period of vacancy alone is sufficient to ensure compliance with Policy EC7. Consequently, it is considered that the proposal as whole accords with the policy.

7.2.16 It should also be noted that both Forum Chambers and Queensway Chambers (with the exception of first floor south) benefit from prior approval for a change of use to flats, totalling 35 units in total. This does not affect the assessment against Local Plan policy but is nevertheless a highly material consideration in the overall consideration of the application and will be considered further in the conclusion of this report.

7.2.17 Having regard to the above, the proposal is considered to accord with relevant Local Plan policies in land use terms. Accordingly, the development is considered to be acceptable in principle.

7.3 Housing Mix and Tenure

7.3.1 Policy HO7 requires 25% of dwellings delivered by major development proposals on previously developed land to be offered as affordable housing. Lower levels of affordable housing should only be accepted where this would make the development unviable or it would significantly and demonstrably compromise other Local Plan objectives.

7.3.2 Where affordable housing is secured by Policy HO7, Policy HO8 requires 70% of those units to be offered for affordable rent. An appropriate range of dwelling types and sizes should also be provided, whilst ensuring that they are physically indistinguishable from other tenures e.g. dwellings sold on the open market. Affordable housing must be secured in perpetuity through a S106 agreement. In some cases, affordable housing provision may be secured off-site – e.g. via a cash contribution – but only where it would result in the delivery of affordable housing within a similar timeframe as on-site provision and it would be demonstrably preferable for planning or management reasons to secure off-site provision.

7.3.3 The Written Ministerial Statement on Affordable Homes Update 24 May 2021 is also a material consideration with respect to affordable housing. This requires that 25% of affordable housing be secured as First Homes, which are actually sold on the open market but at a discount rate and reserved for first time buyers.

7.3.4 As with land use considerations, the presence of the extant prior approvals on the site is also a highly material consideration. Development carried out under the prior approval regime is exempt from affordable housing contributions, regardless of scale. It would therefore be unreasonable to seek such contributions for the parts of the site subject to the prior approvals. As such, the proposal is treated as providing 36 units for the purposes of calculating affordable housing requirements.

7.3.5 Policy HO9 requires residential development to provide an appropriate mix of housing types and sizes. This should be determined having regard to the most up-to-date evidence of need, the site's location, existing imbalances in the housing stock, recent permissions and completions, and sites in the Council's five-year housing land supply.

7.3.6 A schedule of the proposed accommodation is shown in the table below.

Bedrooms	Occupants	Number Proposed
1 bedroom	1 person	24 units
1 bedroom	2 people	31 units

2 bedrooms	3 people	11 units
2 bedrooms	4 people	3 units
3 bedrooms	4 people	1 unit
3 bedrooms	6 people	1 unit

7.3.7 The proposed development would therefore provide a mix of one-, two- and three-bedroom dwellings. However, the majority would be either one-bedroom or smaller two-bedroom units.

7.3.8 It is well known that the Borough's existing housing stock is weighted heavily towards three-bedroom houses and the latest Strategic Housing Market Assessment identifies a need for additional one- and two-bedroom houses and flats. Recent permissions and completions and the Council's housing land supply show a broad mix of dwelling sizes, ranging from smaller flats within schemes such as SG1 to larger houses within schemes such as Land North of Stevenage. The site is also physically constrained and smaller units tend to be preferable within the town centre due to the difficulties in providing the private outdoor amenity space favoured by families. Having regard to these considerations, the overall mix of dwelling sizes is considered to be in accordance with Policy HO9.

7.3.9 In terms of affordable housing, full on-site provision (i.e. in the absence of any viability testing) would comprise the following:

Tenure	Number	Mix
First Homes	2 units	1x 1-bed + 1x 2-bed
Affordable Rent	5 units	2x 1-bed + 2x 2-bed + 1x 3-bed
Intermediate	2 units	2x 1-bed

7.3.10 However, following consultation with the Council's Housing Development team, it was agreed that the development would be extremely unattractive to registered housing providers due to management issues arising from its layout. Typically, registered providers will seek to take on units in groups centred around single floors or stair cores to make it easy to distinguish where management and other legal responsibilities for common areas are separated. In this case, the limited number of affordable units and access points would make this impossible to achieve in practice.

7.3.11 The above reasoning does not apply to the First Homes. This is because First Homes, despite being considered as a type of affordable housing, are sold on the open market and are not managed by a registered provider.

7.3.12 Given the above, it is considered that a cash contribution would be preferable to on-site provision for affordable housing, with the exception of the First Homes. A cash contribution equivalent to full on-site provision of affordable rent and intermediate tenures was calculated to be £446,223.

7.3.13 The proposed development was then viability tested i.e. the applicant submitted an open-book viability assessment for consideration. The Council commissioned an independent review of this assessment, which was carried out by Aspinall Verdi.

7.3.14 The applicant's assessment showed that the full affordable housing contribution of £446,223, in addition to other financial contributions which are set out later in this report, would result in a financial deficit of approximately -£1.8M. Aspinall Verdi's review resulted in improvement to -£406,017 but this is nonetheless a significant deficit.

7.3.15 In the absence of any affordable housing contribution, Aspinall Verdi calculate that the scheme would generate a marginal surplus of £68,599. It is therefore considered, contrary to the applicant's initial assessment, that there is at least some scope for the

developer to contribute towards affordable housing. Aspinall Verdi suggested two options for this, either the delivery of one on-site First Home plus a cash contribution of £36,000 or a larger cash contribution of £76,000 with no on-site delivery whatsoever.

- 7.3.16 Subsequent analysis then showed that these options were actually not financially equivalent and the provision of just one on-site First Home would leave just a little over £1,000 for other tenures. This was considered inappropriate given that affordable rent and intermediate tenures should make up the vast majority of the affordable housing offer according to Local Plan policy.
- 7.3.17 Aspinall Verdi's second suggested option of an entirely cash contribution of £76,000 was therefore considered to be the most appropriate. However, it is considered that it would not be realistically possible for the Council to retain 25% of that contribution for First Homes, owing to the size of the sum (£19,000), which is much less than the cost of providing a single First Home on another site, as well as the limited number of schemes coming forward within the Borough which the sum might be put towards.
- 7.3.18 Overall, the proposal is therefore contrary to the Government's policy on First Homes and this carries weight against the proposal. However, it is compliant with the Council's own affordable housing policies, Policies HO7 and HO8, subject to the cash contribution being secured by a S106 agreement.
- 7.3.19 Aspinall Verdi's review also identified that the viability of the scheme is highly sensitive to changes in build costs and sales values. Consequently, it is recommended that the S106 agreement include a review mechanism, in accordance with the Council's Developer Contributions SPD, which would be triggered if the build is not completed within a set period following the grant of permission. This would ensure that any uplift in viability is put towards additional affordable housing.

7.4 Standard of Accommodation

- 7.4.1 Policy GD1 of the Local Plan requires development proposals to provide for the amenities of occupants. It also requires residential developments to accord with the Government's nationally described space standard.
- 7.4.2 All of the proposed flats would accord with the space standard in terms of gross internal area (GIA) and the majority would actually slightly exceed it. All of the flats would also meet the standard in terms of built-in storage space and bedroom sizes.
- 7.4.3 The proposed floor-to-ceiling heights of 2.5m to 2.7m would greatly exceed the 2.3m required by the standard. This would serve to make the flats feel even more spacious and would also make them less susceptible to overheating.
- 7.4.4 50 of the proposed flats – i.e. 70% - would be dual aspect, providing opportunities for passive ventilation and cooling. Whilst some of these would not have operable windows on their secondary aspect in order to mitigate noise, plenum chambers (a part of a building that can interrupt noise transmission whilst facilitating air circulation) would be installed in these units to maintain passive airflow. The remaining single aspect units would benefit from a good outlook to either the front or the rear of the building.
- 7.4.5 The submitted daylight and sunlight assessment shows that 150 of the 156 proposed habitable rooms – i.e. 96% - would meet BRE standards for daylight, most by a significant margin. Those that fall short of the standards only do so because they are combined kitchen, living and dining rooms, where the highest kitchen standard (200 Lux) applies to the entire space. When these same units are assessed against the standard for living rooms (150 Lux), all comfortably pass.

- 7.4.6 It would be possible to design the scheme in such a way to be fully compliant with the standards but this would involve dividing up what are currently shown as open plan living spaces. For this reason, BRE recommend that local authorities use discretion in applying the standards to multifunctional rooms and in this case, it is considered that dividing the rooms would result in a lower standard of overall accommodation.
- 7.4.7 Of the 62 main living spaces within the proposed development, 53 – i.e. 85% - would meet BRE standards for direct sunlight. Those that fail to meet the standard all have main windows overlooking Queensway and The Forum orientated within 90° of due north. It would be possible to design the scheme in such a way that all units would meet the standards but this would involve positioning the main windows to the rear of the building, where they would look out over the service yard. On balance, it is considered that looking out over the more active public streets would provide a better overall standard of accommodation.
- 7.4.8 The surrounding noise environment acts as a significant constraint on the proposed development. The proposed flats are a noise-sensitive use and they would be located above retained retail units, which take deliveries to the rear of the building and often make use of noisy plant. It would be unacceptable for the proposed development to result in restrictions being placed on these existing businesses due to noise complaints from future residents, not just because it would violate the agent of change principle as set out in the NPPF but also because the town centre is the Borough's most important retail destination and the retail units in question form a primary frontage.
- 7.4.9 Following extensive discussions with the applicant, the Council's Environmental Health officers, and the Council's noise consultant, it has been determined that the majority of the development can be designed in such a way as to provide an acceptable noise environment for future occupants, whilst still allowing for any operable windows to be opened and providing passive ventilation. This would involve replacing some operable windows with fixed lights and plenum chambers, in addition to providing external glazed screens on the rear elevation. Whilst unusual, these measures are not considered to pose any particularly significant engineering challenges or be especially costly. It is therefore recommended that they be secured by condition.
- 7.4.10 However, at the time of writing, there remain some unresolved issues relating to the precise wording of the conditions and the extent of plant noise to the east of the site. Officers are continuing to consult with Environmental Health officers, the Council's noise consultant and the applicant, and will provide an update on these matters in due course.
- 7.4.11 According to the Design Guide SPD, all new dwellings should be provided with private outdoor amenity space, with the exception of flats in central locations where there is good access to alternative public outdoor space and an absence of private outdoor space is necessary to achieve higher densities. This could well apply to the current proposal, which is for flats located in the heart of the town centre, where there are a number of public open spaces within easy reach.
- 7.4.12 The application nevertheless proposes a significant amount of private outdoor space. In an ideal scenario, a communal garden would be provided with an area equal to 10m² per proposed unit, which in this case would be 710m². The scheme actually proposes a total of 712m² of outdoor space, although this is split between a communal garden of 422m² and private balconies (for a minority of units) totalling 290m². The overall level of provision is therefore above the Design Guide's recommendations and is considered to represent a very good standard in light of the physical constraints of the site and its central location.
- 7.4.13 Taking all of the above into account, it is considered that the proposed development would offer a very good standard of accommodation. Whilst some of the proposed flats

would fail to meet BRE guidelines in terms of daylight or sunlight, these represent a very small minority and would by no means be dark to the extent that living conditions would be intolerable. In all other respects, the flats would meet and often significantly exceed relevant standards, especially in terms of ceiling heights, and a majority would also be dual aspect. Occupants would also benefit from generous outdoor amenity space, which is remarkable considering the location of the site. In these respects, the proposal is considered to accord with Policy GD1 of the Local Plan.

7.5 Accessibility

7.5.1 Policy HO11 of the Local Plan requires 50% of dwellings within new major residential developments to meet Building Regulations optional standard M4(2) for accessible and adaptable dwellings. In this case, the proposal has been designed such that 100% of the dwellings would meet this standard. It would therefore be highly accessible and in this respect, the proposal exceeds the requirements of Policy HO11.

7.6 Character and Appearance

7.6.1 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design, which includes form of built development, elevational treatment and materials, along with how the development would integrate with surrounding urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.6.2 The National Design Guide 2019, which was published by the Government, is a material consideration in the determination of planning applications. It states that buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:

- the context for places and buildings;
- hard and soft landscape;
- technical infrastructure – transport, utilities, services such as drainage; and
- social infrastructure – social, commercial, leisure uses and activities.

7.6.3 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout;
- the form and scale of buildings;
- their appearance;
- landscape;
- materials; and
- their detailing.

7.6.4 The Guide goes on to state that all developments are made up of these components put together in a particular way. As such, the choices made in the design process contribute towards achieving the ten characteristics and shape the character of a place. For reference, these ten characteristics are as follows:

- Context – enhances the surroundings;
- Identity – attractive and distinctive;
- Built form – a coherent pattern of built form;
- Movement – accessible and easy to move around;

- Nature – enhanced and optimised;
- Public spaces – safe, social and inclusive;
- Uses – mixed and integrated;
- Homes and buildings – functional, healthy and sustainable;
- Resources – efficient and resilient;
- Lifespan – made to last.

- 7.6.5 The Council's Design Guide SPD (2023) sets out that a high-quality environment is essential for providing a good quality of life. A well-designed and managed space not only provides a visually attractive environment but can also help to ensure that a place is easy to move around and within, is safe and secure, and is useful for all members of the community.
- 7.6.6 The existing building on the site was constructed by 1959 as part of the first phase of the construction of the New Town. The elevations facing Queensway and The Forum are finished with light grey textured concrete panels, dark grey smooth concrete panels, and steel-framed single glazed windows. The rear elevations facing the service deck are finished with plum coloured stretcher bond bricks and continuous bands of steel-framed windows.
- 7.6.7 The building is now dated and in relatively poor condition. It has also been altered since its original construction, most notably by the replacement of the original canopy with a more modern, glazed arch design. It nonetheless makes a positive contribution to the character and distinctiveness of the area as an important example of original New Town architecture.
- 7.6.8 Surrounding development is generally of a similar age and style along Queensway, whilst The Forum displays greater variety. Directly opposite the site, 85 to 103 Queensway has already been refurbished and extended upwards and is consequently in much better condition than the application site. The Forum shopping centre, which is now set for redevelopment, has a distinctly more modern appearance, whilst the Ibis building, also on The Forum, rises to seven storeys in height.
- 7.6.9 The design and access statement accompanying the application demonstrates an excellent understanding of this context and New Town design principles. This is reflected in the proposed design, which consists of both a two storey upward extension and the refurbishment of the existing facades on both Queensway and The Forum.
- 7.6.10 The refurbishment would involve the cleaning and repair of the existing textured concrete panels, and like-for-like replacement of the existing smooth panels, which are now considered to be worn beyond repair. The existing arched canopy would also be replaced by a new cantilevered design, and all of the existing windows would be replaced by double glazed, aluminium framed windows of the same size and proportions.
- 7.6.11 These changes would bring the application building into conformity with the building opposite at 85 to 103 Queensway, which has already undergone similar refurbishment. It should be noted that the aluminium edge of the proposed canopy is a departure from the original 1959 design, which had a timber edge. However, it is considered that achieving consistency along this stretch of Queensway would be of greater benefit than reverting to the original design.
- 7.6.12 The proposal would also introduce balconies to the Queensway façade. These are not present on the building opposite and so would introduce a degree of inconsistency. However, they are a part of the original design concept for the town centre and can still be seen on the properties at the southern end of Queensway. The balconies would also provide greater visual interest, as well as a degree of activity above ground floor level.

For these reasons, it is considered that the balconies would make a positive contribution to the character and appearance of the area overall.

- 7.6.13 The additional storeys would extend from the part of the building which bridges Queensway all the way to the northeastern edge of the building on The Forum. The new third floor would follow the existing building line and would integrate with the floors below due to matching finishes, while the new top floor above would be set back and finished entirely with dark grey metal panels.
- 7.6.14 As with the refurbishments, the building opposite has already been extended upwards, albeit by only a single storey. This is set back from the floors below but only marginally so, and it is finished in dark grey metal panels.
- 7.6.15 The proposed upward extension would therefore mimic the building opposite but would be a single storey higher. The additional height is considered to be appropriate for the application site because the height of buildings generally rises to the west. The proposal would therefore soften the transition in height to these buildings, particularly the Ibis building, which is currently approximately twice the height of Forum Chambers.
- 7.6.16 Despite the additional height, only glimpsed views of the building would be possible in views from Danestrete, as it would mostly be obscured by the Westgate car park. Similarly, it would not appear prominently in views from the parts of Queensway south of Queensway Chambers and would not be visible at all from the town square and former bus station.
- 7.6.17 Overall, it is considered that the proposed development would result in a very significant visual improvement to the building's Queensway and Forum facades. The refurbishment and replacement of the existing finishes, as well as the replacement of the existing canopy would result in a pleasing sense of consistency with the development opposite, albeit the new balconies and new top floor would temper this somewhat. The additional floors, whilst rising above development to the east of Queensway, would soften the transition to the development to the west, which is taller still, and would not appear especially prominently in views from around the town centre.
- 7.6.18 Therefore, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan, which require developments to be of a high quality and sympathetic to their surroundings.

7.7 Heritage

- 7.7.1 The application site is located in close proximity to the Town Square Conservation Area, the boundary of which is located at the junction of Queensway and Park Place. The proposed upper floors would be visible from within the conservation area and would therefore form part of its setting. There are also three listed structures within the conservation area but their relationship to the site is such that they would not be affected.
- 7.7.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on local planning authorities, in the exercise of their functions, to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.7.3 Conservation areas are designated heritage assets. The NPPF requires that great weight is given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be), when considering the impact of a proposed development on their significance. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.7.4 The significance of the Town Square Conservation Area is as the centre of the UK's first New Town and first fully pedestrianised town centre. It has a unique and distinctive architectural built form, strongly reminiscent of post war town planning and drawing on design themes from mid-20th century shopping areas in the Netherlands. There are also three statutory listed structures at the heart of the New Town Conservation Area, the clock tower, the bronze 'Joyride' sculpture by Franta Belsky and the more recently listed tile mural by Gyula Bajo (located on the northern elevation of the Primark store, formerly the co-operative building).
- 7.7.5 BEAMS Ltd, the Council's heritage consultant, was consulted on the application. They welcomed the introduction of the residential use to the upper storeys, as well as the replacement canopy and provision of green roofs. They also advised that the changes to the Queensway façade should be seen as sensitive to the area's New Town character, although the proposed balconies would somewhat disrupt the otherwise regular grid-like elevation.
- 7.7.6 Concerns were also raised regarding the proposed top floor because this would result in a difference in height between the buildings on either side of Queensway. However, this consistency was lost with the upward extension of the building opposite and the current proposal would only serve to change which side is taller.
- 7.7.7 Overall, it was advised that the proposal should be seen as resulting in less than substantial harm to the Town Square Conservation Area. This is on the basis that the southernmost stair core would be visible from within the conservation area and departs from the original design of the area due to its height. However, as this is the only identified harm, with the other elements of the proposal largely being screened by Queensway Chambers, the level of harm is considered to be at the lower end of less than substantial.
- 7.7.8 Where a proposal would result in less than substantial harm to a designated heritage asset, the NPPF requires that the harm be weighed against the public benefits of the proposal. This test is applied in the conclusion of this report.
- 7.8 Impact on Neighbouring Occupiers
- 7.8.1 Policy FP7 requires all development proposals to minimise, and where possible, reduce air, water, light, and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area.
- 7.8.2 Policies GD1 and HO5 also require that developments do not have an adverse impact on neighbouring uses or the surrounding area.
- 7.8.3 The majority of the land and buildings surrounding the site are in commercial use. However, 85 to 103 Queensway and 5 to 75 Queensway also contain elements of residential use.
- 7.8.4 The proposed development is located a sufficient distance away from these properties so as not to appear overbearing. The submitted daylight and sunlight assessment also shows that there would be no adverse impact whatsoever on these properties in terms of vertical sky component, daylight distribution, or annual probable sunlight hours.
- 7.8.5 It is recognised that the development will provide some views across Queensway into the residences now occupying the upper floors of 85 to 103 Queensway, at a distance of approximately 15m. However, these views would be no more invasive than those afforded by the existing building, if it were currently occupied.

- 7.8.6 In terms of the impact on neighbouring commercial uses, the most significant one is the potential for noise complaints, which has already been considered above. Loss of light may also be relevant but the daylight and sunlight report again demonstrates no adverse impact. The potential for overshadowing of Queensway and The Forum has also been considered but this would actually improve, albeit marginally, due to the replacement of the canopy.
- 7.8.7 Having regard to the above, and subject to the noise mitigation conditions recommended previously, it is considered that the proposed development would have an acceptable impact on the amenities of neighbouring occupiers. In this respect, the proposal accords with Policies HO5, GD1 and FP7 of the Local Plan.
- 7.9 Parking
- 7.9.1 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.
- 7.9.2 As a starting point, car parking spaces should be provided at a rate of 1 per one-bedroom flat and 1.5 per two- and three-bedroom flat. For the current proposal, this results in a base requirement for 79 spaces.
- 7.9.3 However, a discount is then applied according to a site's accessibility. The application site is located within the Town Centre Residential Parking Accessibility Zone, whereby the reduction is between 75% and 100%. The final requirement is therefore between 0 (i.e. car free) and 20 spaces (rounded up from 19.75).
- 7.9.4 According to the SPD, the upper end of the range represents the maximum level of car parking provision. The lower end of the range should form the basis for negotiations regarding car parking, which must be carried out with regard to each site's characteristics.
- 7.9.5 The town centre is seen as the one place in the Borough where sustainable modes of transport may be entirely relied upon to serve new development, owing to its excellent public transport accessibility. Developers of car-free schemes may however be asked to contribute towards parking controls on surrounding streets to mitigate the potential impact of overspill car parking. They are also encouraged to contribute towards car-sharing schemes in order to discourage the use of private vehicles.
- 7.9.6 In this case, car-free development is considered to be appropriate given the site's very central location and excellent access to amenities and public transport. Officers are also mindful that surrounding land is entirely within other ownership and the building is separated from any public highways accessible to vehicular traffic. As such, an insistence on the provision of off-street car parking would preclude redevelopment of the site.
- 7.9.7 It is noted that HCC Highways have raised objections to the proposal on grounds of parking, specifically the absence of electric vehicle charging and disabled parking. HCC is neither the parking authority nor a statutory consultee in this case but their concerns are nonetheless taken into account.
- 7.9.8 In respect of electric vehicle charging, the SPD requires electric vehicle charging points to be provided as a percentage of the number of parking spaces provided. Consequently, where development is car-free, there is no requirement to provide electric vehicle charging points. As for disabled parking, the requirement is again expressed as a percentage but it is calculated before any discount for accessibility zones is applied.

However, these standards only apply where communal parking is provided. As a result, when no parking is provided at all, there is no requirement to provide disabled spaces.

- 7.9.9 Officers have however given consideration to the possibility of providing disabled parking despite there being no requirement to do so according to the standards. An assessment of nearby streets, notably Danestrete, Swingate and Westgate, found that they were already saturated with loading and parking bays, including a high proportion of disabled parking bays. It was therefore concluded that the area was already well served by disabled parking bays and there was no realistic possibility of providing any additional spaces.
- 7.9.10 Despite their objections, HCC did also state the following:
- The HA has reviewed the TN and acknowledges that given the site's location in the town centre, access to amenities, excellent accessibility and connectivity to public transport, nearby public car parks and extensive restrictive and controlled parking in place on highways surrounding the site, the proposal is not expected to have any significant impact on parking demand, congestion or highway safety on the local highway network.*
- 7.9.11 It is on the basis of this advice that a contribution towards parking controls on streets outside of the town centre is not considered to be necessary in this instance.
- 7.9.12 HCC Highways also recommended that each flat be provided with public transport vouchers. Officers accept this recommendation, considering it to be a reasonable and in this instance, more appropriate alternative to a contribution towards a car-sharing scheme.
- 7.9.13 Cycle parking should be provided at an effective rate of one space per bedroom. For the current proposal, this amounts to 89 spaces. Two short-stay spaces should also be provided for visitors. No discount is applied for accessibility.
- 7.9.14 The proposal was originally put forward with provision for 138 cycle parking spaces, which is well in excess of the standard. However, this was achieved through the use of two-tier cycle racks, which are not accessible for those who ride adapted bikes or other less traditional forms of bike, for example recumbents. They can also be especially noisy and therefore unsuitable for dense, flatted developments. The use of two-tier racks is not supported by the SPD and HCC objected to this aspect of the proposal.
- 7.9.15 The proposal was subsequently amended to provide cycle parking entirely with Sheffield stands. This change has resulted in reduced overall provision of 49 spaces, which is significantly below the standard. In this respect, the proposal is contrary to Policy IT5 of the Local Plan.
- 7.9.16 It must however be recognised that Queensway and The Forum are both pedestrianised and subject to a cycle prohibition order. Therefore, unlike sites on the edge of the town centre, which lie on the periphery or beyond the area of cycling restrictions, there is a clear reason to moderate the promotion of cycling through the provision of cycle parking facilities. This should be taken into account when attributing weight to the conflict with the Policy.
- 7.9.17 The proposed cycle parking would be spread across three cycle stores, one at ground floor level and two at first floor level. HCC Highways raised further objections to the scheme on the grounds that the access for the northernmost cycle store would be located adjacent to three car parking spaces within the rear service deck, arguing that inconsiderate car parking could block access. Whilst this is possible in theory, there is no evidence to suggest that inconsiderate parking is a particular issue in the area in

question, nor is there any evidence to suggest that this particular proposal would be any more sensitive to such activity than any other given development. To the contrary, inconsiderate parking can take place anywhere and is disruptive wherever it occurs, and it must be assumed that measures to prevent this taking place will be effective.

7.9.18 Having regard to all of the above, the proposal is considered to be contrary to Policy IT5 because of an overall lack of cycle parking provision. However, in all other respects, and subject to the provision of public transport vouchers, it is considered to be consistent with the policy.

7.10 Servicing

7.10.1 Policies SP5 and GD1 of the Local Plan require development proposals to make adequate provision for the storage and collection of waste. Policy IT5 requires suitable access for service vehicles.

7.10.2 In this case, two waste and recycling stores would be located securely within the building, providing a total capacity of 8800L for general waste, 10,080L for recycling, and 960L for food waste. This overall level of provision is acceptable.

7.10.3 Waste and recycling would be collected via the rear service deck, over which the applicant has a right of access, as it is for the existing offices and retail units. The waste stores are positioned within close proximity to the collection point and the proposal provides for level access between them.

7.10.4 HCC Highways raised the same objection to the proposed waste collection arrangements as they did to the access to the cycle store i.e. that inconsiderate parking could block access to the northernmost store. For the reasons given in the preceding section, this is considered to be an unreasonable line of objection.

7.10.5 Deliveries and other service trips would be made in the same way. Emergency vehicles would additionally be able to access the site via Queensway.

7.10.6 Having regard to the above, the proposals for waste storage and collection, deliveries and emergency access are considered to be acceptable. In these respects, the proposal accords with Policies SP5, IT5 and GD1 of the Local Plan.

7.11 Highway Safety

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

7.11.2 The proposal would involve an alteration to the existing access to the site by way of the change of use of 80 Queensway to act as a lobby and stair core. However, this access would be for pedestrian use only and Queensway, for which the Council is the local highway authority, is also pedestrianised.

7.11.3 The Council's engineers, who were consulted extensively at the pre-application stage, have not raised any objections to the proposal. HCC Highways, who are the local highway authority for the wider road network surrounding the town centre, also raised no objections in terms of highway safety or congestion.

7.11.4 Having regard to the above, it is considered that the proposed development would have an acceptable impact on highway safety. In this respect, the proposal accords with Policy IT4 of the Local Plan.

7.12 Climate Change

- 7.12.1 Policies SP11 and FP1 of the Local Plan require development proposals to mitigate and adapt to the negative impacts of climate change. To this end, developers are encouraged to improve the energy performance of buildings and limit potable water consumption to no more than 110L per person per day.
- 7.12.2 The proposal would result in a significant improvement to the performance of the existing parts of the building and the proposed new storeys would have a highly efficient building fabric. Together with the provision of air source heat pumps for heating and hot water, the development would achieve a 72% reduction in carbon dioxide emissions versus the requirements of the Building Regulations. This represents a very high standard.
- 7.12.3 The proposal would also see the typical array of water efficient fixtures and fittings installed, resulting in water consumption of 103L per person per day. Again, this exceeds the required standard.
- 7.12.4 Together with the provision of spacious dwellings with tall ceilings, the majority of which would be dual aspect, it is considered that the proposed development would sufficiently mitigate and adapt to the negative impacts of climate change. In this respect, the proposal accords with Policies SP11 and FP1 of the Local Plan.
- 7.13 Flood Risk and Drainage
- 7.13.1 Policy FP2 of the Local Plan requires major development proposals to be accompanied by an appropriate flood risk assessment and to ensure that the risk of flooding is not increased. The NPPF sets out the circumstances in which a flood risk assessment is required to be submitted.
- 7.13.2 The site is located wholly within Flood Zone 1 (lowest risk). It is not located within a critical drainage area, nor identified in the Borough's strategic flood risk assessment as being at risk from flooding in the future, nor known to be currently at risk from flooding from any source. The site has an area of less than 1 hectare.
- 7.13.3 Accordingly, it was not necessary for the applicant to submit a site-specific flood risk assessment in this instance. One was nevertheless provided, along with a drainage strategy.
- 7.13.4 The assessment concludes that the site is at low risk of flooding from all sources. The potential for some surface water ponding is indicated to the north of the site on The Forum but for all events barring an exceedance event (1 in 1000 year storm), the depth of flooding on Queensway and The Forum is modelled to be less than 300mm, which is considered passable by pedestrians.
- 7.13.5 In any event, the only development proposed at ground floor level is the entrance lobbies and stair cores. Consequently, even during the most severe event, the proposed flats would not be flooded and accesses would remain available to the rear of the building at first floor level. The proposal is therefore considered to be highly resilient to flooding.
- 7.13.6 The proposed drainage strategy is to utilise the existing drainage system on the site. The lead local flood authority (LLFA) is therefore not a statutory consultee in this instance (they are only consulted on major development with surface water drainage in accordance with the Development Management Procedure Order 2015 (as amended)). They were nevertheless consulted and raised no objections, subject to a series of conditions being imposed, which are considered in detail below.
- 7.13.7 The first condition recommended by the LLFA is that the development be carried out in accordance with the submitted flood risk assessment and drainage strategy. The second

is that the existing drainage system be surveyed, with the results submitted to the Council along with a programme of any necessary maintenance and repair. Both of these conditions are considered to be reasonable and necessary to ensure that the drainage scheme operates effectively. Accordingly, officers recommend that these conditions be imposed.

- 7.13.8 The third condition recommended by the LLFA is that an assessment of any existing flooding be calculated, along with volumes and discharge rates from the proposed green roofs. This condition, as worded by the LLFA, is clearly defective because it wouldn't actually require the requested information to be submitted to and approved by the Council, nor would it require the development to then be carried out in accordance with the approved details.
- 7.13.9 Furthermore, an assessment of existing flood risk is set out in the submitted flood risk assessment and this is accepted by the LLFA. Any deficiencies in the existing drainage system would be remedied through the process of survey and repair as required by the second condition. Further assessment would therefore serve no practical purpose.
- 7.13.10 Consequently, it is recommended that the wording of the condition be amended to require details of the proposed green roofs only. These details should be submitted to and approved by the Council prior to the green roof being installed, and the installation should then proceed in accordance with the approved details.
- 7.13.11 The fourth condition recommended by the LLFA is that a construction phase surface water management plan be submitted to and approved in writing by the Council prior to the commencement of the development. The fifth is that a further survey and verification report be submitted upon completion to confirm that the drainage strategy has been implemented as approved.
- 7.13.12 Neither of these conditions are considered to be reasonable or necessary to make the development acceptable in planning terms. The site as existing is entirely covered by buildings and hardstanding and therefore, short of deliberate or reckless sabotage of the existing drainage system during the construction phase, it would be impossible for the development to increase surface water run-off above existing levels. Furthermore, the only proposed operational development is the extension above the existing building footprint, which again would not increase surface water run-off. In these circumstances, a separate surface water management plan for the construction phase is unnecessary.
- 7.13.13 A final survey and verification report would be highly unusual and no justification has been provided by the LLFA as to why this measure is required. The development is at low risk of flooding, is highly flood resilient, and the only proposed new drainage features are the green roofs. It appears to officers that requiring a final survey and verification report would pre-empt the planning enforcement regime, which to this point has operated effectively. Such a condition would therefore be unnecessary and unreasonable.
- 7.13.14 Given that some of the conditions recommended by the LLFA would not be imposed, and one would be altered, the LLFA must be treated as objecting to the proposal. However, they are not a statutory consultee and, in any event, they have accepted the findings of the submitted flood risk assessment, which are that the site is currently at low risk of flooding and the proposal would not increase the risk of flooding to the site itself or elsewhere. Accordingly, it is considered that the three drainage conditions recommended by officers would ensure that the proposed system operates effectively.
- 7.13.15 Having regard to the above, and subject to the recommended conditions, it is considered that the proposed development would have an acceptable impact on flood risk. In this respect, the proposal accords with Policy FP2 of the Local Plan.

7.14 Contamination

- 7.14.1 Policy FP5 of the Local Plan requires proposals for the redevelopment of brownfield sites to be accompanied by an appropriate preliminary risk assessment. The site is not known or suspected to be contaminated and its historic use is not one which is likely to have caused contamination.
- 7.14.2 The applicant has nevertheless submitted a preliminary risk assessment. As expected, this concludes that the site is not at risk from contamination and no further surveys are required. The Council's Environmental Health team were consulted on the proposals and raised no concerns in respect of contamination.
- 7.14.3 Having regard to the above, the proposal is considered to have an acceptable impact in terms of contamination. In this respect, the proposal accords with Policy FP5.

7.15 Ecology and Biodiversity

- 7.15.1 Policy SP12 of the Local Plan requires development proposals to have an acceptable impact on green infrastructure and the natural environment. Achieving biodiversity net gain is also required by the Council's Impact of Development on Biodiversity SPD (the application was received before BNG became mandatory by law) unless the site or proposal is exempt.
- 7.15.2 In this case, the site is taken up entirely by buildings and hardstanding, with no trees or vegetation whatsoever. It therefore provides no habitats and is exempt from having to demonstrate biodiversity net gain.
- 7.15.3 The proposed green roofs and landscaped communal gardens would however provide some biodiversity value. It is also recommended that swift bricks be secured by condition, as requested in the only public representations received on the application.
- 7.15.4 Having regard to the above, and subject to the recommended condition, it is considered that the proposed development would have an acceptable impact on ecology and biodiversity. In this respect, the proposal accords with Policy SP12 of the Local Plan.

7.16 Developer Contributions

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

Development Type	CIL Rate (£ per square metre)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m 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	

- 7.16.2 The development would be liable for CIL at a rate of £40/m².

- 7.16.3 It would also give rise to additional demand for primary education services. A new primary school is planned within the town centre to meet this demand, as well as demand from other developments within the area. The proposed school cannot be funded entirely through CIL and it is therefore necessary for the development to make a bespoke contribution.
- 7.16.4 The necessary contribution has been calculated by HCC to be £126,646. The applicant has agreed to pay this contribution in full and it would be secured by S106 agreement.
- 7.16.5 HCC Highways separately requested a cash contribution of £484,646 for sustainable transport. No explanation was provided of what this contribution would be spent on, why it is necessary to make the development acceptable in planning terms, or why a bespoke contribution is required in addition to CIL. Officers contacted HCC to request this information but received no response. Accordingly, the requested cash contribution is considered to be unjustified, fails to meet Regulation 122 of the CIL Regulations and is not sought.
- 7.16.6 HCC Highways also requested a full travel plan and an associated monitoring fee. However, this is contrary to their own Travel Plan Guidance 2020, which states that residential developments of between 50 and 80 units will be required to provide a less detailed travel plan statement. This type of travel plan requires less involvement from HCC and does not attract a monitoring fee. Accordingly, a monitoring fee is not sought and it is recommended that a travel plan statement be secured by condition.
- 7.16.7 The recommendation that each flat be provided with travel plan vouchers is accepted and it is recommended that this be secured by S106 agreement. Each flat should be provided with £50 worth of vouchers, in accordance with the Travel Plan Guidance.
- 7.16.8 Affordable housing provision for the proposal would take the form of a cash contribution of £76,000 to be spent on the Council's affordable housing projects and secured by S106 agreement. This figure is the output of a viability assessment (as set out in section 7.3 of this report) and must therefore be reviewed in the event that market conditions or build costs change significantly by the time the development is constructed. It is recommended that the details of the review mechanism be delegated to officers.
- 7.16.9 Finally, an employment and skills plan is required in accordance with the Council's Developer Contributions SPD. The aim of the plan is to ensure that residents of the Borough benefit from the work and training opportunities provided by the construction phase of the development. It sets clear targets for the filling of roles with local residents and imposes financial penalties where reasonable efforts are not made to achieve these. It is recommended that the employment and skills plan be secured by S106.
- 7.16.10 Monitoring fees will also be required for both the Council and HCC to cover the cost of administering the above obligations.

8 CONCLUSIONS

- 8.1 The application proposes the provision of housing and the Council's housing delivery is at 57% of identified need according to the latest HDT results. Accordingly, the "tilted balance" as set out at paragraph 11(d) of the NPPF is engaged, which means that the Local Plan policies most relevant in determining the application are to be treated as out of date and planning permission should be granted unless:
- i. the application of policies in the NPPF which protect areas or assets of particular importance provide a clear reason for refusing the development; or

- ii. the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

- 8.2 The proposed development would provide a net increase of 71 dwellings on the site, which would make a significant contribution towards meeting the Council's housing targets. The dwellings would be provided at the expense of existing retail and office space but the various changes of use involved are considered to accord with the Council's land use policies. The NPPF directs that great weight should be given to the benefits of using suitable sites within existing settlements for homes. Accordingly, the benefits of housing provision in this case are afforded great weight.
- 8.3 The standard of accommodation provided by the proposed development would be very good, exceeding the Council's requirements in many respects such as overall size, floor-to-ceiling heights, and adaptability to occupants with reduced mobility. The level of outdoor amenity space proposed is also considered to be excellent in view of the site's central location and physical constraints. These benefits carry significant weight in favour of the proposal.
- 8.4 In general terms, the visual impact of the proposed additional storeys is neither here nor there. However, the refurbishment of the existing lower storey facades on Queensway and The Forum, including the replacement of the existing canopy, would result in a considerable visual improvement. This again carries significant weight in favour of granting permission.
- 8.5 The refurbishment of the existing parts of the building would result in an improvement in its energy performance. The introduction of green roofs would also contribute to urban greening, biodiversity, and surface water drainage and treatment. Owing to the degree of improvement, these benefits are afforded moderate weight.
- 8.6 The proposal would also confer the typical array of benefits associated with development in terms of employment and other economic activity. Given the scale of the development, these benefits are also attributed moderate weight.
- 8.7 Balanced against these public benefits are the adverse impacts of granting permission. Firstly, a low level of less than substantial harm to the Town Square Conservation Area has been identified. Should the public benefits be found not to outweigh the harm, the NPPF directs that permission should be refused. It would also disengage the tilted balance.
- 8.8 In view of the low level of harm identified, officers consider it to be very clearly outweighed by the significant public benefits of the proposal, as set out above. It follows that the proposal is consistent with Local Plan heritage policies SP13 and NH10. It also follows that the tilted balance remains engaged.
- 8.9 The proposal is also contrary to the Government's policy on First Homes, which requires that 25% of affordable housing be provided as First Homes. Given the significant challenges in providing First Homes either on-site or off-site via a cash contribution to the Council, the affordable housing contribution would instead be spent wholly on the Council's own affordable housing schemes. Having regard to the extent of the shortfall in First Homes, which is less than a single unit or £19,000 in cash terms, the harm arising from the policy conflict is afforded limited weight.
- 8.10 Finally, the proposal is contrary to the Council's cycle parking policy because the overall level of provision would be 40 spaces short of the required 89 spaces. However, given that the site is located in the heart of the pedestrianised part of the town centre, it is

considered that a lower level of cycle parking provision would be of some benefit. Accordingly, the shortfall in cycle parking carries only limited weight against the proposal.

- 8.11 In all other respects, including impact on neighbouring amenities, car parking, servicing, highway safety, flood risk, and impacts on infrastructure, the proposal is considered to be acceptable and in accordance with relevant Local Plan policies. These are neutral matters.
- 8.12 When considered in their entirety, the benefits of the proposal would clearly outweigh the limited adverse impacts relating to First Homes and cycle parking. Accordingly, the proposal is considered to accord with the development plan when read as a whole.
- 8.13 The NPPF is a material consideration, especially so in light of the application of the tilted balance. However, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. To the contrary, the adverse impacts would be clearly outweighed by the benefits, as set out above.
- 8.14 The presence of extant prior approvals for the site is also highly material. Prior approval has been granted for the change of use of Forum Chambers and 62 to 80 Queensway, which together would provide 35 flats. The Government has also recently amended the General Permitted Development Order with the effect that the vacancy and overall size limitations have been removed. It is therefore highly likely that the remainder of the existing building could be converted under this regime.
- 8.15 Should any of these prior approval schemes be implemented, they would not involve the upward extension of the building. However, they would also not provide a refurbishment of the existing facades or outdoor amenity space, nor would they necessitate contributions towards primary education, affordable housing, or local employment and skills. The current proposal is therefore considered to be a considerable improvement upon these alternatives and this only serves to reinforce the view that a decision should be made in accordance with the development plan and NPPF.
- 8.16 Having regard to all of the above, it is recommended that planning permission be granted.

9 HUMAN RIGHTS AND EQUALITIES

- 9.1.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 9.1.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking (this has been established as a key requirement in planning decision making by case law through the relevant courts). Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty ("PSED"). As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment ("EqIA") produced by officers.
- 9.1.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the

Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

- 9.1.4 In this case, the proposed development would not provide any disabled parking. However, the site is already well served by disabled spaces and there are very limited opportunities, if any, to provide additional spaces. It is also noted that all of the proposed flats would meet optional standard M4(2) accessible and adaptable dwellings.
- 9.1.5 In the absence of any other apparent ways in which the development might impact persons with protected characteristics, it is considered that a decision to grant planning permission would be in accordance with the PSED.

10 RECOMMENDATION

- 10.1 That planning permission be granted, subject to the completion of a S106 agreement to secure the obligations listed below and subject to the planning conditions listed below. It is further recommended that delegated powers be given to the Assistant Director of Planning and Regulation to negotiate the precise wording of the S106 agreement and, in consultation with the Chair of the Planning and Development Committee, to add to or amend the conditions prior to the decision notice being issued, where such additions or amendments would be legally sound and reflect advice received by statutory consultees and/or the Council's appointed consultants.

Obligations

- O1. A cash contribution of £126,646 towards the provision of a new primary school within the town centre.
- O2. A cash contribution of £76,000 towards the provision of affordable housing within the Borough.
- O3. The provision of £50 worth of public transport vouchers for every flat within the development.
- O4. The provision of an employment and skills plan to secure work and apprenticeships for residents of the Borough.
- O5. Monitoring fees as required to cover the cost of administering the above obligations.

Conditions

General Conditions

- C1. The development to which this permission relates shall be carried out in accordance with the following plans:

1294.11.001
1294.11.002
1294.11.010
1294.11.011
1294.11.012
1294.11.013
1294.11.100 Rev B
1294.11.101 Rev B
1294.11.102 Rev A
1294.11.103 Rev A
1294.11.104 Rev A

1294.11.105 Rev A
1294.11.200
1294.11.201 Rev A
1294.11.202
1294.11.300 v A

- C2. The development to which this permission relates 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).

- C3. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays. For the avoidance of doubt, no such activity shall take place on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the living conditions of neighbouring occupiers.

- C4. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the living conditions of neighbouring occupiers and highway safety.

- C5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the local planning authority.

REASON: To prevent unacceptable risks to human health as a result of contamination

- C6. The development to which this permission relates shall be carried out in accordance with *Flood Risk Assessment and Drainage Strategy* revision 4, prepared by Delta Simons and dated 26 January 2023 unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that flood risk is not increased.

- C7. The development to which this permission relates shall be carried out in accordance with *Energy and Water Statement* revision B, prepared by Create Consulting Engineers Ltd and dated February 2023 unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the development mitigates and adapts to the negative effects of climate change.

Prior to Commencement

C8. Prior to the commencement of the development to which this permission relates (including site clearance and demolition) until a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to site;
- c) Traffic and pedestrian management requirements;
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste);
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
- l) Dust control measures during demolition and construction from plant and machinery, and vehicles.

REASON: In the interests of the living conditions of neighbouring occupiers and highway safety.

This condition must be a pre-commencement condition in order to be effective.

C9. Prior to the commencement of the development to which this permission relates (excluding site clearance and demolition), a report containing a survey of the existing surface water drainage network, any faults identified in said system, and a timeline of any necessary maintenance or replacement, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved report.

REASON: To ensure that flood risk is not increased.

This condition must be a pre-commencement condition in order to be effective.

Prior to Work above Slab Level

C10. No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

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

C11. No development shall take place above slab level until details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of the development and permanently retained as such thereafter.

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

C12. No development shall take place above slab level until details of swift bricks to be provided within the development have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

REASON:- To ensure that the development enhances the natural environment.

Prior to Occupation

C13. Prior to the installation of the green roofs, detailed design drawings and calculations of storage volumes and discharge rates shall be submitted to and approved in writing by the local planning authority. The green roofs shall then be installed in accordance with the approved details.

REASON: To ensure that flood risk is not increased.

C14. Prior to the beneficial occupation of the development to which this permission relates, the refuse stores as shown on the approved plans shall be provided in full. The stores shall be permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

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

C15. Prior to the beneficial occupation of the development to which this permission relates, a travel plan statement shall be submitted to and approved in writing by the local planning authority. The approved plan shall then be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

REASON: To ensure that sustainable travel options associated with the development are promoted and maximised.

C16. Prior to the beneficial occupation of the development to which this permission relates, noise mitigation measures shall be installed in accordance with a scheme submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be permanently retained in full unless otherwise agreed in writing by the local planning authority.

REASON: To protect occupiers of the development from the impacts of noise from nearby commercial premises.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.

4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); Design Guide SPD (2023).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework 2023 and the National Planning Practice Guidance.
7. Responses to consultations with other interested parties referred to in this report.