

Meeting: Planning and Development Committee

Agenda Item:

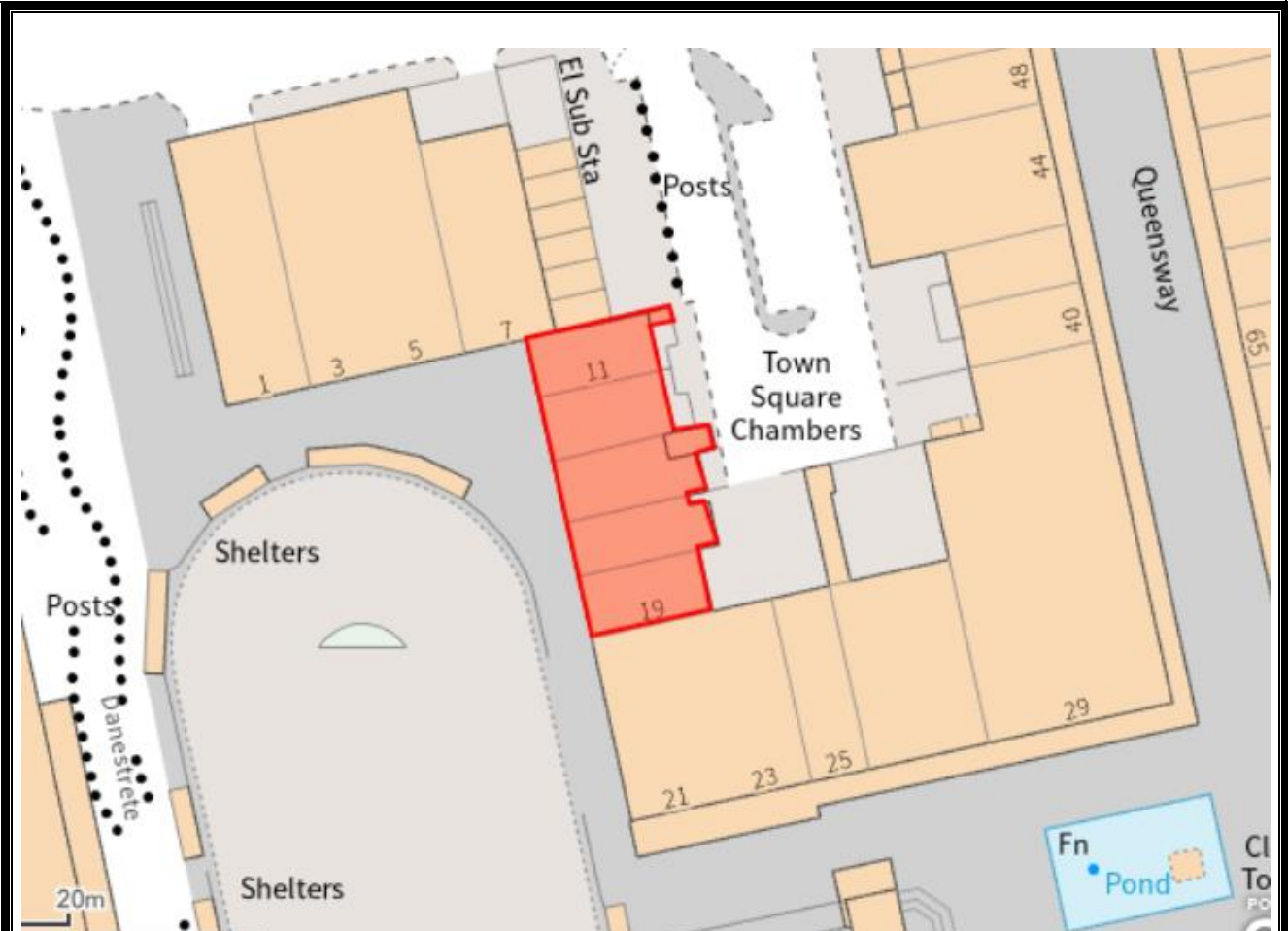
Date: 3 September 2024

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Application No:	24/00544/FP
Location:	11-19 Town Square, Town Centre, Stevenage.
Proposal:	Alterations and refurbishment to include a new roof and replacement windows and fascia boards.
Drawing Nos.:	Site Location Plan; SGEH-BBA-ZZ-RF-DR-A-2204; SGEH-BBA-ZZ-ZZ-DR-A-3002; SGEH-BBA-ZZ-ZZ-SH-A-7051; SGEH-BBA-ZZ-ZZ-SH-A-7751; SGEH-BBA-ZZ-RF-DR-A-2006; SGEH-BBA-ZZ-RF-DR-A-2104; SGEH-BBA-ZZ-ZZ-DR-A-3001; SGEH-BBA-ZZ-ZZ-DR-A-3003.
Applicant:	Stevenage Borough Council
Date Valid:	31 July 2024
Recommendation:	GRANT PLANNING PERMISSION.



Plan for information purposes only

1. SITE DESCRIPTION

- 1.1 The application site is located within the designated area of Stevenage Town Centre as well as the Town Square Conservation Area. The site comprises a pre-cast reinforced concrete three-storey flat roofed building which consists of crittall glazed windows, exposed stone aggregate panels and brickwork. 11-19 Town Square make up the north eastern most parade of units bounded to the west by the former bus station, now known as Event Island. No's 17 and 19 Town Square fall within the Town Centre Conservation Area.
- 1.2 To the south of the application site is the main Town Square which comprises the Grade II Listed Clock Tower and Surrounding pool. There is also the Grade II Listed Joy Ride which comprises a bronze mother and child sculpture by Franta Belsky. The sculpture is set on top of a platform with stairs and railings to either side. The buildings which form the main shopping parade of Queensway are generally uniform in design, being three-storeys in height with a shopping parade at ground floor level with the fenestration at first and second floor level comprising single-glazed crittall windows.

2. RELEVANT PLANNING HISTORY

- 2.1 Aside from historic applications for the development of the Town Centre post war, the history of the units in question is listed below.
- 2.2 85/2/0033A/85 Illuminated fascia and projecting signs. Advertisement consent granted on 18 October 1985
- 2.3 00/00542/AD Display of internally illuminated sign. Advertisement consent granted on 8 February 2001
- 2.4 00/00573/FP Change of use from A1 to A2 use (Solicitors Office). Permission granted on 13 March 2001
- 2.5 01/00037/FP Change of use from retail (A1) to food and drink (A3) use. Permission granted on 18 April 2001.
- 2.6 01/00446/AD Display of internally illuminated fascia and box projecting sign. Advertisement consent granted on 28 February 2002.
- 2.7 01/00447/FP Installation of new shopfront. Permission granted on 10 October 2001.
- 2.8 11/00428/AD Retention of 1no. internally illuminated fascia sign and 1no. internally illuminated projecting sign. Advertisement consent granted on 20 September 2011.
- 2.9 12/00377/AD Installation of 1no. externally illuminated fascia and 1no. internally illuminated projection sign. Advertisement consent granted on 28 September 2012.

3. THE CURRENT APPLICATION

- 3.1 The proposed development comprises external alterations to replace existing windows and fascia boards, as well as a new/replacement roof. The replacement of existing windows with double-glazed aluminium/composite windows would seek to match with Co-Space at No's 21-27 Town Square. Furthermore, shopfront fascia boards between ground and first floor with slatted timber is proposed. Surveys of the roof have shown a need for full replacement rather than piecemeal repairs. The new roof would be of a similar material and appearance as existing and would include new fascia boards at eaves level.

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

4. PUBLIC REPRESENTATIONS

4.1 This planning application has been publicised by way of a site notice and neighbouring properties have been notified about the application via a letter. The application was also published in the local press as it is partially located within the Town Square Conservation Area. No observations have been received.

5. CONSULTATIONS

5.1 B.E.A.M.S Councils Historic Advisor

5.1.1 No comments received at the time of drafting this report.

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 NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This

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

6.3 Planning Practice Guidance

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 to determining the application are as follows:

Policy SP1: Presumption in Favour of Sustainable Development

Policy SP2: Sustainable Development in Stevenage

Policy SP3: A Strong, Competitive Economy

Policy SP4: A Vital Town Centre

Policy SP8: Good Design

Policy SP13: The Historic Environment

Policy TC1: Town Centre

Policy TC5: Town Centre Core Major Opportunity Area

Policy GD1: High Quality Design

Policy NH10: Conservation Areas

6.6 Local Plan Partial Review (2024)

6.6.1 The council is currently carrying out a partial review and update of the local plan. On 5 July 2024, a schedule of proposed changes was published for the first stage of public consultation under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Paragraph 48 of the NPPF 2023 states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

6.6.2 Where there are emerging policies which are relevant to the application, these will be highlighted in the main body of this report.

6.7 Supplementary Planning Documents

Stevenage Design Guide SPD (2023)

Town Square Conservation Area Management Plan SPD (2012)

6.8 Community Infrastructure Levy

Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development. This application proposal would be CIL liable but would be exempt.

7. APPRAISAL

7.1.1 The main issues for consideration in the determination of this application are its design and visual impact on the conservation area as a heritage asset.

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

7.2 Design

National Planning Policy Framework and Planning Practice Guidance

7.2.1 Chapter 12. Achieving well-designed and beautiful places of the NPPF (2023) stipulates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. Where development is not well designed, permission should be refused.

7.2.2 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.

7.2.3 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.

Development Plan

7.2.4 Whilst the policies contained in the local plan have limited weight, Policy SP8 generally reflects the requirements of the NPPF in that it requires new development to achieve the highest standards of design and sustainability. In addition, Policy GD1 generally requires all

forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

- 7.2.5 The works proposed are fairly modest in scale and seek to make the first and second floors water and airtight to facilitate the use and occupation of the existing office spaces by a provider such as Co-Space, similar to 21-27 Town Square to the south. The replacement windows would appear like for like matching those at the neighbouring property, introducing double glazing in aluminium/composite frames, in colours to sympathetically match both the original and newer windows in this block.
- 7.2.6 The replacement fascia boards are limited to the area between the ground and first floor, above the shop fronts. Similar like for like replacements would see new slatted timber boards in this area. Additionally, the use of like for like materials to preserve the original aesthetic of the building is also proposed for the new roof and fascia boards at eaves level. Existing faults in the roof across No's 11-19 Town Square are substantial enough that it is more productive to replace the whole roof rather than propose piecemeal repair/replacement. Given this area of the proposal is not readily visible apart from substantially taller buildings, the scale of this replacement is acceptable.

7.3 Impact on Heritage Assets

National Planning Policy Framework and Planning Practice Guidance

- 7.3.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.3.2 Paragraph 199 of the NPPF (2023) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.3.3 Paragraph 201 sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 7.3.4 In reference to paragraph 202, this sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Development Plan

- 7.3.5 Additional to the above, Policy SP13 of the Adopted Local Plan relates to the historic environment. This states that the council will preserve and enhance the most important area and characteristics of Stevenage. The policy goes on to state that the Council will:-
- a) Have carried out Heritage Impact Assessments for development sites within, or adjacent to, conservation areas. Site specific mitigation measures have been incorporated to minimise the impacts of development.

- b) Will use national guidance and legislation to review, designate and determine planning applications affecting heritage assets.
- c) Will protect areas of archaeological importance and other relevant heritage assets by applying the detailed policies set in this plan.

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

Supplementary Planning Document

7.3.7 The Town Centre Conservation Area Management Plan (2012) identifies the conservation area for the Town Centre area, as well as listed buildings, and non-listed local historic buildings of importance. The document also seeks to assess and identify threats and opportunities within the area and to provide a benchmark for assessing and managing change.

7.3.8 In respect of alterations and extensions to buildings in the conservation area the Management Plan states that alterations and extensions should not dominate an existing building's scale or alter the composition of its main elevations. Furthermore, the materials which are in use are those which were used as part of the construction of the first phase of the pedestrianised town centre, and therefore should be enhanced as far as possible to ensure that this connection with the New Town is maintained.

7.3.9 Two of the units within the site area, No's 17 and 19 Town Square are located within the Conservation Area, with the remaining units to the north affecting the setting of the Conservation Area. Within the Town Square to the south there are listed structures (Clock Tower and associated pool and the Joyride sculpture), although these are set apart from the site by built form along the northern edge of the main square, namely No's 21-27 Town Square which have undergone similar alterations to those proposed. Given the application site and listed structures are separated by neighbouring buildings, it is reasonable to determine that the proposed alterations would not cause harm to the listed structures.

7.3.10 Similarly, in terms of the visual impact of the proposed development on the Conservation Area as a Heritage Asset is considered to be less than substantial and at the lower end of the scale. The alterations would not undermine the main reasons behind the Conservation Area designation and overall form of the buildings within the Town Square. It is worthwhile noting here that the Town Centre redevelopment approved under planning reference 19/00743/FPM (the regeneration project referred to as 'SG1') which would see the demolition of the application site at some point in the next 10-15 years.

7.3.11 As such, the proposed works would positively impact the building visually by upgrading the windows and fascia's whilst maintaining the fenestration uniformity and opening sizes, until such a time this Phase of the Town Centre redevelopment is underway.

7.4 Other Matters

SG1 Development

7.4.1 As mentioned above, it is of note that the application site forms part of Phase 2 of the Town Centre redevelopment. As a consequence, it will come a time when reserved matters details are submitted to the Council for its approval and the application site and buildings to the north will need to be demolished. It has been made clear from a planning perspective that these works do not prejudice the ability for this Phase of the wider redevelopment to come forward, especially in light with relevant case (Supreme Court Decision Hillside Parks Ltd v Snowdonia National Park Authority (2022) UKSC 30, R (on the application of Fiske) v Test Valley Borough Council [2023] Court of Appeal, R (on the application of Dennis) v Southwark

LBC [2024] (High Court)). For reference, if an application comes forward which diverts or inhibits the ability to implement another permission which falls on the same land, it means the original permission is not implementable and therefore, no longer deemed to be a lawful permission.

- 7.4.2 Given the aforementioned, any lease contract agreed with the proposed occupier and the Council as landowner must refer to indicative timings relating to reserved matters submission requirements and occupation of the building. This is to ensure that this permission does not inhibit the ability to deliver the future phases, specifically phase 2 of the SG1 development.

8. CONCLUSIONS

- 8.1 In summary, the proposed external alterations to replace existing windows, roof and fascia boards would have a positive impact on the building aesthetic and wider visual impact on the Conservation Area and its setting. Moreover, the proposed works would not cause any undue harm to the setting of the listed structures.
- 8.2 Given the above, the proposed development accords with the Policies contained within the adopted Local Plan (2019), the Council's Supplementary Planning Documents, the NPPF (2023) and NPPG (2023).

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; SGEH-BBA-ZZ-RF-DR-A-2204; SGEH-BBA-ZZ-ZZ-DR-A-3002; SGEH-BBA-ZZ-ZZ-SH-A-7051; SGEH-BBA-ZZ-ZZ-SH-A-7751; SGEH-BBA-ZZ-RF-DR-A-2006; SGEH-BBA-ZZ-RF-DR-A-2104; SGEH-BBA-ZZ-ZZ-DR-A-3001; SGEH-BBA-ZZ-ZZ-DR-A-3003

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

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

Pro-active Statement

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

Informatives

- 1 **Community Infrastructure Levy**

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

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6

(Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

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

2 **Building Regulations**

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

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

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, Campus East, Welwyn Garden City, Hertfordshire, AL8 6AE.

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

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

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

3 **Party Wall etc. Act 1996**

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

<https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

5 **Biodiversity Net Gain**

Applications where Biodiversity Net Gain is not required as development is considered De Minimis

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

- 1. Development below the de minimis threshold, meaning development which:
 - a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

10. BACKGROUND DOCUMENTS

- 1. The application file, forms, plans and supporting documents having the reference number relating to this item.
- 2. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide adopted January 2023 and Town Square Conservation Area Management Plan SPD 2012.
- 3. Stevenage Borough Local Plan 2011-2031 adopted 2019.

4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework 2023 and Planning Policy Guidance.