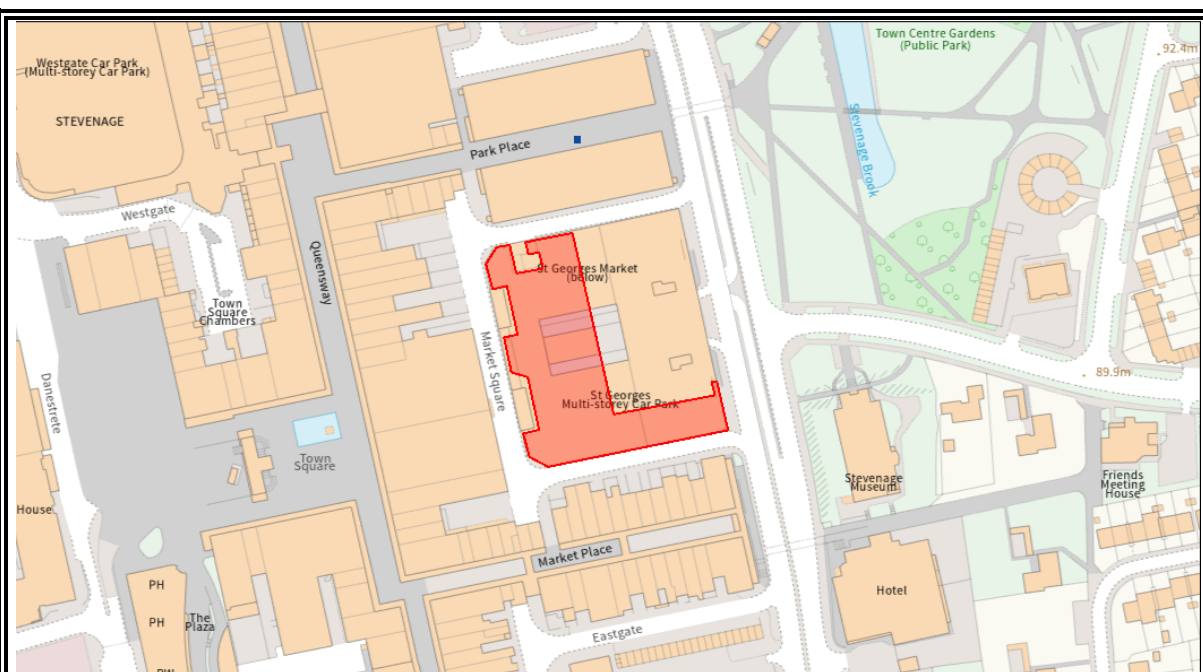


Meeting:	Planning and Development Committee	Agenda Item:
Date:	21 July 1015	
Author:	Linda Sparrow	
Lead Officer:	Alex Robinson	
Contact Officer:	Linda Sparrow	

Application No :	25/00194/FP
Location :	Indoor Market, Market Square
Proposal :	Change of use from Indoor Market, Use Class E(a) to Education Facilities for North Herts College, Engineering and Construction Campus, Use Class F1(a), with associated internal alterations and minor alterations to the building façade
Drawing Nos.:	8935_P001; 8935_P002; 8935_P003; 8935_P004; 8935_P005; 8935_P006; 8935_P101; 8935_P201; 8935_P301; 8935_P302; 8935_P401;
Applicant :	Mr Kit Davies, North Hertfordshire College
Agent:	Mr Richard Grenfell, Saunders Partnership Ltd
Date Valid:	17 March 2025
Recommendation:	GRANT PLANNING PERMISSION



For information purposes only.

1. SITE DESCRIPTION

- 1.1 The application site comprises the ground floor of the multi-storey car park on St. George's Way. The building is four storeys and constructed with red brick with areas of pebble dash render. The two lift shafts and some ground floor brickwork located on the rear Market Square elevation have recently been painted with brightly coloured flower murals.
- 1.2 There are two main entrances, located on each corner on Market Square. Additionally, there are entrance doors located centrally between the two lift shafts.
- 1.3 The site is designated within the Local Plan (2019) as falling within the town centre and the town centre shopping area, although it is not located within the primary or secondary retail frontages. It is not located within a Conservation Area, although the Town Square Conservation Area is located to the west. The site does not have any statutory designations relating to heritage. The nearest Listed Building is the Grade II Listed "Scenes of Contemporary Life", a sculptural wall mural by William Mitchell within the St George's Way underpass approximately 100m away. The Environment Agency's Flood Map indicates the site falls within Flood Zone 1 (low probability of fluvial flooding). There are no trees subject to Tree Preservation Orders on, or within close proximity.

2. RELEVANT PLANNING HISTORY

- 2.1 02/00346/FP. Demolition of toilets and extension to market involving erection of glazed shopfront and entrance. Granted 18.07.2002.
- 2.2 02/00429/FP. Demolition of toilets, new shop frontage and entrances with 3 identification panels above main entrances. Granted 06.09.2002.
- 2.3 03/00097/AD. Two externally illuminated identification panel signs above corner entrances and one non-illuminated panel sign above central entrance. Granted 19.05.2003.
- 2.4 06/00267/AD. Display of 10no. advertising banners. Granted 19.05.2006.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the change of use of the ground floor retail space (Indoor Market) for use by North Herts College as an education facility to replace their current facility on Argyle Way. The floor area to which this application relates measures approximately 3,457 square metres.
- 3.2 The application also seeks alterations to the panelling above the existing loading bay doors on the southern elevation to accommodate louvres and the installation of mechanical ventilation extract ducts inside an existing void area in the car park.
- 3.3 There are no changes to the existing pedestrian accesses, these will remain as existing.
- 3.4 The application comes before the Committee as the application site is within the ownership of the Council and there has been more than 5 letters of representation received.

4. PUBLIC REPRESENTATIONS

4.1 Following notification of the application via letters (including letters posted directly to traders), press notice and the erection of site notices, public representations have been received from the following properties:

- 56 Anderson Road
- 201 Monument Court
- 50 Park View
- 5 Grenville Way
- 2 Nursery Villas, Queen Street, Hitchin
- Cycling UK (Stevenage)

4.2 A summary of the comments received are set out below:

- General complaint on the regeneration of the Town Centre making access to services difficult for elderly residents;
- Concerned about loss of Age Concern from the market and if they are to be re-located;
- Happy as long as additional cycle parking is provided;
- Additional cycle parking is required;
- Loss of cycle parking;
- Access to the site by non-car modes of transport is difficult;
- Loss of the indoor market;
- No cycle route adjoining the site resulting in use of St. George's Way dual carriageway or walking with bicycles.

4.3 The aforementioned is not a verbatim copy of the objections which have been raised. Full copies of the representations received can be viewed on the Council's website.

5. CONSULTATIONS

5.1. Hertfordshire County Council (HCC) as Highways Authority

5.1.1 No objection subject to conditions for a travel plan to be submitted 3 months prior to first use, and for cycle parking. The site is located with the Town Centre/shopping areas and therefore at a highly sustainable location with easy public transport accessibility. Pedestrian connectivity around the site has been improved and completed. However, no cycle parking has been identified for college staff and students. In addition, with the multistorey car park, gives rise to the challenge to seek to achieve mode shift towards walking, cycling and public transport on what is already a high-quality network. Appropriate planning conditions are therefore recommended to ensure adequate provision for cycle parking and that the trips by sustainable modes are properly utilised.

5.1.2 Following submission of a Travel Plan and Transport Statement, the Highways Authority were re-consulted and had the following comments to make: The submitted Travel Plan has been examined by the County's 'Active and Safer Travel' Team. They have also confirmed insufficient information has been provided. HCC hold a licence with Modeshift STARS – a travel plan accreditation platform (DfT approved). Modeshift STARS offers a platform to build a travel plan and manage it, awarding developments for their efforts to encourage sustainable modes of travel. Prior to occupation, the travel plan coordinator should attend a meeting with an HCC officer for an introduction and set up to the platform. In view of this, the previous recommended conditions relating to a scheme for the parking of cycles and Travel Plan is still applicable for the amended proposal.

5.2 Environmental Health

5.2.1 No comments to make.

6. RELEVANT PLANNING POLICIES

6.1 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)
- 6.1.2 In order for a Local Plan to be effective, they need to be kept up-to-date. The NPPF states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years. This is reflected under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which sets out local planning authorities must review local plans every 5 years from their adoption to ensure that policies remain relevant and effectively address the needs of the local community.
- 6.1.3 The Stevenage Borough Local Plan (2011 – 2031) was formally adopted by the Council on the 22nd May 2019. As of the 22nd May 2024, the adopted Local Plan is 5 years old and as such, is deemed to be out-of-date. This means that the policies contained in the local plan are deemed to have limited weight with greater weight applied to the framework of policies in the NPPF.
- 6.1.4 The council is currently carrying out a partial review and update of the local plan. On 21 November 2024, a schedule of proposed changes was published for the second stage of public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This is where a further opportunity for representations can be made on the amendments to the Local Plan before it is submitted for examination to a planning inspector. The Council intends to submit the Local Plan for Examination in Public (EiP) in summer / autumn 2025 with the aim to adopt an updated Local Plan by the end of 2026 / early 2027. As the updated Local Plan progresses through the relevant stages outlined above, more weight can be applied to the respective policies until its formal adoption by the Council. Please refer to point 6.6 below for more information.

6.2 National Planning Policy Framework

- 6.2.1 The latest revision of the NPPF was published in December 2024. The policies it contains are material considerations which will be taken into account in dealing with applications. Due weight will be given to development plan policies according to their degree of consistency with the NPPF.

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 2011-2031 (Adopted 2019)

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 SP4: A vital town centre;
Policy SP5: Infrastructure;
Policy SP6: Sustainable transport;
Policy SP8: Good design;
Policy SP11: Climate change, flooding, and pollution;
Policy SP13: The historic environment;
Policy IT4: Transport assessments and travel plans;
Policy IT5: Parking and access;
Policy IT7: New and improved links for pedestrians and cyclists;
Policy GD1: High quality design;
Policy FP1: Climate change;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;

6.6 Local Plan Review and Update (2024)

6.6.1 Local Plan Partial Review and Update

The Stevenage Borough Local Plan 2011-2031 was adopted in 2019. The council concluded a full review of the plan in 2024, as required by regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In response to the review, the council is carrying out a partial update of the local plan. Weight will be given to emerging policies according to:

- a) the stage of preparation of the emerging plan;
- b) the extent to which there are unresolved objections to the policies; and
- c) the degree of consistency between the policies and the most recent revision of the NPPF.

6.7 Supplementary Planning Documents

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

- Parking Provision Supplementary Planning Document (February 2025);
- Stevenage Design Guide Supplementary Planning Document (February 2025);
- Developer Contributions Supplementary Planning Document (February 2025);
- Town Square Conservation Area Management Plan (July 2012)

6.8 Community Infrastructure Levy

6.8.1 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.

7. APPRAISAL

7.1 The main issue in the assessment of the application is the acceptability of an education use in this Town Centre location.

7.1.1 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 Principle of Development

- 7.2.1 The NPPF (2024) states that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption in favour of sustainable development".
- 7.2.2 Paragraph 100 of the NPPF states that it is important that a sufficient choice of early years, school, and post-16 places are available, and that great weight should be given to developments that create, expand, or alter such provisions. Paragraph 101 states that significant weight should be placed on importance of new, expanded, or upgraded public service infrastructure, which includes for education.
- 7.2.3 Paragraph 111 goes on to state that policies should support an appropriate mix of uses that minimise the number and length of journeys for employment, shopping, leisure, education, and other activities.
- 7.2.4 Paragraph 90 states that planning policies should retain and enhance existing markets.
- 7.2.5 The building within which the proposed development is to be located is owned and operated by the Council. It is currently occupied by the 'Indoor Market' which operates on a Wednesday through Saturday only.
- 7.2.6 The application site has no site-specific policies.
- 7.2.7 The Council, has secured a long-term lease of the vacant ground floor retail units at Boston House, Park Place which is less than 50m to the north in order to relocate the existing Indoor Market. The new units are modern and easily accessible in the Town Centre and will offer an enhanced area to operate, thereby complying with paragraph 90 of the NPPF.
- 7.2.8 The existing Engineering Campus of North Herts College (NHC) operates from units 1-5 Fulton Close, Argyle Way and is seeking relocation as part of NHCs broader strategy to modernise and consolidate its engineering offerings.
- 7.2.9 The proposed use is not a main town centre use as defined in the NPPF. However, Local Plan Policy SP4 seeks to promote the regeneration of the Town Centre with the inclusion of community facilities and Policy SP5 seeks to deliver education facilities. Additionally, Policy SP2 seeks to regenerate underperforming areas, promote redevelopment of brownfield sites, and seeks to raise education levels in the town.
- 7.2.10 An education facility is considered a community use which will act as a complimentary offer in the Town Centre that contributes towards the overall aim of the Local Plan and Regeneration of the Town Centre to diversify, boost footfall and secure its long-term future. A diverse Town Centre is not reliant on just retail and can adjust to changing social and economic tides and deliver a new sense of vitality to this part of town.
- 7.2.11 The current indoor market is under performing and the Council have sought to move the stall holders to a location that will improve their performance. As a result, the area occupied by this use will become vacant. The introduction of the proposed education facility will deliver an improved engineering campus, thereby delivering an improved education offer in compliance with the NPPF and aims of the Local Plan.
- 7.2.12 Taking the aforementioned into account, the principle of use as an education facility is considered to be acceptable.

7.3 Design and visual impact

National Planning Policy Framework and Planning Practice Guidance

- 7.3.1 Chapter 12. (Achieving well-designed places) of the NPPF (2024) 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.
- 7.3.2 Chapter 16 (Conserving and enhancing the historic environment) of the NPPF (2024) sets out great weight should be given to heritage assets' conservation whether any potential harm amounts to substantial harm, total loss, or less than substantial harm. Where any harm is considered to be substantial, then consent should be refused unless it can be demonstrated that the identified harm is necessary to achieve substantial public benefits that outweigh said harm. Where identified harm is less than substantial, this should be weighed against any public benefits of the proposal including, where appropriate, securing its optimal viable use.

Development Plan

- 7.3.3 Policy SP8 of the Local Plan Partial Review (2024), 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.
- 7.3.4 In the emerging local plan partial review and update, criterion (e) is updated to refer to "unacceptable" adverse impacts. The intention behind the change is to make clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker. Policy GD2 is a new policy emerging from the local plan partial review and update. It states that proposals which demonstrate they have been designed to achieve a rating of excellent or higher against a relevant BREEAM standard and/or to achieve the BRE Home Quality Mark will be strongly supported, although this is not mandatory.
- 7.3.5 Policy NH10 of the adopted Local Plan relates to Conservation Areas and states that development proposals within or affecting a conservation area should have regard to the guidance provided by the relevant Conservation Area Management Plan. Further, Policy SP13 relates to the historic environment and states that the council will preserve and enhance the most important areas and characteristics of Stevenage.

Appraisal

- 7.3.6 The external alterations are limited to replacement of a louvred panel above a window on the western rear elevation with a plain panel and installation of louvred panels above a loading bay door on the southern side elevation.
- 7.3.7 These external alternations are minor in appearance and will not detract from the overall appearance of the building, nor will they detrimentally impact on the visual appearance of the building in the street scene and will preserve the character of the nearby conservation area.

7.4 Impact on Neighbouring residential amenity

National Planning Policy Framework and Planning Practice Guidance

- 7.4.1 Paragraph 135 of the NPPF (2024) sets out that planning decision should ensure create places with a high standard of amenity for existing and future residents. Paragraph 124 of the National Design Guide states that *“Good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability”*.
- 7.4.2 Paragraph 187 requires planning policies and decisions should contribute to and enhance the natural and local environment by ... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ...noise pollution.
- 7.4.3 Paragraph 198 goes on to state that new developments should be appropriate for their location and mitigate and reduce potential adverse impacts from noise and identify and protect tranquil areas.

Development Plan

- 7.4.4 Policies SP8 and GD1 of the Local Plan Partial Review (2024) are deemed to carry significant weight, this is because they generally reflect the good design principles outlined in the NPPF and National Design Guide, i.e., that these policies require developments do not adversely impact the amenities of neighbouring occupiers as a good design principle.
- 7.4.5 Policy FP7 of the Local Plan Partial Review (2024), states that developments should minimise, and where possible, reduce air, water, light and noise pollution. Policy FP8 stipulates that permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed, pollution generating uses. Given the proposed development would be located within an existing residential area; harm from noise is not considered an issue. Through the Local Plan Review, these policies now carry significant weight.
- 7.4.6 There are residential dwellings approximately 23m to the south of the site and approximately 10m to the north of the site. Given the use of the premises as an education facility has been assessed to be an acceptable use in this location, it is not considered that there would be detrimental harm to neighbouring residential premises arising through the use of the site.
- 7.4.7 It falls then to assess the proposal in terms of potential for impacts from noise arising from the proposed use.
- 7.4.8 The application was accompanied by a Noise Impact Assessment (NIA) which has been reviewed by the Council's Environmental Health department.
- 7.4.9 The applicant has not identified specific mechanical plant and equipment to be used in the building at this stage. However, based on the established background noise from the busy St. George's Way dual carriageway as well as the wider commercial activities taking place within the town centre, the NIA concludes that the proposal will operate within acceptable limits and no adverse harm would arise to neighbouring residential dwellings.
- 7.4.10 Environmental Health have confirmed that they have no objections or comments to make on the proposal or the NIA. If any complaints arose with regards to noise from the operation of the proposed use, these would be dealt with by the Borough Council's Environmental Health department.
- 7.4.11 With regards to noise that may arise during the construction phase, this can be controlled via the imposition of a suitably worded condition.

7.5 Car Parking, Highway Safety, and Cycle Provision

National Planning Policy Framework and Planning Practice Guidance

- 7.5.1 Chapter 9. (Promoting Sustainable Transport) of the NPPF (2024) sets out a requirement to consider transport issues, which includes parking, at the earliest stages of a development proposal. Paragraph 116 of the NPPF (2024) states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”. Taking this into consideration, paragraph 117 of the NPPF (2024) stipulates that applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Development Plan

- 7.5.2 Policy IT5 of the Local Plan Partial Review (2024), which carries significant weight, requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.
- 7.5.3 Policy SP6: Sustainable Transport, has been significantly updated. This policy requires, amongst other things, for developments to demonstrate they are in a sustainable location and will promote active travel by non-car modes of transport by providing appropriate cycle parking and prioritise public transport.
- 7.5.4 As an education facility for further education, the adopted Parking Provision SPD (2025) sets out a requirement for 1 parking space per staff and 1 space per 5 students. However, the site is located within the Town Centre non-residential accessibility zone which allows for parking provision to be assessed on a case by case basis.
- 7.5.5 The application site is tightly constrained to just the floor area of St. Georges car park and does not include any additional space for other purposes such as parking. No details of the number of staff or students has been provided, and the proposal comes forward as a car-free development which is the same premise as the existing indoor market which also provides no dedicated on-site car parking for stall holders or customers.
- 7.5.6 The application site forms the ground floor of the existing public multi-storey car park.
- 7.5.7 The site is located within the Town Centre and is within a short walking distance of the bus interchange and train station which are both located within the Town Centre, there are numerous public car parks surrounding the site, and the site is also easily accessible by foot and bicycle. Accordingly, the site is in a highly sustainable location and it is considered acceptable to allow for a car-free development and not require any additional car parking provision.
- 7.5.8 Herts County Council (HCC) as Highways Authority (HA) have assessed the application and raised no concerns or objections to the proposal. However, they have assessed the submitted Transport Statement and Travel Plan and raised an objection to the Travel Plan on the basis that it does not contain sufficient information at this time.

- 7.5.9 HCC Highways have advised that they do not wish to restrict the grant of planning permission nor recommend refusal so long as a condition is imposed on any grant of permission that requires an updated Travel Plan to be submitted at least 3 months prior to first occupation. They have provided specific contact details for the applicant to liaise with them in drawing up the new document to ensure that it meets the required standards.

Cycle Parking

- 7.5.10 As an educational facility for further education, the Parking Provision SPD (2025) sets out that the proposed development should provide 1 long term space per 8 staff and 1 long term space per 8 students and should also provide 1 short term space per 7 students.
- 7.5.11 The proposal does not include any cycle storage because the application site is tightly constrained to the floor area of the Multi-storey car park and does not include any additional space around the site where cycle storage could be placed.
- 7.5.12 It is accepted that this is contrary to Policies IT5 and SP6 of the Local Plan and is the main area of concern submitted in written objections and HCC Highways have requested a condition is imposed to require cycle parking to be provided prior to occupation. It should be noted that the Council is the parking authority and determines whether conditions in this regard are appropriate or not.
- 7.5.13 As part of the assessment of the application, Planning Officers undertook an evaluation of the existing cycle parking in the Town Centre close to the application site. The assessment was undertaken at 11am on a Wednesday which would be when the proposed development is in operation and is also at a time when the existing use is in operation.
- 7.5.14 Officers found that there is an existing provision of 29 Sheffield stands and 5 single stands in the immediate surrounding area. This provides a total of 63 spaces. Of these 63 existing spaces, only 11 bicycles were noted.
- 7.5.15 It is accepted that this is only a snapshot on one day, but it is clear that there is a surplus of spaces available in the existing provision. Within the existing provision are 5 Sheffield stands within the northern lift lobby of the multi-storey car park which can accommodate 10 bicycles. There is no proposal to remove these spaces, and they are indoors and covered by CCTV so are of exceptional quality. However, at the time of the survey, only 1 bicycle was stored here so there is a surplus availability of 9 spaces effectively on site.
- 7.5.16 Taking the aforementioned into account, and when balanced against the public benefits of providing improved educational facilities in line with Policies SP2 and SP5 and regenerating an underperforming brownfield site in line with Policies SP2 and SP4, it is not considered reasonable to recommend refusal on the basis of no additional cycle parking provision given the large surplus in existing provision in the immediate vicinity of the site.

7.6 Development and Flood Risk

- 7.6.1 In the emerging Local Plan Partial Review and update (2024), flood risk and drainage policies are significantly revised. The existing policy FP1 is replaced by a new sustainable drainage policy, which places an emphasis on the use of the most sustainable SuDS features and methods of surface water discharge and now requires all major and minor applications to incorporate SuDS unless there are clear and convincing reasons for not doing so. Meanwhile, existing policies FP2 and FP3 are combined into a new, more comprehensive flood risk policy, which largely reflects national flood risk policies but also seeks to protect watercourses and flood defences. Policy SP11 encourages direction of development to low-risk areas, where possible to utilise SuDS features and to overall protect watercourses and ensure developments do not result in acceptable harm to human health or the natural environment as a result of pollution.

- 7.6.2 The application site is not located within a flood zone and given the proposal is wholly within the existing footprint of the building, there is no proposed increase in floorspace. Consequently, the proposal causes no flood related issues.

7.7 Biodiversity, Ecology and Protected Species

- 7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply in some circumstances.
- 7.7.2 Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted, and, if it does not apply, under which exemption they are applying.
- 7.7.3 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 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).

7.8 Other Matters

Sustainable construction and climate change

- 7.8.1 Existing Policy FP1 of the adopted Local Plan (2019) stipulates that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:
- Ways to ensure development is resilient to likely variations in temperature.
 - Reducing water consumption to no more than 110 litres per person per day, including external water use.
 - Improving energy performance of buildings.
 - Reducing energy consumption through efficiency measures.
 - Using or producing renewable or low carbon energy from a local source; and
 - Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.
- 7.8.2 Under the Local Plan Partial Review, Policy FP1 has been revised to cover sustainable drainage and Policy SP1: climate change, is the new relevant policy in this regard. The fundamental objective of Policy SP1 remains the same as previous policy FP1, however, it sets out in more detail the objectives to adapting to climate change. This policy requires, amongst other things off-setting of emissions targets if not met on site, water usage targets, rainwater harvesting, grey water recycling, use of sustainable materials and practices on site, ultra-low and zero carbon combined heat and power systems and urban greening (green roofs and walls). This policy is further supported by a suite of new climate change policies, CC1 through CC7 which cover a broad range of topics. However, it should be noted that Policies CC1 and CC2 require only major planning applications to provide an energy statement.

- 7.8.3 The proposed development seeks only minor alterations to the internal layout of the site and does not include any alterations to the fabric of the building. Notwithstanding this, the site is in the ownership of the Council and will only be leased to the applicant and therefore any changes or improvements to the efficiency of the building would not be the responsibility of the applicant but the Council.

Waste and Recycling

- 7.8.4 The Design Guide (2025) states, provision should be made within new development for the storage and collection of waste from a site. The layout plan shows that the existing arrangements for the storage and collection of waste, in the existing loading bay on the southern side of the building, will remain un-changed. Accordingly, this is considered acceptable.

7.9 Equality, Diversity and Human Rights

- 7.9.1 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.
- 7.9.2 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.
- 7.9.3 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.9.4 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.9.5 In terms of inclusive access, the building has level access via the two main entrances on each corner which are also compliant with the DDA (Disability Discrimination Act). Lift access is available to the public multi-storey car park which also contains a number of disabled parking spaces adjacent to each lift. Further, the internal layout of the development appears to meet necessary requirements for disabled users.

8. CONCLUSIONS

- 8.1 The application proposes to replace the existing underperforming indoor market with an education facility for North Herts College, Engineering Campus.
- 8.2 The development would make a positive contribution to the vitality and viability of the Town Centre and would provide an improved education offer in a highly sustainable location. It would contribute towards the regeneration of the Town Centre through provision of community uses.
- 8.3 Given the highly sustainable Town Centre location, it is acceptable to provide a car free development and the existing provision of cycle parking has been established to have a substantial surplus thereby negating the requirement to provide additional cycle provision.

- 8.4 Taking the aforementioned into account, the proposed development is considered an acceptable use in this Town Centre location, and it is recommended that planning permission be granted.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED.

SUBJECT TO THE FOLLOWING CONDITIONS/REASONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
8935_P001; 8935_P002; 8935_P003; 8935_P004; 8935_P005; 8935_P006;
8935_P101; 8935_P201; 8935_P301; 8935_P302; 8935_P401;
REASON:- For the avoidance of doubt and in the interests of proper planning
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 The use hereby permitted shall be carried on only by North Hertfordshire College. When the premises cease to be occupied by North Hertfordshire College, the use hereby permitted shall cease.
REASON:- The development has only been considered to be acceptable based on the specific educational and training use of these buildings by North Hertfordshire College.
- 4 At least 3 months prior to the first occupation of the approved development, a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.
REASON:- To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).
- 5 Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.
REASON:- In the interests of the living conditions of neighbouring occupiers.

The Council has acted Pro-Actively for the following reason:-

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVE

1 **Public Information on Planning Applications**

Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

2 **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.

3 **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).

4 **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>

6 Hertfordshire County Council: Travel Plans

Hertfordshire County Council (HCC) hold a licence with Modeshift STARS, a travel plan accreditation platform (DfT approved). Modeshift STARS offers a platform to build a travel plan and manage it, awarding developments for their efforts to encourage sustainable modes of travel. Prior to occupation, the travel plan coordinator should attend a meeting with an HCC officer for an introduction and set up to the platform. For more information please contact travelplans@hertfordshire.gov.uk.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted February 2025, Stevenage Design Guide adopted February 2025, Town Square Conservation Area Management Plan adopted July 2012.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework December 2024 and Planning Practice Guidance.