

**Meeting:** Planning and Development Committee      **Agenda Item:** 3

**Date:** 2 December 2025

**Lead Officer:** Alex Robinson

**Author:** Thomas Frankland

**Application:** 25/00400/FPM

**Location:** Maxwell Road, Stevenage SG1 2EW

**Proposal:** Demolition of existing buildings and erection of Class E discount food store with associated car parking, landscaping, engineering and drainage works.

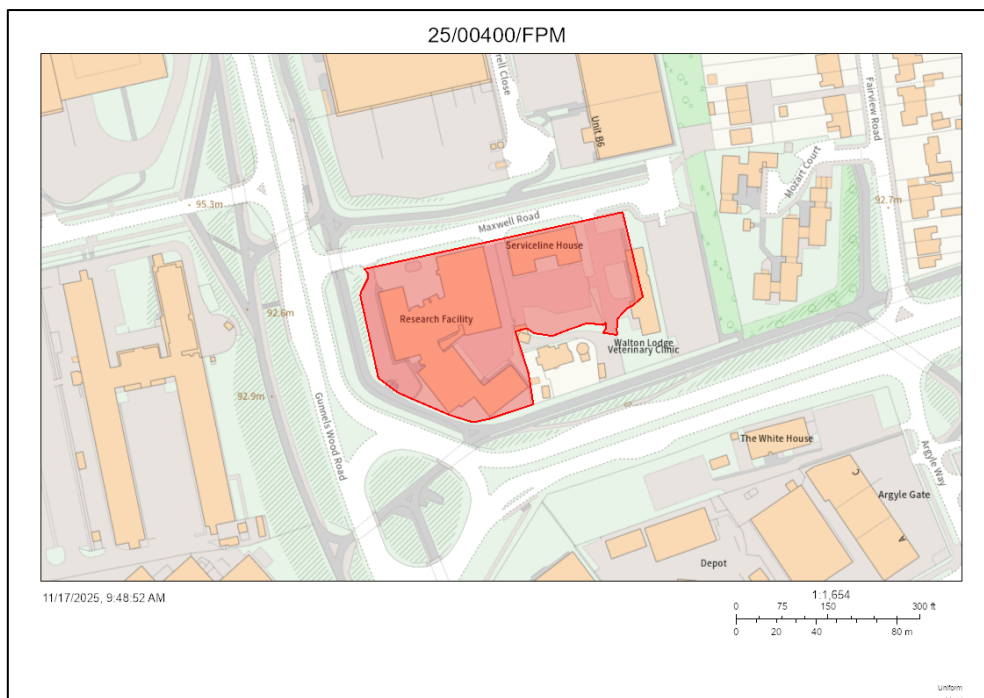
**Drawings:** PL-01 rev. E; PL-03 rev. N; PL-04 rev. A; PL-05; PL-06 rev. B; PL07 rev. H; PL-08 rev D.

**Applicant:** Lidl Great Britain Limited

**Agent:** Carney Sweeney

**Date Valid:** 23 May 2025

**Recommendation:** Grant Planning Permission



## **1. SITE DESCRIPTION**

- 1.1. The site is located at the junction of Gunnels Wood Road and Fairlands Way and extends to approximately 0.85 hectares.
- 1.2. The western portion of the site contains one and two storey buildings which originally acted as research laboratories, offices and parking for the Furniture Industry Research Association (FIRA). More recently, it was used for storage and distribution purposes by a plastic drainage product supplier, but this use has now ceased, and the buildings are vacant.
- 1.3. The eastern portion of the site contains a two storey office block, which is occupied by a drilling and concrete cutting business, further surface car parking, and part of a now vacant veterinary surgery.
- 1.4. There are three separate vehicular accesses on Maxwell Road, with a fourth pedestrian-only access on the cycle and footway running along the southern perimeter of the site.
- 1.5. Mature trees located along the boundaries of the site provide it with a limited degree of screening in views from all directions.
- 1.6. The site falls entirely within the Gunnels Wood Employment Area but surrounding development is nonetheless mixed. Most notably, a grade II listed residential property, known as Broomin Green Farmhouse, lies just to the south of the office block. Access to this property is gained from the easternmost of the site's three vehicular accesses, crossing over land within the ownership of the applicant.
- 1.7. A short distance to the north-west of the site is a further dwelling which also takes its access from Maxwell Road. To the south of this, west of the site, are retirement properties which are accessed from Fairview Road. In other directions, the site is surrounded by the array of industrial and commercial premises one would typically expect from an employment area.

## **2. RELEVANT PLANNING HISTORY**

- 2.1. The relevant planning history for the site is set out below.

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
50/0166	Industrial Area Development – Part 1	Granted 17/07/1950
62/0096	Site for Furniture Industry Research laboratory	Granted 13/06/1962
63/0238	Illuminated sign	Refused 16/01/1964
68/0147	Two temporary buildings	Granted 20/11/1968
70/0221	Extension to provide research and ancillary space, and additional parking area	Granted 04/12/1970
71/0189	Non-illuminated name sign	Granted 28/09/1971
74/0167	Single storey extension to form laboratories and offices	Granted 16/08/1974
77/0024A	Two flagpoles	Granted 08/11/1977
77/0283	Car park and new access	Granted 22/12/1977

78/0019	Single storey training centre	Granted 27/02/1978
78/0020	Multi-purpose building for research	Granted 27/02/1978
78/0122	Multi-purpose two storey building for research (phase 1)	Granted 25/05/1978
78/0263	Two storey multi-purpose building for research purposes	Granted 31/07/1979
81/0238	Change of use from warehouse to light industry	Granted 22/10/1981
85/0432	Multi-purpose two storey building for research (phase 2)	Granted 10/02/1986
01/00488/FP	Change of use of premises from factory to veterinary hospital	Granted 30/10/2001
17/00318/CPA	Prior approval for the change of use of office building (use class B1(a)) to residential dwellings (use class C3), comprising of 12no one bedroom flats and 4no two bedroom flats	Refused 05/07/2017
17/00303/OPM	Outline planning application for demolition of existing buildings and replacement with 64no. two bed flats and 64no. one bed flats; two storey extension to retained "Serviceline" building to facilitate conversion to 8no. two bed flats and 24no. one bed flats; erection of 3no. 4 bed houses; and associated access arrangements	Withdrawn 10/07/2018
19/00062/OPM	Outline application (with all matters reserved except access) for the demolition of existing buildings and replacement with buildings to accommodate new office and residential floorspace (class E and class C3), with associated landscaping, car parking and ancillary works	Refused 15/08/2022
23/00313/FP	Retrospective application for the change of use of FIRA Building from research and development (Class E(g)) to storage (Class B8) and surface car park (sui generis) to storage (Class B8). Erection of 2.4m high fence around the perimeter of the surface car park.	Granted 10/12/2024

### 3. PROPOSAL

3.1. The application seeks full planning permission for the comprehensive redevelopment of the site to provide a new limited assortment discount food retail store. This would include:

- a single storey building with a gross internal area of 2,173m<sup>2</sup> and a net sales area of 1,516m<sup>2</sup>, the majority of which would be for convenience retail, with a smaller element of comparison retail;
- two new vehicular accesses from Maxwell Road, providing separate customer and delivery entrances;
- a delivery bay on the northern side of the store;

- 108 car parking spaces, including six disabled persons' spaces and eight parent spaces;
- 16 customer cycle parking spaces;
- a new pedestrian access from the segregated cycle and footway on Gunnels Wood Road;
- a new through road to provide access to Broomin Green Farmhouse; and
- soft landscaping along the perimeter of the site.

3.2. The application comes before the Planning and Development Committee because it is for major development.

#### **4. REPRESENTATIONS**

4.1. The application was publicised by site notice and press advert as a departure from the development plan. Notification letters were also sent to surrounding properties.

4.2. The council received a total of 14 letters of representation relating to the application. Six of these were letters of objection, four were in support, and a further four made general observations.

4.3. The material issues raised in the letters of objection are summarised as follows:

- Noise (particularly nighttime operations)
- Traffic
- Litter
- Vermin
- Impacts of construction activity
- Loss of FIRA building
- Harm to the character of the area
- Access for cyclists
- Staff cycle parking
- Access for HGVs
- Access to car park

4.4. The material issues raised in the letters of support are summarised as follows:

- Need for discount store
- Benefits of competition amongst supermarkets

4.5. The general observations are summarised as follows:

- Lack of public transport connectivity
- Requests to incorporate swift boxes

4.6. Full copies of all representations are available to view on the council's website.

#### **5. CONSULTATIONS**

5.1. A summary of consultation responses is set out below. Full copies of all representations are available on the council's website.

**5.2. Natural England**

- 5.2.1. No objection. However, the proposed scheme is located in a water stressed area and further pressure on water resources may pose a risk to the natural environment. The council should ensure that the building meets the highest water efficiency standards, that the local water recycling centre has sufficient capacity to accept foul drainage, and that an appropriate site drainage strategy is implemented. The council should also consider whether additional water resources to meet the needs of the development can be supplied without adverse impact.

**5.3. Thames Water**

- 5.3.1. No objection, subject to the developer following the sequential approach to the disposal of surface water. An informative is also recommended relating to groundwater discharges to public sewers.

**5.4. Affinity Water**

- 5.4.1. The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) which corresponds to our abstraction boreholes (STEV) for public water supply.
- 5.4.2. Provided that conditions relating to unexpected contamination/remediation and SuDS are implemented and it has been demonstrated that public water supply will not be impacted, we would have no objections to the development.

**5.5. Hertfordshire Constabulary**

- 5.5.1. No objection. However, it is recommended that the scheme achieves Secured by Design accreditation.

**5.6. Hertfordshire Fire and Rescue**

- 5.6.1. No response received.

**5.7. HCC SuDS (Lead Local Flood Authority)**

- 5.7.1. Objection on the grounds of increased flood risk. The applicant has failed to demonstrate that flood risk will not be unacceptably increased elsewhere, that the site itself is adequately resilient to flooding, that the surface water discharge hierarchy has been followed, that discharge rates will be acceptable, and that the proposed drainage features are suitably sustainable.
- 5.7.2. At the time of writing, the applicant is seeking to address the points raised by the LLFA and significant progress has been made in this regard. If updated comments are received from the LLFA prior to the committee meeting, the comments will be provided to the committee as an update. Otherwise, it is recommended that the committee give delegated powers to the Assistant Director for Planning and Regulation to deal with any comments received after the meeting and impose conditions, in consultation with the Chair, as necessary.
- 5.7.3. In the event that the LLFA continues to object to the application and their concerns cannot be overcome, the application will be referred back to the committee so that the decision can be reconsidered.

5.8. **HCC Highways (Local Highway Authority)**

- 5.8.1. No objection, subject to conditions relating to a car park and servicing management plan, a construction management plan, cycle parking, and electric vehicle charging facilities. Informatives relating to various highway matters are also recommended.

5.9. **HCC Archaeologist**

- 5.9.1. The position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest. It is recommended that the following provisions be made:

- the archaeological recording of the structures subject to alteration/demolition in their present form (Historic England Level 3). This will include the recording of any original features, fittings or equipment present that will be altered, removed or demolished during the course of the proposed development
- the archaeological monitoring of the removal and grubbing out of foundations prior to the evaluation (below) commencing
- the archaeological evaluation, of the development area, prior to the commencement of any development;
- such appropriate mitigation measures indicated as necessary by that evaluation. These may include:
  - the preservation of any remains in situ, if warranted,
  - appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
  - archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
  - such other provisions as may be necessary to protect the archaeological interests of the site;
- the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
- such other provisions as may be necessary to protect the archaeological and historic interests of the site.

- 5.9.2. Accordingly, conditions are recommended to secure a scheme of archaeological work, recording and appropriate analysis/publication.

5.10. **SBC Environmental Health**

- 5.10.1. Conditions are recommended relating to construction management, land contamination, external lighting, and noise, and further information is requested regarding odour from the proposed on-site bakery. Informatives are also recommended relating to the council's powers in respect of various sources of pollution.

5.11. **SBC Ecology Officer**

5.11.1. Additional surveys are required to establish the presence or otherwise of bat roosts on the site. The relevant trees and shrubs on-site should be felled/cleared in the winter months supervised by an ecologist.

5.11.2. Once approved the following will be required:

- A complete Metric including the off-site habitat baseline, creation and/or enhancement or credits purchased.
- Agreements/certificate number for purchased off-site habitat units or credits.
- A habitat management and monitoring plan for on-site habitats including who will be managing these with their contact details

5.12. **SBC Arboriculture Officer**

5.12.1. In principle, no objection from an arboriculture viewpoint.

5.12.2. However, the following concerns are highlighted:

- The proposal appears to include the removal of 8 trees within the site and a further of 4 outside the site (publicly owned). I would expect therefore to see a landscape proposal which shows a minimum of  $4 \times 3 = 12$  replacement trees on public land (to replace the 4 proposed to be removed). I would also expect to see a minimum of  $8 \times 3 = 24$  replacement trees within the site. If this is not possible, planting outside the site, on public land, could be agreed.
- There are no details of potential encroachment of the remaining publicly owned trees 43, 44, 46 and 47 onto the proposed building. Most importantly, how would this encroachment be addressed by the applicant.

5.13. **SBC Green Spaces Development Officer**

5.13.1. The planting proposals include some inappropriate species. It is recommended that alternatives are sought.

5.14. **BEAMS (SBC Heritage Consultant)**

5.14.1. The development will have an adverse impact on the setting of the grade II listed Broomin Green Farm, resulting in harm to its significance at the lower end of the "less than substantial" category. The impact on the farmhouse will be considerably greater if the screening provided by intervening trees is reduced or lost.

5.14.2. The FIRA building is not statutorily listed but is nonetheless of considerable architectural and historic interest and should be treated as a non-designated heritage asset. The development would involve its demolition, resulting in the total loss of its significance. It is highly regrettable that the building is to be demolished just to provide an area of car parking and that the opportunity is not being taken to provide development on the prominent corner site.

5.14.3. If the demolition is granted, then it should be subject to level 3 historic building recording with appropriate archiving. Consideration should also be given to retaining the FIRA sign and the provision of a heritage interpretation board.

## **5.15. Applied Planning (SBC Retail Consultant)**

- 5.15.1. Following an appraisal of the potential sequentially preferable sites, in consultation with planning officers, it is concluded that there are no alternative sites or units which are suitable and available for the proposed development. It is advised that, based on the information available, the application complies with the sequential test.
- 5.15.2. It is also concluded that the proposal is acceptable in regard to the NPPF paragraph 94a impact test and would not have a significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. Further, it is concluded that the proposal would not have a significant adverse impact on defined centres (on a solus and cumulative basis) and that the proposal is acceptable in regard to the NPPF paragraph 94b impact test.

## **6. PLANNING POLICY CONTEXT**

### **6.1. The National Planning Policy Framework**

- 6.1.1. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans can provide for housing and other development in a sustainable manner. The latest version of the NPPF was published in December 2024 (with further minor amendments in February 2025).
- 6.1.2. 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. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.
- 6.1.3. The NPPF should be read as a whole (including its footnotes and annexes).

### **6.2. The Development Plan**

- 6.2.1. For Stevenage, the development plan comprises the following documents:
- Stevenage Borough Local Plan 2011-2031
  - Waste Core Strategy & Development Management Policies DPD 2011-2026
  - Waste Site Allocations DPD 2011-2026
  - Minerals Local Plan Review 2002-2016

### **6.3. Stevenage Borough Local Plan 2011-2031**

- 6.3.1. The Stevenage Borough Local Plan 2011-2031 was adopted in 2019, well before the publication of the latest version of the NPPF. However, the policies in the plan should not be considered out-of-date for this reason alone. Instead, weight must be given to them according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 6.3.2. There are some other limited areas of inconsistency between the policies in the local plan and the NPPF. Where relevant, these are explained later in this report.
- 6.3.3. The policies in the adopted plan most relevant to determining the current 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 SP5: Infrastructure
- Policy SP6: Sustainable transport
- Policy SP8: Good design
- Policy SP11: Climate change, flooding, and pollution
- Policy SP12: Green infrastructure and the natural environment
- Policy SP13: The historic environment
- Policy EC2a: Gunnels Wood Employment Area
- Policy EC4: Remainder of Gunnels Wood
- Policy EC5: Active frontages and gateways
- Policy TC1: Town Centre
- Policy TC6: Northgate Major Opportunity Area
- Policy TC11: New convenience retail provision
- Policy TC13: Retail impact assessments
- Policy IT4: Transport assessments and travel plans
- Policy IT5: Parking and access
- Policy GD1: High quality design
- Policy FP1: Climate change
- Policy FP2: Flood risk in Flood Zone 1
- Policy FP5: Contaminated land
- Policy FP7: Pollution
- Policy FP8: Pollution sensitive uses
- Policy NH5: Trees and woodland

#### 6.4. **Local Plan Review and Update**

- 6.4.1. 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).
- 6.4.2. In response to the review, the council has proposed a partial update of the local plan. Weight must be given to the emerging policies in the partial update 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.
- 6.4.3. At the time of writing, the partial update is at the stage of having been submitted to the secretary of state for examination. The examination hearings are scheduled to take place in December 2025.
- 6.4.4. Given that the examination has yet to conclude, there remain unresolved objections to a number of emerging policies. The partial update is nonetheless at an advanced stage of preparation and the council considers the emerging policies within it to have a high degree of consistency with the NPPF. Where relevant, the weight to be given to emerging policies will be set out in the assessment section of this report.
- 6.4.5. The following emerging policies are considered most relevant to the current application:
- Policy CC1: Energy efficiency
  - Policy CC2: Heating and cooling
  - Policy CC3: Water efficiency

- Policy CC4: Sustainable infrastructure
- Policy GD1: High quality design
- Policy FP1: Sustainable drainage
- Policy FP2: Flood risk management
- Policy NH5a: Trees and woodland

## 6.5. **Other Material Considerations**

6.5.1. In determining planning applications, regard must also be had to other material considerations. This may include (but is not limited to):

- The Planning Practice Guidance
- The National Design Guide
- Written ministerial statements and directions
- Guidance published by Hertfordshire County Council
- The Community Infrastructure Levy (CIL)
- Stevenage Borough Council supplementary planning documents

6.5.2. Planning decisions must also reflect relevant international obligations and statutory requirements.

## 7. **MAIN ISSUES**

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

- Loss of employment land
- Retail site selection
- Retail impact
- Visual amenities
- Heritage assets
- Pollution and residential amenities
- Crime and anti-social behaviour
- Highway impacts
- Flood risk and drainage
- Arboricultural impacts
- Ecology and biodiversity
- Climate change
- Equality and human rights
- CIL and planning obligations

7.2. 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.

## 7.3. **Loss of Employment Land**

7.3.1. The site is located within the Gunnels Wood Employment Area as defined by Policy EC2a but outside of the edge-of-centre or industrial sub-areas. It is therefore subject to Policy EC4, which says that acceptable land uses are those falling within the former use classes B1(b) and B1(c) (now E(g)(ii) and E(g)(iii) respectively), and classes B2 and B8<sup>1</sup>. Some allowance is also made for uses in the former class B1(a) (now E(g)(i)) but only

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<sup>1</sup> With some limits on B8 uses on sites over 2ha in size.

in the specific circumstances mentioned under parts (i) to (iii) of the policy. Acceptable development proposals should also be consistent with the aim of providing an appropriate number and range of jobs across the employment area as a whole.

- 7.3.2. The current proposal seeks to use the entirety of the site for food retail, which falls within class E(a). It is therefore contrary to Policy EC4 and is a departure from the local plan. The remainder of this section of the report will consider the extent of harm arising from that conflict.
- 7.3.3. The strategic objectives for the employment policies in the local plan are set out under Policy SP3. The overriding objective is to provide the sites and land necessary to facilitate employment growth and contribute to a balanced planning strategy across the market area<sup>2</sup>. Within this, specific aims include: remodelling Gunnels Wood to meet modern requirements and provide a high quality and attractive business destination (SP3(c)); working with Central Bedfordshire Council and North Hertfordshire District Council to ensure an appropriate level of employment provision within the wider A1(M) / A1 corridor over the plan period<sup>3</sup> (SP3(e)); and recognising the important role played by other uses, including retail, in providing employment (SP3(f)).
- 7.3.4. In other words, there is a role for retail in providing employment opportunities but the emphasis is very much on the typical business uses – classes E(g)(i), E(g)(ii), E(g)(iii), B2 and B8 – in driving economic growth. Policy EC4 is one of a number of detailed policies which support the strategic objectives of Policy SP3 by safeguarding areas of the borough for some or all of these uses.
- 7.3.5. The application site has broadly aligned with the current local plan designation over its history. The FIRA building was purpose-built for research and development (class E(g)(ii)) in 1964 and remained in that lawful use, with numerous extensions and alterations over subsequent years, until retrospective planning permission was granted for a change to a storage and distribution use (class B8) in December of last year. The building was however vacant for a number of years in between the two uses and is again vacant at the time of writing.
- 7.3.6. The veterinary surgery building (of which only a small part falls within the application site) was built as a factory, most likely as part of the original industrial development of Gunnels Wood in the 1950s. It then became a veterinary practice in the early 2000s and remained occupied in that use until only a few years ago when the former occupier relocated. It too is now vacant.
- 7.3.7. The office block on the site was originally built in the late 1970s or early 1980s as a multi-purpose extension to the FIRA complex. The planning history does not reveal when it was separated from the FIRA building and began to be operated independently but it remains in use as offices (class E(g)(i)) to this day.
- 7.3.8. Therefore, the site has historically performed reasonably well in terms of its intended land use and in supporting employment but that performance has declined in recent years with the relocation of FIRA (now located on Cockerell Close) and periods of vacancy. As it is today, the site only supports an estimated eight full-time equivalent (FTE) jobs and is therefore significantly underutilised. This means the immediate

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<sup>2</sup> Which comprises Stevenage, North Hertfordshire and the eastern half of Central Bedfordshire

<sup>3</sup> The plan covers the period from 2011 to 2031

impacts of the proposed development in terms of loss of employment opportunities would be limited.

- 7.3.9. However, the impacts in the longer-term will depend on the prospects of the vacant buildings on the site being brought back into use or a more comprehensive redevelopment for employment purposes.
- 7.3.10. Given the site's extent, location and access arrangements, it is considered that it could, in principle, accommodate a modern employment development within the use classes supported by Policy EC4. A mix of light industrial (E(g)(iii)) and small-scale research and development (E(g)(ii)) could potentially deliver a higher level of employment than the proposed food retail store, both in terms of job numbers and the range of employment types.
- 7.3.11. However, it is important to note that the site's redevelopment potential for such purposes is not without constraint. The proximity of Broomin Green Farmhouse introduces a clear sensitivity in terms of residential amenities, in particular noise and visual intrusion, which limits the suitability of the site for any sort of intensive use and especially general industry (class B2). This means that while the site could deliver some additional employment if redeveloped for policy-compliant uses, the proximity to surrounding residential uses means that the site is likely to be less attractive to prospective developers than one more centrally-located within the employment area. In any event, the realistic uplift in employment potential compared with the current proposal, which as proposed would support 40 FTE jobs, may be modest.
- 7.3.12. In terms of bringing the site back into use in its current format, it must be recognised that the FIRA building no longer meets modern occupational requirements for many of the uses encouraged by Policy EC4. This is evidenced by recent periods of vacancy and the level of employment supported by the most recent use of the building, which provided fewer than 10 FTE jobs.
- 7.3.13. Overall, while the proposal represents a conflict with Policy EC4 and is a clear departure from the local plan, the degree of harm arising from this is tempered by the site's current underuse and the limitations on its potential redevelopment or re-use for policy-compliant purposes. Whether the benefits of the proposal are sufficient to outweigh this harm is considered later in this report.

#### 7.4. **Retail Site Selection**

- 7.4.1. Paragraph 91 of the NPPF says that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Policy TC11 of the local plan says that new class A1 (now class E(a)) convenience retail will be expected to follow the sequential test and the borough's retail hierarchy. Policy TC13 further reiterates the need for proposals for main town centre uses located outside of the town centre to pass the sequential test.
- 7.4.2. The current proposal is for new convenience retail, which is a main town centre use, on a site which is not located within an existing centre. The site is also not allocated for convenience retail and in this respect, the application is not in accordance with the plan. The application should therefore be subject to the sequential test.
- 7.4.3. Main town centre uses should first be directed to town centres, then edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period), should out of centre sites be considered. Preference should

be given to accessible sites which are well connected to the town centre and applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. The sequential test is used to determine whether this approach has been followed.

7.4.4. Guidance on how the sequential test should be used in decision taking is set out in the 'Ensuring the Vitality of Town Centres' section of the PPG, which provides a checklist of the considerations which should be taken into account in determining whether a proposal complies with the sequential test. These are as follows:

- with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- if there are no suitable sequentially preferable locations, the sequential test is passed.

#### Flexibility on Format and Scale

7.4.5. The Supreme Court in *Tesco Stores v Dundee City Council* [2012] UKSC 13 confirmed that provided the applicant has demonstrated flexibility with regard to format and scale, the question is whether the alternative site is suitable for the proposed development rather than whether the proposed development could be altered or reduced so that it can be made to fit the alternative site.

7.4.6. In *R (Zurich Assurance Ltd t/a Threadneedle Property Investments) v North Lincolnshire Council & Simons Developments Ltd* [2012] EWHC 3708 (Admin), the High Court approved the approach to suitability adopted in *Tesco Stores*. At paragraph 61, Hickinbottom J cited Lord Reed at paragraph 29 of *Tesco Stores*, and Lord Hope at paragraph 38 of *Tesco Stores*:

*"29. Provided the applicant has [given consideration to the scope for accommodating the development in a different form and to have thoroughly assessed sequentially preferable locations]... the question remains... whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site"*

*"38. [T]he context indicates that the issue of suitability is directed to the developer's proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer's assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers..., they will be rejected."*

*But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.”*

7.4.7. These rulings make clear that there must be realism applied to the sequential test. Whilst retailers are expected to demonstrate reasonable flexibility, they underline the need for decisions to be based in the real world.

7.4.8. The judgement in *Aldergate Properties Ltd v Mansfield District Council* [2016] EWHC 1670 (Admin) clarifies that the sequential test should be considered on the basis of the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale. At paragraph 35, Ouseley J says:

*“In my judgment, “suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content. Nothing in Tesco v Dundee City Council, properly understood, holds that the application of the sequential test depends on the individual corporate personality of the applicant or intended operator.”*

7.4.9. In applying the sequential test, the decision maker will generally be required to consider the type and format of the proposed development, rather than the requirements of any specific named operator. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity but from application to application based on their content.

7.4.10. At paragraphs 5.7.4 and 5.7.5 of their planning and retail statement (PRS), the applicant puts forward the following parameters for the proposed store:

- A site that can accommodate a single level store of 2,173m<sup>2</sup> gross internal area (GIA) floorspace to allow for the provision of a discount food retail format based on a full product range offer. There is no prospect for disaggregation to separate, smaller sites in this instance.
- A site that can allow for the safe manoeuvring of customer vehicles and delivery vehicles on site.
- A prominent site with the ability to attract passing trade, or else there is no commercial rationale for the development.
- A site that is easily accessible by a choice of means of transport.
- A site that is able to offer dedicated surface level car parking, so that customers can easily transfer goods to their vehicles, as they can from all similar food stores. To have otherwise would severely impact the appeal and viability of the store.

7.4.11. These parameters provide no flexibility in the size or format of the proposed store. They also do not specify how many parking spaces would be required or the minimum site area required to accommodate the applicant's business model.

7.4.12. In the absence of adequate flexibility on store and site size being provided by the applicant in their PRS, the sequential test is applied on the basis that the minimum store

size which could accommodate the broad type of development proposed would be 1,740m<sup>2</sup> GIA, which would require a site of 0.65ha to provide adequate space for car parking and servicing arrangements.

- 7.4.13. Officers agree that the other parameters put forward by the applicant (as set out at paragraph 7.4.10 above) are appropriate parameters for the application of the sequential test, allowing for commercial realities. However, it should be noted that “a site that can accommodate a single level store” does not necessarily discount opportunities for buildings of more than one storey, providing that a suitable size store can be provided at ground floor level.

#### Site Search Area

- 7.4.14. The PRS identifies at paragraph 5.7.2 that the Primary Catchment Area of the store would comprise an area of up to five minutes (off peak) driving from the application site. The PRS goes on to state that inevitably some trade is likely to drawn from beyond this five-minute drive-time area.
- 7.4.15. A plan is also provided in Appendix A of the PRS which advises that the proposed catchment area of the store effectively comprises the whole of the built-up area of Stevenage and some of the rural area beyond. This area, demarked by a red line, extends beyond a seven-minute drive-time from the application site, notably in the eastern part of Stevenage.
- 7.4.16. For the purposes of the catchment area for the sequential test, officers have used the wider catchment area shown in Appendix A of the PRS, which is considered to be a robust catchment area for the purposes of a site search.

#### Identification of Sites

- 7.4.17. The sequential assessment in the PRS reviews sites within the major opportunity areas<sup>4</sup> of the town centre, the allocated site at Graveley Road<sup>5</sup>, two vacant sites within the town centre, the former Waitrose store in Old Town, and the major development site at The Oval Neighbourhood Centre. Officers consider this to be a comprehensive review of sites within the catchment area of the proposed store and note that there are no sequentially preferable sites able to accommodate the proposed development within or adjacent to existing local or neighbourhood centres in its primary catchment area.

#### Site Assessment

- 7.4.18. Officers’ assessment of the sites identified in the PRS is set out below.

##### *Site 1 – Stevenage Town Centre Regeneration*

- 7.4.19. In January 2012, the council resolved to grant outline planning permission under application reference 07/00810/OP for the comprehensive redevelopment of part of the town centre for a mix of uses including retail, housing, a hotel, replacement of the bus station and a magistrates’ court, subject to the applicant (Stevenage Regeneration Limited) entering into a S106 agreement.
- 7.4.20. The S106 was not completed and the regeneration strategy for the town centre subsequently progressed separately from the outline application. In addition, the scheme was for a mix of uses and while it sought some convenience retail floorspace

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<sup>4</sup> As defined by Policies TC2 to TC7 of the local plan

<sup>5</sup> Allocated for up to 4,600m<sup>2</sup> net convenience retail floorspace by Policy TC11 of the local plan

(up to 2,000m<sup>2</sup>), the proposal was primarily for comparison retail floorspace (minimum 35,000m<sup>2</sup>).

- 7.4.21. Given that the redevelopment of the town centre has progressed separately from this scheme and that the committee resolved to permit a scheme which was primarily for comparison floorspace, the site is not considered suitable for the proposed development.

*Site 2 – Park Place, Stevenage Town Centre*

- 7.4.22. Planning Permission was granted in December 2016 under planning permission reference 16/00511/FPM for the change of use of an existing three-storey building from retail, offices and a dental clinic to retail and residential uses, together with the construction of three additional residential floors comprising 202 flats. The permission has subsequently been subject to series of non-material amendments.

- 7.4.23. The Park Place site extends to 0.5ha and the approved scheme comprises a total of 2,018m<sup>2</sup> of retail floorspace at ground level within 6 units. This planning permission has been implemented and some of these units are now occupied (including the relocated indoor market). The remaining floorspace is not physically capable of accommodating the proposed development.

- 7.4.24. Accordingly, it is evident that the site is not suitable for the proposed development.

*Site 3 – 85 to 103 Queensway, Stevenage Town Centre*

- 7.4.25. Planning Permission was granted in December 2018 under planning permission reference 18/00268/FPM for the partial demolition of existing buildings, the erection of a new residential building of 94 flats with under-croft car parking, retention of existing office units, change of use of existing retail units to a mix of uses including shops, financial and professional services, restaurants and cafes, drinking establishments and a gym, with associated enhancements to shop frontages, replacement canopies, public realm improvements, car parking and highway works.

- 7.4.26. A subsequent application to vary the approved plans was approved in December 2019 under application reference 19/00641/FP. The amended drawings show 12 units within use classes A1-A4, D2 and B1, ranging in size from 90-698m<sup>2</sup> GIA each. This planning permission has been implemented.

- 7.4.27. These units are too small to accommodate the application proposal and some are now occupied. It is therefore concluded that this site is not suitable for the proposed development.

*Site 4 – Plots A and K, Town Centre Regeneration Scheme*

- 7.4.28. Plots A and K form part of the town centre regeneration scheme SG1, which relates to a large site at the southern and western end of the town centre. Planning permission was granted (in outline for plots B to J and in full for plots A and K) in May 2023 under application reference 19/00743/FPM for the demolition of existing buildings and the mixed-use redevelopment of the site.

- 7.4.29. Phase 1 of plot A comprises primarily residential uses with just 151m<sup>2</sup> of use class A1-A3 floorspace (now Class E). Plot K contains no commercial or retail floorspace.

- 7.4.30. As such, it is considered that this site is not suitable or available for the proposed development.



#### *Site 5 – Centre West Major Opportunity Area*

- 7.4.31. This site comprises the current Stevenage Leisure Park, which includes a large surface car park and a mixture of uses classes D1, D2, A3 and A4 (now Classes E, F1 and F2). The site is allocated under Policy TC3 of the local plan for mixed-use development including 'de minimis (by volume) use class A1 shop units'.
- 7.4.32. To deliver the requirements of the allocation, a comprehensive planning application will be required for the entire site and there are currently no emerging proposals. In addition, the proposed development does not accord with the requirements of Policy TC3.
- 7.4.33. As such, it is considered that this site is not suitable or available for the proposed development.

#### *Site 6 – Station Gateway Major Opportunity Area*

- 7.4.34. This site is allocated under Policy TC4 of the local plan for an extended and regenerated train station, new bus station, and a mix of other uses in classes A1, A3 (A1 and A3 now Class E), B1, C1 and C3.
- 7.4.35. Part of this allocation (for car parking and associated works) has already been built out pursuant to planning permission reference 21/01264/FPM.
- 7.4.36. The proposed development neither aligns with the policy aspirations of Policy TC4, nor is it suitable for the land remaining in the allocation.
- 7.4.37. As such, it is considered that this site is not suitable for the proposed development.

#### *Site 7 – Central Core Major Opportunity Area*

- 7.4.38. This site comprises the central core of Stevenage Town Centre and is allocated under Policy TC5 of the local plan for mixed-use development. In May 2023, a hybrid planning permission was granted under reference 19/00743/FPM for a site which extends to approximately 6 hectares of land within this allocation. The approved planning permission does not permit a format of floorspace that could accommodate the proposed development.
- 7.4.39. As such, it is considered that this site is not suitable for the proposed development.

#### *Site 8 – Northgate Major Opportunity Area*

- 7.4.40. Policy TC6 of the local plan provides for a replacement major food store (the redevelopment of Tesco Extra) alongside a mix of uses including high density residential and office premises.
- 7.4.41. The supporting text to the policy advises that the policy seeks to redevelop the Tesco Extra but that this site is unlikely to come forward until the end of the plan period, transitioning into the post-2031 period.
- 7.4.42. In considering this site in the sequential test, it is relevant that Policy TC6 does not seek to allow a new food store but rather seeks to guide the redevelopment of the existing store. There are no indications that this site would be made available to another operator and moreover, the local plan envisages that the site would not be available until the end of the plan period in approximately 6 years' time.

- 7.4.43. It is therefore considered that the site would not become available within a reasonable period of time (as required by paragraph 91 of the NPPF) and therefore, the site is considered not to be available for the proposed development.

*Site 9 – Marshgate Major Opportunity Area*

- 7.4.44. This site is allocated under Policy TC7 of the local plan for mixed use development, including high density residential development, civic uses and retail. Part of the site allocation has also been built out on the former Marshgate car park, and a new 7,700m<sup>2</sup> life sciences building was completed in August 2023 pursuant to planning permission reference 21/00627/FPM.
- 7.4.45. The remaining land in the allocation would not be suitable for the proposed development when considered against the policy requirements of Policy TC7.

*Site 10 – Graveley Road Allocated Site*

- 7.4.46. Policy TC11 of the local plan allocates a site at Graveley Road for a major new food store of up to 4,600m<sup>2</sup> net convenience goods floorspace and 920m<sup>2</sup> net comparison goods floorspace.
- 7.4.47. Paragraph 009 of the Town Centres and Retail section of the PPG provides guidance on 'what is the sequential test?' and states:

*"The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations (with preference for accessible sites which are well connected to the town centre). It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking."*

- 7.4.48. Paragraph 91 of the NPPF confirms that main town centres uses should be located in town centre and edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 7.4.49. The policy objective of the sequential test is therefore to protect the vitality and viability of defined centres by testing whether there are sites which are suitable and available for the proposed development in town centre locations, then edge of centre locations, and finally out of centre locations that are well connected to the town centre.
- 7.4.50. The purpose of the sequential test is not to protect out of centre allocations; the purpose is to guide main town centre uses towards town centre locations. In this instance, the Graveley Road allocation and the application site are both in out of centre location and it is considered that neither site is "better connected to a defined centre". As such, neither site is in a sequentially preferable location.
- 7.4.51. Given this, officers consider that the application would not fail the sequential test if analysis concluded that the allocated site is suitable and available for the proposed development (allowing for flexibility on issues such as format and scale).
- 7.4.52. It is nonetheless a material consideration for the current application that the local plan allocates a site for a major new food store. Should planning permission be granted for the current application, the allocation under Policy TC11 would remain part of the adopted development plan.

- 7.4.53. Given the primacy of the development plan and the fact that the plan period runs until 2031, officers consider it plausible that a future planning application for a food store may come forward on the allocated site. It is therefore necessary to carry out a cumulative impact assessment to model the impact of the current planning application and the allocated site on defined centres.

*Site 11 – The Forum, Stevenage Town Centre*

- 7.4.54. At The Forum, planning permission was granted in June 2023 under reference 22/00923/FPM for the demolition of the existing retail units and the erection of a mixed-use development comprising biopharma manufacturing laboratories, workspace facilities, flexible class E uses (cafes, retail, collaboration spaces), sui generis uses (cinema and drinking establishments), and a multi storey car park. This scheme includes a total of 4,051m<sup>2</sup> of flexible commercial/retail floorspace, which is to be spread across five separate buildings within the site and is at ground and mezzanine levels. The largest amount of commercial/retail floorspace within one unit extends to 2,661m<sup>2</sup> within the 'collaboration building'.
- 7.4.55. Whilst this unit could be physically capable of accommodating a discount food store, the wider site would not meet the commercial requirements of the proposed development, including requirements for proximate car parking and servicing arrangements. Furthermore, such an arrangement would undermine the quality of design and public realm on this prominent regeneration site.
- 7.4.56. As such, it is considered that this site is not suitable or available for the proposed development.

*Site 12 – Former BHS Store, Stevenage Town Centre*

- 7.4.57. This site is located in the town centre and is a vacant three-storey building that was formerly occupied by British Home Stores (BHS), which ceased trading during the summer of 2016. It is understood that the building as a whole extends to approximately 7,000m<sup>2</sup> of floorspace, of which around 2,340m<sup>2</sup> is provided on the ground floor.
- 7.4.58. Planning permission was granted in August 2021 under application reference 19/00647/FPM for the redevelopment of the site to primarily residential uses, with a ground floor retail unit. The retail element within the approved scheme comprised 520m<sup>2</sup> of floorspace at ground floor. However, this planning permission lapsed in August 2024.
- 7.4.59. The building was recently marketed for sale, but its current availability is unknown.
- 7.4.60. Notwithstanding the unknown current availability of the site, it is considered to be unsuitable for the proposed development, as the site only extends to 0.33ha and is therefore too small to accommodate it (in the scenario that the building was demolished). In addition, in the scenario that the applicant sought to occupy that ground floor of this unit, there would be insufficient proximate surface level car parking available.
- 7.4.61. As such, it is considered that this site is not suitable for the proposed development.

*Site 13 – Former Office Outlet Units, Stevenage Town Centre*

- 7.4.62. Planning permission was granted in October 2022 under application reference 21/01002/FPM for 224 build to rent apartments on this site with only 167m<sup>2</sup> Class E and Class F floorspace at ground floor level. The form of development in the extant planning permission would therefore be unsuitable for the proposed development.

- 7.4.63. On the basis there is an extant planning permission on this site, the former Office Outlet unit is discounted from the sequential test on the basis that the site is not genuinely available to the applicant in its current format.

*Site 14 – Former Waitrose, Stevenage Old Town*

- 7.4.64. This site is no longer available as it is occupied by a funeral director. It is also too small to be suitable. It is therefore discounted from the sequential test.

*Site 15 – The Oval Local Centre*

- 7.4.65. The Oval is defined as a local centre in the local plan.

- 7.4.66. Planning permission was granted in June 2025 under application reference 23/00954/FPM for:

*“Hybrid application for the comprehensive redevelopment of land at The Oval comprising: an Outline Application for a mixed use development on parcels A,B and D to include 250 dwellings, 1200sqm of mixed commercial (Class E), Parking and public realm improvements including a New Market Square, up to 2650sqm of retail (Class E) and 220sqm mixed use (Class E and Sui Generis) and parking on Parcel C, and a Full Application for the Construction of 91 dwellings and shared communal facilities for Independent Living (Parcel E), community building including place of worship and public realm”*

- 7.4.67. With respect to town centre uses, the planning permission includes:

- Outline permission for up to 1,200m<sup>2</sup> of mixed use commercial floorspace on Parcels B and D to the east of Jessop Road in the broad location of the existing shopping parade.
- Outline permission for retail development (Class E) comprising small retail units, a discount food store and associated car parking on Parcel C. The proposal is for up to 225m<sup>2</sup> (gross) of small retail units (between 2 and 5 retail spaces or units) and up to 2,650m<sup>2</sup> (gross) for a discount food retailer. The retail statement submitted in support of the application advises that the proposed discount food store will have a maximum gross internal area of 2,483m<sup>2</sup> and net sales area of 1,372m<sup>2</sup>.

- 7.4.68. The approved discount food store and retail units are located within the defined centre boundary of The Oval. The site is therefore in a sequentially preferable location to the current application site.

- 7.4.69. It is noted that there is an error in the PRS for the current application insofar as it states that the development at The Oval is for 1,374m<sup>2</sup> store (and does not clarify net or gross floorspace). The PRS discounts the opportunity at The Oval as unsuitable on this basis.

- 7.4.70. However, as the development at The Oval is actually for a store of up to 2,650m<sup>2</sup> (gross), it is in fact capable of accommodating the proposed development. Therefore, for the purposes of the sequential test, officers consider the site to be “suitable”.

- 7.4.71. However, it is also necessary to consider whether the site is “available”. To that end, the PRS states that:

*“Subject to securing permission the proposed development and discharge of planning conditions could be implemented within 3-6 months. Accordingly, for a*

*potential alternative site being considered available in the context of the subject proposals it must be available in a timeframe that could allow a scheme to be implemented immediately. In this instance, anything beyond 3-6 months is not considered to be a “reasonable period”.*

7.4.72. Officers consider this assessment of availability to be conservative for the following reasons:

- The permission for the store at the Oval has been granted in outline.
- The phasing programme for the development places the store in phase 2 in land parcel C. Works are not expected to commence on parcel C for approximately three years due to the need to first relocate the existing church and community centre.
- A condition has been imposed on the permission which requires all applications for the approval of the reserved matters be submitted to the local planning authority not later than seven years from the date on which outline permission was granted. This condition also states that the commencement of a phase shall be begun within three years of the last reserved matter of that phase being approved.
- This extended timeframe of seven years (beyond the usual 3 years) was applied in view of the complex nature of the development.

7.4.73. The phasing approach required for the development shows that it is likely to be approximately four years until the site becomes available. That is well beyond the six month timeframe set out in the PRS and indeed beyond the usual three year timeframe in which full planning permissions must be commenced.

7.4.74. Therefore, taking account of the phasing programme and conditions for planning permission 23/00954/FPM, the site at The Oval would not be available within a reasonable period of time.

7.4.75. The sequential opportunity at The Oval is therefore discounted from the sequential test as it is not considered to be available.

#### Sequential Test Result

7.4.76. In conclusion, officers consider that none of the sites identified in the PRS are both suitable and available for the proposed development.

7.4.77. Officers are also not aware of any other sequential opportunities which have been excluded from the PRS which would be suitable and available for the proposed development.

7.4.78. Therefore, it is concluded the proposed development passes the sequential test.

#### **7.5. Retail Impact**

7.5.1. The application site is located in an out of centre location. The NPPF states, at paragraphs 94 and 95, that applications for town centre uses located outside of town centres should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. This should include assessment of:

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

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

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

7.5.3. Policy TC13 of the local plan sets a local impact assessment threshold of 300m<sup>2</sup> of main town centre use floorspace. The current application is for 2,173m<sup>2</sup> gross floorspace and an impact assessment is therefore required.

7.5.4. Confirmation of how the retail impact test should be used in decision taking is set out in the Town Centres and Retail Section of the PPG.

7.5.5. The PPG states that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. The PPG also states that the following steps should be taken in applying the impact test:

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

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

- 7.5.7. The PPG states that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.

#### Area of Impact Assessment

- 7.5.8. As with the sequential test, a seven-minute drive time from the site is used as the area for the retail impact assessment. This is considered to be an appropriate area having regard to the location of competing retailers, including those outside the urban area of Stevenage.

#### Health Checks

- 7.5.9. The applicant has provided health checks of existing centres. Officers consider that these, in conjunction with the household survey which informs the retail impact assessment, adequately establish the state of existing centres and provides an appropriate baseline to inform the impact assessment.

#### *Stevenage Town Centre*

- 7.5.10. A health check for Stevenage Town Centre has been provided that broadly accords with the key performance indicators outlined in paragraph 006 of the Town Centres and Retail section of PPG.
- 7.5.11. Officers agree with the conclusion that the town centre has reasonable vitality and viability. However, it is considered that there is a clear risk arising from the migration of multiple retailers from the town centre to out of centre locations, partially as a result of the ongoing regeneration programme.
- 7.5.12. The town centre has a strong representation of comparison goods retailers (including many multiple retailers) but there has also been a reduction in and migration of major comparison multiples from the town centre in recent years. Partially because of this trend, there is currently a high vacancy rate of units within the town centre of some 24%.
- 7.5.13. The town centre remains well represented in the convenience sector and the Tesco Extra store provides an important destination, albeit the store is now quite dated in terms of its external appearance. The Tesco Extra store is considered to provide an important contribution to the overall vitality and viability of the town centre through, for example, creating linked trips.
- 7.5.14. The town centre is also well represented by markets, greengrocers, bakers, confectioners, and off-licences. Independent convenience good retailers, including ethnic minority food retailers, also contribute to vitality and viability. For instance, there are two independent ethnic minority food retailers on Market Place, which contribute to vitality and viability of that part of the town centre, where footfall is noticeably high. Overall, it is considered that the town centre provides a varied and diverse convenience goods offer and that this is a positive strength of the town centre.
- 7.5.15. There is also an existing Aldi to the north of Fairlands Way and an Asda to south of Six Hills Way/Monkswood Way, both of which are in edge of centre locations. Given their locations, they may have a propensity to create linked trips with the Town Centre.
- 7.5.16. The household survey undertaken to inform the retail impact assessment identified that 76.19% of respondents who undertake their main food shop at Tesco Extra, and undertake a linked trip, also undertook a linked trip with the town centre. The potential for linked trips from the Tesco Extra is therefore very high.

- 7.5.17. The household survey also identified that of respondents who do their main food shop at the Asda on Monkswood Way, 44.92% of those who said they did a linked trip said it was to shops and services in the town centre.
- 7.5.18. From the Aldi on Fairlands Way, the household survey identified that of shoppers who said they did a linked trip for the main food shop, 5.84% linked into the town centre.
- 7.5.19. Officers therefore consider that any retail impact on these stores would give rise to some loss of linked trips with the town centre, particularly from the Tesco Extra. Due to the distance of the proposed Lidl store from the town centre, there would be a lower propensity for shoppers at the proposed Lidl to undertake linked trips. However, it is also the case that should shoppers need to undertake a linked trip, they would continue to shop at stores in or near the town centre in order to facilitate the linked trips and therefore these shoppers may choose not shop at the proposed Lidl.

#### *Stevenage Old Town*

- 7.5.20. Stevenage Old Town is located is located approximately 700 metres to the north of the application site. The centre contains three principal food stores: a Tesco Express, a Morrisons Daily, and Old Town Food Centre.
- 7.5.21. There are 8 convenience units within Old Town, which represents 5.9% of the total units. This is below the national average of 9.3%. Convenience stores within Old Town are also small in scale and primarily provide a daily 'top up' requirement for people who visit the centre.
- 7.5.22. The Old Town benefits from a robust service and leisure economy, which underpins the health of the centre. The centre is both vital and viable.

#### *Filey Close Neighbourhood Centre*

- 7.5.23. Filey Close Neighbourhood Centre is located approximately 1km to the north of the application site. It contains a Nisa Local Supermarket and is more generally host to a diverse range of occupiers and a good mix of units, as well as community centre and health centre. It is a vital and viable centre, meeting its expected function as a neighbourhood centre.
- 7.5.24. It is also identified that the Nisa Local, which contains a Post Office, provides a 'basket shopping function', reflecting its top up shopping function.

#### Assessment of Solus Impact

- 7.5.25. The applicant has provided a convenience trade retail impact assessment as part of their submission. A summary of the impacts identified is provided below:



Store	Distance from Application Site	Household Survey identified Turnover 2029 (£m)	Benchmark Turnover 2029 (£m)	Trade Diversion to Lidl %	Trade Diversion to Lidl 2029 (£m)	Resultant Turnover 2029 (£m)	Impact %
Tesco Extra, Stevenage Town Centre	600 metres east	39.25	49.73	16.17	1.25	38	3.18
Co-op, The Oval	3km north east	3.17	3.34	0.13	0.01	3.16	0.32
Co-op, The Hyde	3.3km south east	2.08	2.58	0.13	0.01	2.07	0.48
Sainsbury's, Magpie Crescent	4km east	37.05	35.7	1.94	0.15	36.9	0.40
Morrisons Daily, The Oval	3km north west	0.24	Not stated	0.13	0.01	0.23	4.17
Aldi Fairlands Way	700 metres east	26.53	5.93	42.04	3.25	23.28	12.25
Asda Monkswood Way	1km south east	25.46	42.77	18.76	1.45	24.01	5.70
Sainsbury/s Hitchin Road	2.3km north	18.36	35.27	6.47	0.5	17.86	2.72
Tesco, London Road	2.6km south east	32.23	40.47	7.76	0.6	31.63	1.86
Other stores	N/A	29.75		6.47	0.5	29.25	1.68
<b>Total</b>				<b>100</b>	<b>7.73</b>		

#### *Aldi, Fairlands Way*

- 7.5.26. The assessment identifies that the store impacted most by the proposed development would be Aldi Fairlands Way, which is located approximately 700m to the east of the application site and is easily accessible via the A1155. It assumes that £3.25m of convenience goods trade would be diverted from the Aldi, amounting to 42% of the proposed Lidl convenience goods turnover. Given the proximity of the Aldi store to the application site and the retail planning principle that 'like competes with like', officers consider that this amount of trade diversion is reasonable and plausible.
- 7.5.27. The assessment shows the convenience goods turnover of the Aldi store as £26.6m, which is significantly above company benchmark averages. The store is therefore trading robustly. Even if this calculated turnover of the Aldi store is an over-estimation of trading performance, it is still likely to be trading well given that it is the only limited-assortment discounter store in Stevenage.
- 7.5.28. The assessment shows that the Aldi store would continue to trade well above company benchmark average in the post impact scenario. It is considered that the identified impact would not affect the continued trading of the Aldi store.
- 7.5.29. The Aldi store is located in an edge of centre location relative to Stevenage Town Centre. The household survey undertaken by the applicant shows that only 5.84% of those Aldi shoppers who undertook a linked trip did so with the town centre. It is therefore evident that linked trips between the Aldi and the town centre are at best moderate and as such, it is considered that the identified impact on the Aldi store would not give rise to a significant adverse impact on Stevenage Town Centre through loss of linked trips.

*Tesco Extra, Stevenage Town Centre*

- 7.5.30. The Tesco Extra store is a superstore located in Stevenage Town Centre. According to the applicant's household survey data, the convenience goods turnover of the store will be £39.25m in 2029. The convenience floorspace in the store is therefore under-trading, at 79% of the company average.
- 7.5.31. The Tesco Extra Store has an important functional relationship with the town centre as a whole. The household survey identifies that of the main food shoppers at Tesco that undertake a linked trip, 76% undertake linked trips within the town centre.
- 7.5.32. The applicant's impact assessment shows that £1.25m of convenience trade would be diverted from the Tesco Extra, which upon sensitivity testing increases to £2m, representing a trade diversion range of between 16% - 23% of the proposed Lidl convenience floorspace turnover. This amounts to a retail impact ranging between 3.18% - 5.1% on the Tesco Extra store's convenience goods turnover. Given the proximity of the Tesco Extra store to the application site, officers consider the higher £2m trade diversion and 5.1% convenience goods impact to be the most plausible scenario.
- 7.5.33. The proposal would give rise to this impact on the store in its own right and there would also be an impact on the wider town centre through loss of linked trips. However, officers consider that the loss of linked trips would not be directly proportional to the impact on the Tesco Extra store because if a customer to Tesco Extra wished to undertake a linked trip to the town centre, that customer would have a higher propensity to continue choosing to shop at the Tesco Extra rather than the proposed Lidl store.
- 7.5.34. On balance, taking account of the current trading position of the store and the fact that the Tesco Extra sells comparison goods as well as convenience goods, it is considered that a 5.1% convenience goods impact on the Tesco Extra store would not give rise to significant adverse impact on Stevenage Town Centre, through either the impact on the store itself or the loss of linked trips.

*Asda, Monkswood Way*

- 7.5.35. The Asda store is located approximately 1km to the south of the application site and is in an edge of centre location. The impact assessment assumes that £1.45m of convenience goods trade would be diverted from the Asda, amounting to 19% of the proposed Lidl convenience goods turnover. Given the proximity of the Asda store to the application site and the retail planning principle that 'like competes with like', officers consider that this amount of trade diversion is reasonable.
- 7.5.36. The household survey identifies that the convenience floorspace in the Asda store is under-trading at 60% of the company benchmark and the trade diversion amounts to 5.7% impact on the convenience goods floorspace in the Asda store. In terms of linked trips, the household survey identifies that 45% of those who did a linked trip with a main food shop said they did a linked trip with the town centre. Given the location of the Asda store relative to Stevenage Leisure Park, it would be anticipated that a notable proportion of these linked trips may be associated with the leisure offer within the town centre.
- 7.5.37. Whilst the Asda store is shown to be under-trading, on balance and based on the information available, it is considered that the Lidl proposal would not affect the continued trading of this store or in turn, have a significant adverse impact on Stevenage Town Centre.

### *Other Stores*

- 7.5.38. As previously mentioned in this report, there are three food stores in Stevenage Old Town, a Nisa supermarket in Filey Close centre, and a number of smaller convenience stores in the town centre. Despite the proximity of the site to these stores, the applicant's assessment shows no retail impact at all from these retailers. This is on the basis that because 'like completes with like', the amount of trade diversion from the small shops will be zero or so small as to be de minimis.
- 7.5.39. The impact assessment does show £0.5m as being diverted from 'other stores' within Stevenage but this is not subdivided by individual store. The applicant's position is that this trade will be diverted across a large number of other stores, with individual trade diversions being very small and associated impacts modest.
- 7.5.40. Officers have reviewed the applicant's retail impact assessment in this context. The assessment identifies trade diversion from a number of smaller stores which are located relatively distant from the application site i.e. Co-op stores at The Hyde and The Oval, and a Morrisons store at The Oval, which are all located 3km or more from the application site. However, the impact assessment does not identify individual impacts from similar size stores which are located substantially closer e.g. the three stores in Old Town, which are located approximately 700m from the application site.
- 7.5.41. It is more plausible that the trade which the applicant identifies as being diverted from the more distant smaller stores would more likely be diverted from the stores in closer proximity to the application site. However, officers agree that the total diversion from smaller stores within Stevenage would be in the order of £0.6m, taking account of the 'like competes with like' principle, the fact that these smaller stores are already competing alongside established larger-format stores, and the fact that they primarily serve a day-to-day top-up shopping function.
- 7.5.42. Officers consider that that this £0.6m of trade diversion would be spread across a number of individual stores located in the vicinity of the application site, including smaller convenience store in Stevenage Town Centre, Stevenage Old Town and Filey Close centres. Given that it would be distributed across a number of stores, it is considered that the associated impact on any individual store would not be significant and adverse. Furthermore, it is considered that the related overall impact on any defined centre would not be significant and adverse.
- 7.5.43. With particular regard to Stevenage Town Centre, officers consider that combined retail impact on the Tesco Extra, including the loss of potential links and combined with more modest impact on smaller stores, would not result in a significant and adverse impact on the centre. This conclusion has regard to the fact that Stevenage contains a diverse range of operators, including comparison retailers and leisure and service operators, as well as the retail planning principle that 'like competes with like'.

### Assessment of Cumulative Impact

- 7.5.44. Paragraph 018 of the Town Centres and Retail Section of the PPG says that when an impact assessment is undertaken, a number of steps should be followed, including consideration of a range of plausible scenarios.
- 7.5.45. As mentioned earlier in this report, Policy TC11 of the local plan allocates a site at Graveley Road for a major new food store of up to 4,600m<sup>2</sup> net convenience goods floorspace and 920m<sup>2</sup> net comparison goods floorspace. Whilst paragraph 7.70 of the

local plan acknowledges that the allocated site is well located with respect to the proposed new neighbourhood to the north of Stevenage (Policy HO3), the allocation was included in the local plan to meet a broader borough-wide need after 2023.

- 7.5.46. The applicant has not undertaken a cumulative impact assessment of allocation TC11. Their position is that there are no discussions or planning applications on this allocation and in the absence of any emerging scheme, it would not be appropriate to seek to model the potential cumulative impact of the allocation alongside the current proposal. The applicant also says that the allocation has been dismissed as operationally viable by both Lidl and Morrisons due to its site constraints and lack of visibility.
- 7.5.47. Officers have considered the applicant's position on this matter and the requirements of PPG to assess 'plausible scenarios' i.e. seemingly reasonable or probable. The local plan was adopted in May 2019 with a plan period until 2031. Since the adoption of the plan, the council has considered retail impact assessments prepared by both Morrisons and Lidl, who have both advised that a major food store on the allocated site is not commercially viable. It is a relevant consideration that besides Waitrose, who have closed their store in Old Town and have a store in Hitchin, Morrisons and Lidl are the only major multiple retailers who do not currently have a larger format food store in Stevenage and it may be expected that it would be these operators who would seek to locate on the site.
- 7.5.48. Officers are also not aware of any other potential proposals for a food store on the site despite it having been allocated for six years and it is noted that the existing garden centre on the allocation site remains operational. On balance, as there is currently no evidence to suggest that a planning application for a food store may be forthcoming on the site and the potential multiples that may build a unit on the allocation have in the intervening period submitted planning applications for stores elsewhere, it is not currently considered a plausible scenario that a planning application will be submitted and implemented on the site allocated by Policy TC11 with the retail impact assessment period of the current proposal i.e. by 2029. In any event, should an application for a food store be submitted on the site within that period, that application would need to be accompanied by a retail impact assessment, which would allow for an assessment of cumulative impacts on the vitality and viability of centres at that time.
- 7.5.49. Therefore, in accordance with the requirements of the PPG and having regard to the individual circumstances of the allocated site, officers agree that it is not appropriate to consider the allocated site in the cumulative impact scenario.
- 7.5.50. The applicant has however provided a cumulative impact assessment of the current proposal alongside the approved development at The Oval. This is for a 2029 test year and utilises the retail impact assessments trade diversions submitted with that application. This approach is considered robust.
- 7.5.51. The cumulative impact assessment shows that the most affected store would be the Aldi on Fairlands Way, with an impact of 23%. However, the Aldi would continue to trade well above benchmark company averages in the cumulative impact scenario. This store is located in an edge of centre location, is not protected by planning policy, and linked trips between the Aldi and the town centre are moderate at best. As such, it is considered that the identified cumulative impact on the Aldi store would not give rise to a significant impact on the Aldi store itself or Stevenage Town Centre through loss of linked trips.
- 7.5.52. A cumulative impact of 10% is shown to the edge of centre Asda store on Monkswood Way. The household survey identifies that the convenience floorspace in the Asda store

is under-trading at 60% of the company benchmark and the cumulative trade diversion amounts to a 10% impact on the convenience goods floorspace in the store. In terms of linked trips, the household survey shows that 45% of those who did a linked trip with a main food shop said they did a linked trip with the town centre. It is considered that a notable proportion of these linked trips may be associated with the leisure offer within the town centre and would continue in the post impact scenario.

- 7.5.53. Whilst the Asda store is shown to be under-trading, on balance and based on the information available, it is considered that the cumulative impact on the continued trading of this store and in turn, the town centre, would not be significant and adverse.
- 7.5.54. In terms of the Tesco Extra in the town centre, the applicant has not provided a cumulative impact assessment in the sensitivity test scenario. However, assuming the proposed Lidl diverts £2m of convenience goods trade from the Tesco Extra and a discount retailer at The Oval diverts £1.09m, this is a cumulative goods trade diversion of £3.1m. This amounts to a cumulative retail impact of 7.9% on the Tesco Extra store's convenience goods turnover in the sensitivity test scenario.
- 7.5.55. The proposal would give rise to this impact on the Tesco Extra store and there would also be an impact on the wider town centre through loss of linked trips. However, it remains the case that the loss of linked trips would not be directly proportional to the impact on the Tesco Extra store, as if a customer to Tesco wished to undertake a linked trip to the town centre, that customer would have a higher propensity to continue to shop at the Tesco rather than the proposed alternative discount store.
- 7.5.56. In the cumulative impact scenario, on balance and taking account of the current trading position of the Tesco Extra store and that the store sells comparison goods as well as convenience goods, it is considered that the cumulative convenience goods impact on the Tesco Extra store would not give rise to a significant adverse impact on Stevenage Town Centre, through either the impact on the store itself or the loss of linked trips.
- 7.5.57. In terms of other stores and centres, the cumulative impact assessment does not give rise to any other potentially significant adverse impacts.

#### Assessment of Comparison Retail Impact

- 7.5.58. With respect to impact from the comparison goods floorspace in the proposed Lidl store, the discount food store proposes 303m<sup>2</sup> of comparison goods floorspace which, based on company averages, would have a turnover of £1.24m in the 2029 test year.
- 7.5.59. It is the case that larger format food stores principally compete against each other for "incidental comparison goods sales". It is therefore considered that the comparison goods impact arising from this proposal would primarily fall upon competing food stores, existing retail parks such as Roaring Meg, and to some extent the town centre.
- 7.5.60. Even in the unrealistic scenario that all £1.24m of comparison goods turnover was diverted from Stevenage Town Centre (taking account of cumulative impacts), this would not give rise to significant adverse impact. Therefore, it is considered that the proposed discount food store would not give rise to a significant and adverse impact on defined centres in terms of comparison goods impact.

### Assessment of Investment Impact

7.5.61. Paragraph 94a of the NPPF states that an impact assessment should include an assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.

7.5.62. Paragraph 015 of the Ensuring the Vitality and of Town Centres Section of PPG states that:

*Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:*

*- the policy status of the investment (i.e. whether it is outlined in the Development Plan).*

*- the progress made towards securing the investment (for example if contracts are established).*

*- the extent to which an application is likely to undermine planned developments or investments based on the effects on current/forecast turnovers, operator demand and investor confidence.*

7.5.63. Policy TC6 (Northgate Major Opportunity Area) of the local plan includes the existing Tesco Extra and at criterion (d), the policy states that the replacement of the food store will be supported. The supporting text to the policy says that 'in principle' discussions have taken place with Tesco and that the site is unlikely to come forward until the end of the plan period, transitioning into the post-2031 period. It also states that "the redevelopment, perhaps towards the end of the plan period, into a smaller store with other uses above is a possibility".

7.5.64. The applicant's position on Policy TC6 is as follows:

*"As no application has come forward, with no evidence that a proposal is in the early stages of development, it would seem unlikely that the allocation could come forward in the proposed form during the plan period i.e. prior to 2031. It is therefore considered that Policy TC6 can be considered out-of-date and not relevant to the determination of this application."*

7.5.65. Officers do not agree that Policy TC6 is 'out-of-date' because the supporting text is clear that the policy was adopted on the basis that the site was unlikely to come forward until the end of plan period, transitioning into the post-2031 period. The plan period still extends for approximately five years and it was always the intention that this policy may come into effect towards the end of the plan period.

7.5.66. However, it is accepted that there has been no progress towards securing the investment and no redevelopment proposals have been put forward to the council for the redevelopment of the Tesco Extra store. Therefore, whilst the opportunity is identified in the adopted plan, there is no planning application and there does not appear to be a prospect of a planning application in the shorter term. Officers have no evidence to suggest that any proposals to redevelop the Tesco Extra are in progress and therefore it is considered that the current proposal would not impact on committed and planned public or private investment as envisaged by Policy TC6.

- 7.5.67. In regard to the planning permission at The Oval, which includes outline permission for a discount food store, the applicant has provided a cumulative impact assessment of both proposals.
- 7.5.68. According to the planning permission, reserved matters may be submitted in up to seven years' time. However, it is noted that the phasing programme for the development envisages works starting on the relevant part of the site in three years, with completion in four years.
- 7.5.69. No representations have been made on the current application on the basis that the proposals may impact on planned investment at The Oval. It is also the case that the cumulative impact assessment submitted by the applicant indicates that both the discount store at The Oval and the proposed Lidl would be capable of trading at benchmark trading densities in the test year, with the Aldi at Fairlands Way continuing to overtrade. This indicates that there is market capacity for both additional stores.
- 7.5.70. Therefore, regardless of whether the discount retailer at The Oval is delivered in 2029 or beyond this timeframe, officers consider that there is no evidence to suggest that the proposed Lidl would impact on committed and planned public or private investment at The Oval.

#### Overall Conclusions on Retail Impact

- 7.5.71. In conclusion, when considered against the NPPF paragraph 94b impact test, the solus and cumulative impact of the proposal is acceptable with no significant adverse impacts arising. Furthermore, based on the information available, the proposed development would not give rise to a significant adverse impact on existing, committed or planned public or private investment in a centre or centres in the catchment area of the proposal. The proposal is therefore considered to accord with Policy TC13 of the local plan.

#### **7.6. Visual Amenities**

- 7.6.1. Policy GD1 of the local plan requires development to be respectful of and make a positive contribution to its surroundings. It also requires developments located on street frontages to incorporate high-quality boundary treatments and where relevant, to take account of the requirements of Policy EC5.
- 7.6.2. Policy EC5 sets out a number of additional requirements for proposals on sites with a frontage along a number of roads in the Gunnels Wood Employment Area, including Gunnels Wood Road. These are:
- a. Proposals face directly onto the identified road(s) and provide active frontages and natural surveillance;
  - b. Buildings are not set back significantly from the identified road(s);
  - c. Car parking and service areas are located away from the street frontage of the identified road(s); and
  - d. On corner plots, where these roads intersect, schemes incorporate landmark architecture and gateway features wherever this would be compatible with the proposed use(s).
- 7.6.3. The proposed store building would occupy the majority of the central and eastern parts of the site. It would have a single storey and be topped by a mono-pitched roof with a

maximum height of 6.7m, sloping down northwards towards Maxwell Road to a minimum height of 5.3m.

- 7.6.4. Customer activity outside the store would be confined to its western side and south-western corner. The western elevation would be almost entirely glazed and would look out onto a footway, cycle parking and the customer car park beyond. Turning the corner onto the southern elevation, a glazed customer entrance would be located adjacent to trolley parking.
- 7.6.5. These customer-facing areas would be covered by a canopy, which at 4.7m in height, would sit just below the lower part of the main roof. It would run the length of the western elevation and around the south-western corner, terminating at the edge of the trolley park. It would also accommodate two internally-illuminated signs, one facing south and the other west, each bearing the Lidl logo.
- 7.6.6. The elevations of the store would otherwise be almost entirely clad with silver and white aluminium composite panels, punctuated only very occasionally by service accesses and associated railings. The arrangement of the panels would give the building a strong horizontal emphasis.
- 7.6.7. While the design would provide a clean and functional appearance typical of a modern food retail development, it would not deliver all of the design principles sought by Policy EC5. The building would be set back a considerable distance from Gunnels Wood Road, with its surface car park located between the building and the street. As a result, it would not provide an active frontage or natural surveillance, contrary to criteria (a) and (c) of the policy. The site also occupies a corner plot at the junction of Maxwell Road and Fairlands Way but the proposed building does not incorporate any landmark architecture or gateway features, which is a conflict with criterion (d).
- 7.6.8. The proposal would also result in the loss of the FIRA building, which has a degree of special architectural interest. Although this interest has been diminished by later additions and alterations, the loss of the building and its replacement with a building of considerably less interest would be detrimental to the character of the area.
- 7.6.9. However, there are site-specific constraints which reduce the extent to which full compliance with Policy EC5 can realistically be achieved. The site is separated from Gunnels Wood Road and Fairlands Way by a segregated cycle and pedestrian route, making the creation of a genuinely active frontage difficult. In addition, the site's employment allocation means that any realistic redevelopment for employment or commercial purposes is likely to face similar challenges in terms of layout, active frontage, and the loss of the FIRA building.
- 7.6.10. The proposed building would also be of an appropriate scale and massing for its context, and the use of light-coloured cladding with a horizontal emphasis would help to reduce the visual effect of its bulk. The proposed landscaping along the perimeter of the site would help soften views of the development and integrate it into the wider street scene.
- 7.6.11. On balance, while the proposal is contrary to Policy GD1 and Policy EC5 in certain respects, particularly in relation to frontage activity and the loss of the FIRA building, it is considered unlikely that a significantly improved design could be realistically achieved on the site in view of its local plan designation and other constraints. In any case, it is considered that the shortcomings of the scheme would not result in significant harm to the character or appearance of the area. Having regard to these considerations, the harm arising from the conflict with Policy GD1 and Policy EC5 is considered to be limited.



## **7.7. Heritage Assets**

- 7.7.1. The site is located adjacent to – and would affect the setting of – Broomin Green Farmhouse, which is grade II listed and therefore a designated heritage asset. Although not statutorily or locally listed, the FIRA building is considered to be of sufficient historical interest to be treated as a non-designated heritage asset.
- 7.7.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local planning authorities to have special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest which they possess when considering whether to grant planning permission for development affecting them.
- 7.7.3. Policy SP13 of the local plan states the council's strategic aim of preserving and enhancing the most important areas and characteristics of Stevenage. It goes on to say that the council will use national guidance and legislation to assess planning applications affecting heritage assets.
- 7.7.4. National planning policy for proposals affecting heritage assets is contained in chapter 16 of the NPPF. This requires local planning authorities, in determining applications, to take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.7.5. Great weight must be given to the conservation of heritage assets and the more important the asset, the greater the weight that must be given. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the asset's significance.
- 7.7.6. Any harm to the significance of a designated heritage assets (including from development within its setting) should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
- 7.7.7. When determining applications, the effect of the application on the significance of any non-designated heritage assets must also be taken into account. A balanced judgement is required in weighing up such applications, having regard to the scale of any harm or loss and the significance of the affected assets.
- 7.7.8. Where developments would involve the partial or total loss of heritage assets, local planning authorities should not grant permission without taking all reasonable steps to ensure that new development will proceed after the loss has occurred. In such cases, the developer should also record evidence and advance understanding of the significance of the assets in a manner proportionate to their importance, and then make this information publicly accessible. However, the ability to record this evidence should not be a factor in deciding whether the loss should be permitted.

### Assessment of Significance

- 7.7.9. When submitting applications, applicants are required to describe the significance of any affected heritage assets, including any contribution made by their setting. The level of detail should be proportionate to the importance of the assets and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 7.7.10. To that end, the application is accompanied by a heritage impact assessment, which describes the significance of both Broomin Green Farmhouse and the FIRA building, with reference to the relevant historic environment records and site surveys.
- 7.7.11. The significance of Broomin Green Farmhouse is as an attractive, 17<sup>th</sup> century property and the remnant of a farm which once formed part of several greens surrounding Stevenage Old Town. It is of a timber frame construction, with plastered infill and a steep, gabled roof finished with clay tiles.
- 7.7.12. When it was originally listed in 1948, Broomin Green Farmhouse was part of a wider rural landscape to the west of Stevenage but its immediate setting is now confined to its garden, having been severed from its ancillary farm buildings, which were demolished in the 1960s. The surrounding rural area and fields were likewise rapidly redeveloped as part of the development of Stevenage New Town, leaving the property isolated from its historic context and surrounded by more modern development and infrastructure.
- 7.7.13. Although the farmhouse has been partly rebuilt in the time since its original construction, its elevations remain of primary significance. The garden of the property is also of significance as the only remaining green space of the previously rural landscape. The mature trees and other vegetation surrounding the property, despite being later additions, help to shield the site from surrounding industrial development, thereby preserving its setting.
- 7.7.14. The significance of the FIRA building is as a laboratory designed by the renowned architectural practice Howell, Killick, Partridge and Amis (HKPA) and built between 1963 and 1964, which went on to play a key role in the development of the furniture industry in the UK.
- 7.7.15. The original core of the building comprised a reception, a library and two testing laboratories. Large brick extensions were subsequently added, which do not match the quality of the core building. Original parts of the building have also been unsympathetically altered, including the removal of the library, the installation of suspended ceilings, and the replacement of the original timber window frames with uPVC. However, the distinctive roof of the building and the concrete FIRA sign on the site frontage remain of architectural and local historic significance.

### Assessment of Impacts

- 7.7.16. The proposed store building would have a similar height to the farmhouse but would be sited far closer than the existing office building on the application site, at a distance of approximately 20m. It would be visible from various viewpoints within the setting of the farmhouse and given this, as well as its size, proximity and appearance, it would be detrimental to the setting of the listed building, thereby harming its significance.
- 7.7.17. The setting of the building has however already been adversely affected by industrial development in the area since the building was originally listed. The impact of the development on the setting of the building would also be limited by the retention of all but one (T5, which is dead) of the existing trees located between the farmhouse and the

proposed new store building (as shown on the tree removal and protection plan included with the submitted arboricultural impact assessment).

- 7.7.18. For these reasons, the harm caused to the significance of Broomin Green Farmhouse by the proposed development would be less than substantial and at the lower end of harm within that range. This harm is weighed against the public benefits of the proposal in the conclusion of this report.
- 7.7.19. The proposed development would result in the FIRA building being demolished in its entirety. The scale of harm would therefore be absolute and the significance of the building would be lost. This will also be weighed up in the conclusion of this report.
- 7.7.20. Should planning permission be granted for the development, it is recommended that conditions be imposed to secure historic recording, appropriate archiving of the record, and provision of a heritage interpretation board on the site. However, it is important to reiterate that this historic recording should not be taken into account in deciding whether to grant permission.

#### Archaeology

- 7.7.22 Policy NH9 of the adopted Local Plan identifies that the application site falls within the designated “Broomin Green Farm” (NH9/15) area of archaeological significance. This area concerns the 17<sup>th</sup> century farmhouse and the considerably shrunken hamlet of Broomin Green. The hamlet dates back to around 1248 and appears to be some form of settlement in the area since the medieval times. Consequently, where a development proposal has an effect on an area of archaeological significance or has the potential to affect important archaeological remains, then as set out in the policy, an archaeological field evaluation has to be submitted as part of any planning application.
- 7.7.23 As a consequence of the above designation, the applicant has submitted an Archaeological Desk Based Assessment. Following consultation with Hertfordshire County Council’s Historic Environment Section, they consider that due to the potential for buried archaeological remains of prehistoric, Roman and medieval activity to survive on the site, the development is likely to have an impact on heritage assets of archaeological interest. Given this, if planning permission were to be granted, they recommended a number of conditions be imposed.
- 7.7.24 In summary, subject to the recommended conditions being imposed if permission were to be granted, it is considered that the proposed development would not have a detrimental impact on any potential heritage assets of archaeological interest.

#### **7.8. Pollution and Residential Amenities**

- 7.8.1. Policy GD1 of the local plan requires that developments do not lead to an adverse impact on the amenity of neighbouring uses or the surrounding area. In the partial update of the local plan, this wording has been amended slightly to refer to “unacceptable” adverse impacts.
- 7.8.2. Policy GD1 also requires development to minimise the impact of light pollution on local amenity.
- 7.8.3. Policy FP7 says that development proposals should minimise and where possible, reduce air, water, light and noise pollution. Planning permission will be granted where it is demonstrated that the development will not have unacceptable impacts on:

- a) the natural environment, general amenity and the tranquillity of the wider area, including noise and light pollution;
- b) the health and safety of the public; and
- c) compliance with statutory environmental quality standards.

#### Construction Impacts

- 7.8.4. Given the proximity of the proposed development to neighbouring residential properties, in particular Broomin Green Farmhouse, there is a clear potential for it to have an adverse impact on the amenities of neighbouring occupiers during the construction phase. However, the scale of the proposal is not exceptional and neither its nature nor the particular characteristics of the site or its surroundings indicate that the impacts of construction activity would be exacerbated.
- 7.8.5. It is therefore considered that these impacts could be mitigated to an acceptable degree by adherence to a construction management plan which incorporates typical good practice. Accordingly, in the event that planning permission is granted, it is recommended that a construction management plan be secured by condition.

#### Natural Light and Visual Intrusion

- 7.8.6. The size and siting of the proposed store are such that it would not appear overbearing when viewed from any nearby properties. For the same reasons, the development would not unacceptably overshadow neighbouring properties or unduly deprive nearby occupiers of natural daylight or sunlight.

#### Privacy

- 7.8.7. The proposed store would be single storey and would not provide any high-level vantage points from which unacceptable views over neighbouring properties could be routinely achieved. Any unacceptable views from the areas surrounding the building would be adequately prevented by the proposed fencing along the site boundaries and it is recommended that this be secured by condition. Subject to the recommended condition, it is considered that the development would not have any adverse impacts on privacy.

#### Light Pollution

- 7.8.8. The application is accompanied by an external lighting statement, which sets out the applicant's proposals for external lighting, including the proposed hours of operation, and an assessment of the anticipated off-site light spill.
- 7.8.9. The statement shows that there would be some light spill over the northern and western boundaries of Broomin Green Farm. However, the extent of this would be limited, it would be at a low intensity and its duration would also be limited to the hours of 07:30 to 23:30 due to the proposed store opening hours. A condition is recommended to control the store opening hours in line with these times.
- 7.8.10. Whilst there would be light spill beyond the site boundaries in other areas, this would again be relatively limited in extent and intensity. Notably, it would not reach any other residential properties.
- 7.8.11. As such, it is considered that the proposal would minimise light pollution and its impact on amenity. It is recommended that conditions be imposed on any grant of permission

to ensure that the lighting levels set out in the submitted statement are achieved in practice.

#### Noise Pollution

- 7.8.12. The application is accompanied by a noise impact assessment, which considers the potential impact of external mechanical plant, store collections and deliveries, which will take place at the northern side of the building with the loading bay comprising a single enclosed dock leveller to ensure all loading activities take place within the vehicle or within the building, and noise from the customer car park on the nearest noise-sensitive receptor i.e. Broomin Green Farm.
- 7.8.13. The assessment concludes that the development would have a low noise impact when assessed against the relevant British Standard. This is subject to appropriate acoustic screening being installed at the site, in the form of a 2m high acoustic fence running from the south-western corner of Broomin Green Farm, along the proposed new access road and wrapping around the north-eastern corner of the store. A condition is recommended to ensure that this screening is installed prior to the store coming into use.
- 7.8.14. The conclusions of the noise impact assessment are also based on a number of assumptions as to the nature, frequency, duration and location of the proposed operations. In order to mitigate the risk that these assumptions prove to be false, further conditions are recommended to control the opening hours of the store, the hours during which deliveries can take place, to limit use of the southern service door (the door labelled "04" on drawing reference PL-06 rev. B) to cases of emergency, and to ensure that the noise levels set out in the report will be achieved in practice.
- 7.8.15. Subject to these conditions, it is considered that there would be no adverse impacts of noise on the occupiers of Broomin Green Farm or the other residential properties located further away to the east. It is further considered that the proposal complies with the policy requirement to minimise noise pollution.

#### Air Pollution

- 7.8.16. The application is accompanied by an air quality assessment, which includes an assessment of the potential impact of the development on local air quality during its operational phase. It concludes that these impacts would be insignificant in view of the measures to reduce private vehicle use put forward in the proposed travel plan.
- 7.8.17. Officers agree with this assessment and recommend that adherence to the proposed travel plan is secured by condition.
- 7.8.18. The potential for offensive odour is also relevant to the consideration of air pollution and it is noted that the proposed store would include a bakery. However, exhaust from the bakery would be recirculated within the store and as such, would have a no impact on the surrounding environment. It is recommended that the recirculation of exhaust gas from the bakery ovens be secured by condition.
- 7.8.19. Subject to the recommended conditions, it is considered that the proposal would minimise air pollution and would not have any adverse impacts on the amenities of surrounding occupiers as a result of poor air quality.

#### Land Contamination

- 7.8.20. Policy FP5 of the local plan requires development proposals on brownfield sites to be accompanied by a preliminary risk assessment (PRA). This should demonstrate that any necessary remediation and subsequent development pose no risk to the population, environment or groundwater bodies.
- 7.8.21. The site is accompanied by a geo-environmental investigation report, which has been reviewed by the council's environmental health officers. This report adequately fulfils the role of a PRA.
- 7.8.22. The report concludes that whilst some ground contamination has been identified, particularly in the vicinity of an infilled pond, this has been assessed as presenting a low to medium level risk. Nonetheless, an intrusive investigation is recommended to inform the development of appropriate mitigation measures.
- 7.8.23. Officers agree with the report's conclusions, including that further investigation is required. Accordingly, conditions are recommended to secure these investigations and an appropriate remediation scheme in the event that planning permission is granted. A further condition is recommended to deal with the potential for any unexpected contamination being discovered in the course of construction works.
- 7.8.24. Affinity Water have also reviewed the proposal due to its proximity to groundwater resources (the site is located within groundwater source protection zone 1, which is the most sensitive area). They have suggested conditions intended to deal specifically with the potential for groundwater contamination and it is recommended that these be imposed on any grant of permission.
- 7.8.25. Subject to the recommended conditions, it is considered that the proposed development would not pose any unacceptable risk to human health, the environment or groundwater bodies. The proposal is therefore considered to accord with Policy FP5 of the local plan.

## 7.9. **Crime and Anti-Social Behaviour**

- 7.9.1. Policy GD1 of the local plan requires developments to create safe environments which design out crime.
- 7.9.2. The proposed layout of the building, with extensive glazing along the western elevation and customer activity concentrated to the west and south of the store, would contribute positively to natural surveillance of the car park, pedestrian routes, and cycle parking. This would serve to discourage crime and anti-social behaviour during operational hours.
- 7.9.3. Additional physical security would be provided by the proposed boundary treatments. A 2m close-boarded fence would be installed along the boundary with Broomin Green Farm and the associated access road, providing a secure enclosure and limiting opportunities for unauthorised access. Within this area, the rear of the store and the external plant enclosure would be secured by weldmesh fencing and gates, again discouraging unauthorised access. Steel bollards are also proposed to protect the pedestrian walkway and the western end of the service yard, ensuring that pedestrian routes are safeguarded from vehicle incursion and helping to manage the interface between customer and service traffic.
- 7.9.4. The proposed external lighting would improve nighttime visibility, albeit this would be switched off shortly after store closure. In any event, the proposed layout would generally provide clear sightlines with few recessed areas, reducing opportunities for concealment.

- 7.9.5. It is understood that the site would not be staffed outside of the store's opening hours. However, it is expected that the site would continue to be monitored CCTV. Together with secure fencing and a robust building fabric, it is considered that the risk of crime and anti-social behaviour would not be elevated beyond that typical for comparable commercial premises within the Gunnels Wood Employment Area.
- 7.9.6. It is noted that Hertfordshire Constabulary's Secured by Design Officer has recommended that the scheme achieve Secured by Design accreditation. However, such accreditation is not an explicit requirement of local plan policy and in view of the design characteristics discussed above, accreditation is not considered to be necessary to provide for a safe development which designs out crime.
- 7.9.7. Having regard to the above, the proposed development is considered to create a safe environment and to satisfactorily design out opportunities for crime and anti-social behaviour. In this respect, the proposal accords with Policy GD1 of the local plan.

7.10. **Highway Impacts**

- 7.10.1. Policy IT4 of the local plan requires development proposals to be accompanied by an appropriate transport assessment. There should be no adverse impact on highway safety or severe residual cumulative impact on the highway network. Developments exceeding the relevant thresholds should also be accompanied by a travel plan.
- 7.10.2. Policy IT5 requires developments to provide parking in accordance with the Parking Provision SPD. Suitable provision should also be made for pedestrians, cyclists and passenger transport.

Access

- 7.10.3. The site in its existing format has three vehicular accesses from Maxwell Road and a further pedestrian-only access in the south-west of the site. As part of the proposal, all of these existing accesses would be removed.
- 7.10.4. In their place, two new vehicular accesses would be provided from Maxwell Road, one for customers and one for service vehicles. A separate pedestrian access would be provided to the east of the customer vehicular access, along with a zebra crossing to facilitate access from the northern side of Maxwell Road. A second pedestrian access would connect to the foot and cycle way to the west of the site, with a ramp provided for level access.
- 7.10.5. The improved pedestrian accesses to the site and zebra crossing on Maxwell Road would also facilitate public transport use, connecting to the bus stops located only a short distance away on Gunnels Wood Road. These stops offer hourly services between the town centre and Baldock via the north of the town.

Traffic

- 7.10.6. The submitted transport assessment considers the potential for the development to impact on the flow of traffic on surrounding roads. This shows that the proposed store would generate 318 vehicle trips (152 arrivals and 166 departures) during the Saturday peak hour from 12:00 to 13:00. However, it should be noted that food retail development

tends to redistribute existing trips (i.e. from other stores) rather than generating entirely new trips.

- 7.10.7. Modelling of these trips on traffic flow and queueing has been carried out for the junctions of Gunnels Wood Road and Maxwell Road, the Clovelly Way roundabout, and the Fairlands Way roundabout. In all cases, some queueing of traffic is noted during peak hours (Weekday AM 08:00 to 09:00, Weekday PM 17:00 to 18:00, Saturdays 12:00 to 13:00) but this is present before any additional traffic from the proposed development is taken into account and when this traffic is added, the increase in queueing is shown to be minimal.
- 7.11. In light of this assessment, officers are satisfied that any impact on the surrounding road network as a result of the development in terms of traffic generation or congestion would be well within acceptable limits.

#### Servicing

- 7.11.1. Deliveries to the store will be made by 16.5m articulated lorries. After accessing the site in a forward gear via the service access, a dedicated manoeuvring area would allow the lorries to turn within the site and then reverse in to the loading bay located adjacent to the store on its northern side. The lorries would subsequently be able to leave the site in a forward gear via the same access point.
- 7.11.2. Following completion of deliveries, the empty lorries would be loaded with waste, thereby minimising service vehicle movements at the site. It is anticipated that two deliveries would be made per day during normal operation, with up to three during busy periods at Christmas and Easter.
- 7.11.3. Concerns have been raised by residents that lorries departing Maxwell Road would need to use both lanes of the southbound carriageway on Gunnels Wood Road to turn. The swept path analysis submitted with the application confirms that this is indeed the case. However, HCC Highways, in their capacity as local highway authority for Gunnels Wood Road, have raised no concerns regarding this proposed arrangement.

#### Parking

- 7.11.4. The council's baseline maximum parking standard for food retail exceeding 1,000m<sup>2</sup> GIA is one car parking space per 14m<sup>2</sup> GIA. The site is however located within Non-Residential Accessibility Zone 1, which means that provision of standard car parking spaces should be reduced to between 0% and 25% of the baseline figure.
- 7.11.5. For the current proposal, provision in accordance with the standards would therefore be between zero and 39 standard car parking spaces. The proposal is actually for 92 standard spaces and is therefore well in excess of the maximum provision recommended by the standards.
- 7.11.6. However, the transport assessment submitted with the application includes an assessment of parking demand and this shows that the highest level of demand during normal operation is likely to be between 60 and 80 spaces, rising to between 100 and 120 spaces during seasonal peak times. The proposed number of car parking spaces is therefore considered to be entirely justified, noting that vehicles waiting for a free space during the busiest periods can be safely accommodated within the site without backing up onto Maxwell Road.



- 7.11.7. According to the standards, parking for disabled persons should be provided at a rate of one space plus 6% of the number of standard car parking spaces (before any accessibility reductions are taken into account). Further spaces capable of being converted to disabled persons' spaces (enlarged standard spaces) should be provided at a rate of 4% of the number of standard spaces.
- 7.11.8. For the current proposal, this equates to seven disabled persons' spaces and four enlarged standard spaces. The proposal is actually for eight disabled persons' spaces and eight parent spaces (which qualify as enlarged standard spaces). The proposed level of provision is therefore above standard.
- 7.11.9. The standards require 5% of the total number of car parking spaces to be provided as spaces for powered two-wheelers. The application does not propose any such spaces and in this respect, the proposal is contrary to the standards. However, given the nature of the proposed use, demand for such spaces is likely to be limited. Having regard to this, the constraints on the available space on the site, and the demonstrated need to provide a high level of car parking, the lack of spaces for powered two-wheelers in favour of additional car parking is considered to be justified.
- 7.11.10. Cycle parking for food retail exceeding 100m<sup>2</sup> GIA should normally be provided at a rate of 1 space per 175m<sup>2</sup> GIA for long-stay spaces and 1 space per 150m<sup>2</sup> for short-stay spaces. For the current proposal, this equates to 13 long-stay spaces and 15 short-stay spaces. There are no accessibility reductions for cycle parking.
- 7.11.11. The application proposes a total of 16 cycle parking spaces in the form of Sheffield stands, sited to the west of the proposed store under the covered walkway. The location of the cycle parking is considered to be acceptable in terms of security, shelter and convenience. However, the overall level of provision is inadequate. Noting that there would be sufficient space adjacent to the spaces shown on the plans to provide further cycle parking, it is considered that cycle parking for 28 spaces as required by the standards should be secured by condition in the event that planning permission is granted. Subject to this condition, the proposal would accord with the council's cycle parking standards.

#### Conclusion on Highway Impacts

- 7.11.12. In conclusion, the proposal departs from the council's parking standards through an overall over-provision of car parking, under-provision of powered two-wheeler spaces, and under-provision of cycle parking.
- 7.11.13. However, the overall level of car parking is justified by the anticipated demand during peak times and the need to contain vehicles associated with the use within the site in the interests of highway safety. For much the same reason, the lack of spaces for powered two-wheelers in favour of additional car parking is considered appropriate.
- 7.11.14. The deficiency in cycle parking could be remedied by the imposition of a suitably worded condition.
- 7.11.15. Policy IT5 of the local plan says that planning permission will be granted where development proposals comply with the requirements of the Parking Provision SPD. Whilst the SPD provides a set of standards to assess proposals against, it also says:

*“the application of the guidance in this SPD should be seen as the starting point for the assessment of planning applications, rather than a set of inflexible rules”*

- 7.11.16. This aligns with the overall purpose of the SPD, which is to provide guidance as to how to comply with relevant local plan policies. In turn, the objective of those policies is to ensure that development has an acceptable impact on highway safety and operation, whilst encouraging a shift to sustainable modes of transport.
- 7.11.17. In this case, subject to a set of limited amendments and further details secured by conditions, the proposed parking arrangements are considered to be justified with the objectives of relevant local plan policies in mind. In this respect, the proposal is considered to accord with Policy IT5 of the local plan.
- 7.11.18. The proposals for access and servicing, again subject to the imposition of suitable conditions, are likewise considered to be acceptable. The proposal is therefore considered to accord with Policy IT4 of the local plan.

## 7.12. **Flood Risk and Drainage**

- 7.12.1. Policy FP2 of the local plan requires development proposals to be accompanied by an appropriate flood risk assessment. The use of SuDS should also be maximised so as not to increase flood risk and wherever possible, reduce flood risk. Suitable flood resilience measures must also be incorporated into schemes.
- 7.12.2. In the emerging partial update of the local plan, Policy FP1 deals with sustainable drainage and Policy FP2 deals solely with flood risk. Emerging Policy FP1 places much greater emphasis on the use of green, surface SuDS features and adherence to the surface water discharge hierarchy than the policies in the adopted local plan. Emerging Policy FP2 largely replicates national policies for flood risk and in that sense is similar to the adopted version of the policy. It is considered that both of the emerging policies should be afforded moderate weight in assessing the current application.
- 7.12.3. The site is located wholly within Flood Zone 1, which means it is at a low risk of fluvial flooding. There is some evidence of surface water flooding in the area, although this is largely confined to the segregated foot and cycle way to the west of the site, which sits at a much lower level than the surrounding land.
- 7.12.4. The proposed drainage scheme for the site comprises areas of permeable paving with underground pipes and attenuation. Infiltration testing has yet to be carried out because it cannot be effectively carried out without first clearing the site and for that reason, the scheme currently provides for both a scenario where infiltration proves to be viable and a scenario where it does not. In the latter case, surface water would be discharged to the surrounding Thames Water network at a rate of 4.4L/s, which is calculated to be a 97% improvement on the discharge rate for the existing site.
- 7.12.5. At the time of writing, the LLFA maintain a formal objection to the scheme on various grounds ranging from flood resilience to the sustainability and amenity value of the proposed SuDS features. However, following a meeting with both the LLFA and the applicant, officers understand that the majority of these issues have now been resolved. LLFA officers also gave a verbal assurance that any remaining issues could be overcome by the imposition of conditions, primarily to secure infiltration testing and the final detailed design of the drainage scheme.
- 7.12.6. It is therefore considered that the applicant has demonstrated that the scheme can be designed in such a way that the use of SuDS would be maximised so as not to increase flood risk (either to the site itself or elsewhere). It is recommended that delegated authority be given to the Assistant Director of Planning and Regulation, in consultation

with the Chair of the Planning and Development Committee, to finalise the wording of the related conditions in light of any final formal consultation response which may be received from the LLFA. Subject to those conditions, the proposal accords with Policies FP1 and FP2 of the adopted local plan and the emerging versions of those same policies in the partial update of the local plan.

### **7.13. Arboricultural Impacts**

- 7.13.1. Policy NH5 of the local plan requires that existing trees be protected, retained and sensitively incorporated into developments. Where loss of existing trees is demonstrably unavoidable, planning permission will be granted where sufficient land is reserved for landscaping and appropriate replacement planting is provided.
- 7.13.2. In the partial update of the local plan, Policy NH5 is replaced by Policy NH5a, which introduces a new tree replacement standard for developments and Policy NH5b, which requires new streets to be tree-lined. There are significant unresolved objections to Policy NH5a and it should therefore be afforded limited weight in the assessment of the current application. Policy NH5b is not relevant to the proposal as no new streets are proposed.
- 7.13.3. The application is accompanied by an arboricultural impact assessment, which includes a tree survey and tree protection plan. The survey recorded 47 individual trees in the vicinity of the site (13 on-site and 34 off-site), eight groups of trees (one on-site and seven off-site) and six areas of shrubs (four on-site and two off-site).
- 7.13.4. Of these trees, only two individual specimens were recorded as category U, meaning they should be removed as part of good arboricultural practice, regardless of any development proposals. Most of the remaining trees were recorded as being of moderate quality, with some high-quality individual specimens and groups of trees.
- 7.13.5. The proposed development would involve removing eight individual trees (two category A, five category B and one category C), one group of trees (category A) and three areas of shrubs. There would also be a requirement to remove a single tree from a further group (category A). Officers are satisfied that these removals would be unavoidable in order to facilitate the development.
- 7.13.6. The council's Arboriculture Officer has no in principle objection to the development but has requested that a total of 36 trees be provided as replacements for those that would be felled. The submitted planting plan falls well short of this level of replacement, showing a total of nine replacement trees. However, Policy NH5 does not impose a mechanistic standard for replacement tree planting, requiring only that "appropriate" replacement planting is provided. In view of the space that would be available following the development and the contribution made by the felled trees to the amenity of the area, the proposed level of replacement planting in this case is considered to be appropriate.
- 7.13.7. However, the planting plan as submitted contains some inappropriate species. It is therefore recommended that an updated soft landscaping scheme, showing appropriate species, be secured by condition in the event that planning permission is granted.
- 7.13.8. As for the trees which are proposed for retention, the council's Arboriculture Officer has raised concerns regarding their management. Accordingly, a condition is recommended to secure an updated tree protection plan which includes measures to safeguard their long-term health and longevity.

- 7.13.9. Having regard to the above and subject to the recommended conditions, it is considered that the proposal would appropriately protect existing trees and incorporate new trees into the development. In these respects, the proposal accords with Policy NH5 of the local plan.
- 7.13.10. The proposal would not comply with the new tree replacement standard set out in emerging Policy NH5a in the partial update of the local plan. However, for the reasons already given, this policy should be afforded limited weight in assessing the application.

7.14. **Ecology and Biodiversity**

- 7.14.1. Policy SP12 sets out the council's strategic objective to protect the green infrastructure, natural environment and landscape of Stevenage. The loss of green infrastructure or assets of biodiversity importance as a result of development should be mitigated or, as a last resort, compensated for. Any identified impacts on priority habitats or species should likewise be avoided, mitigated, or compensated for.
- 7.14.2. 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.
- 7.14.3. 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. In this instance, the proposal does not qualify for any of the exemptions and a 10% net gain is therefore required.

Designated Sites

- 7.14.4. The application site is located within the impact risk zone for Knebworth Woods Site of Special Scientific Interest (SSSI) and the proposed development is of a type which requires consultation with Natural England as to potential impacts. They were duly consulted and have raised no objection to the application, advising that the development would not have significant adverse impacts on the SSSI.
- 7.14.5. However, Natural England have also highlighted that the site is located within a water stressed area and that further pressure on water resources may pose a risk to the SSSI. They have advised that the building should meet the highest water efficiency standards, that the local water recycling centre should have sufficient capacity to accept foul drainage, and that an appropriate site drainage strategy should be implemented. They have further advised the council to consider whether additional water resources to meet the needs of the development can be supplied without adverse impact.
- 7.14.6. The highest water efficiency standard is water neutrality, which is where any additional demand for water abstraction resulting from a development is offset by water saving measures elsewhere within the same water resource zone. The proposed development would not achieve this standard.
- 7.14.7. However, the water efficiency measures proposed as part of the application nevertheless exceed the requirements of adopted planning policy. In any case, the proposed use is not considered to be one which is especially water-intensive, with the main uses of water likely to be for toilets, wash basins, cleaning, the small on-site bakery, and any installed fire suppression system.

- 7.14.8. It is also noted that Natural England have been consulted on the application on the basis that the proposal is for “large infrastructure such as warehousing/industry where the total net additional gross internal floorspace following development is 1,000m<sup>2</sup> or more”. This is in fact not the case, since the proposed building would have a GIA of 2,173m<sup>2</sup> whereas the existing buildings on the site have a GIA in excess of 3,000m<sup>2</sup>. The proposal is therefore for a net reduction in floorspace across the site.
- 7.14.9. The nature of the demands placed on water resources and the foul drainage network by the existing lawful use of the site is similar to the proposed use i.e. toilets, wash basins, cleaning, etc. Therefore, with a significant reduction in overall floorspace following the development, it is considered that the proposal would not result in any material increase in demands on water resources or the foul drainage network over and above the existing lawful use of the site.
- 7.14.10. Having regard to the above, the proposal is considered to be acceptable in terms of water supply, water efficiency and foul drainage insofar as it relates to potential impacts on the SSSI.

#### Protected Species

- 7.14.11. The site itself is dominated by industrial buildings but these have the potential to provide roosting opportunities for bats. The trees on the site and small areas of grassland also have the potential to act as foraging, commuting and nesting habitats for birds, bats and hedgehogs.
- 7.14.12. The application is accompanied by a preliminary ecological appraisal and a bat impact assessment. Together these rule out the possibility of bat roosts being present on the site but highlight the presence of foraging and commuting habitat for bats, birds and hedgehogs. The trees on the site also provide nesting opportunities for birds.
- 7.14.13. A series of avoidance, mitigation and compensation measures are proposed and it is recommended that these be secured by conditions in the event that planning permission is granted. These conditions would incorporate the measures recommended by the council's Ecology Officer, with the exception of the biodiversity net gain provisions, which are captured by the statutory condition. Subject to these conditions, it is considered that the proposed development would have an acceptable impact on protected species, in accordance with Policy SP12 of the local plan.
- 7.14.14. On the basis of the evidence presented with the application, it is considered that a protected species licence would not be required for the proposed works. It is therefore not necessary to consider the likelihood of such a licence being granted.

#### Biodiversity Net Gain

- 7.14.15. The application is accompanied by a biodiversity net gain (BNG) assessment. This shows that the baseline habitats present on the site equate to 4.53 area units (the vast majority of which is made up of individual trees) and 0.43 linear units (native hedgerow). Habitats present on the site post-development would equate to 1.85 area units and 1.30 linear units.
- 7.14.16. This means that the development would result in a net loss of 2.69 area units (-59.23%) and a net gain of 0.87 linear units (+200.30%). Therefore, it will be necessary for the developer to acquire off-site credits in order to achieve a 10% net gain in area units.

7.14.17. It should also be noted that the habitats currently proposed do not satisfy BNG trading rules (by the applicant's own admission) and to achieve a 10% net gain, a total of 3.14 area units would need to be acquired off-site.

7.14.18. In any event, at the application stage, the applicant is only strictly required to provide an assessment of the baseline habitats present on the site, whereas the proposals to achieve the required net gain (including long-term management) are secured by the statutory biodiversity gain condition. Furthermore, in the event that planning permission is granted, it is recommended that the planting proposals, which the proposed habitat assessment is based on, be updated (and that this be secured by condition). The applicant has therefore satisfied their BNG obligations at this stage.

## 7.15. **Climate Change**

7.15.1. Policy FP1 of the local plan says that planning permission will be granted for development that incorporates measures to address climate change. New developments are encouraged to include measures such as:

- Ways to ensure development is resilient to likely future variations in temperature.
- Reducing water consumption to no more than 110 litres per person per day including external water use.
- Improving energy performance of buildings.
- Reducing energy consumption through efficiency measures.
- Using or producing renewable or low carbon energy from a local source.
- Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.

7.15.2. In the emerging partial update of the local plan, detailed climate change policies are set out under Policies CC1 to CC7, with the revised Policy FP1 dealing with sustainable drainage. The majority of the new policies provide support for various measures to mitigate and adapt to climate change, without placing any firm requirements on new developments.

7.15.3. The notable exceptions to this are: Policy CC1, which sets local energy performance targets for new major development; and Policy CC3, which places water efficiency requirements on new developments of various types. However, there are significant unresolved objections to these policies and so they should be afforded limited weight in assessing the current application. The remaining policies should be afforded moderate weight.

7.15.4. The application is accompanied by an energy statement, which sets out the measures proposed to mitigate and adapt to climate change. This shows that the building would be designed to have an efficient fabric and would utilise heat recovery and low-energy lighting, managed by a building energy management system, to reduce energy consumption.

7.15.5. In terms of low-carbon technologies, the development would utilise either air source or aero-thermal heat pumps for space heating and cooling, as well as photovoltaic panels for renewable electricity generation. With these technologies, the development is expected to generate considerably more than its anticipated regulated energy consumption and be carbon negative.

- 7.15.6. The development would also incorporate water-efficient fixtures and fittings to limit water consumption.
- 7.15.7. Having regard to the above, the proposal is considered to accord with Policy FP1 of the adopted local plan and Policies CC1, CC2, CC4 and CC5 of the emerging partial update of the local plan.
- 7.15.8. The proposal does conflict with emerging Policy CC3 because it does not provide for grey water recycling. However, as already stated, there are unresolved objections to this policy and for this reason, it should be afforded limited weight.
- 7.15.9. The proposal does not conflict with emerging Policies CC6 or CC7 but equally does not propose any of the measures highlighted in these policies. They therefore have no bearing on the application.
- 7.16. **Refuse and Recycling**
- 7.16.1. Policy GD1 of the local plan requires developments to make adequate provision for the collection of waste.
- 7.16.2. The planning statement submitted with the application says that all waste arising from the development in its operational phase would be stored internally and then collected as part of the regular servicing of the store in order to minimise vehicle movements at the site. This arrangement is considered to be acceptable.
- 7.16.3. Having regard to the above, it is considered that the proposed development would make adequate provision for the collection of waste. In this respect, the proposal accords with Policy GD1 of the local plan.
- 7.17. **Equality and Human Rights**
- 7.18. Consideration has been given to articles 1 and 8 of the first protocol of the European Convention on Human Rights. In this case, it is considered that a decision to grant permission would not violate any person's rights under the Convention.
- 7.19. When determining planning applications, it is also important to rigorously consider any equalities implications of the decisions that may be taken. This requires proper appreciation of any potential impact of the proposed development on the council's obligations under the Public Sector Equality Duty.
- 7.20. 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 protected characteristics and persons who do not; and (c) foster good relations between persons who share protected characteristics and persons who do not. 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.
- 7.21. In terms of inclusive access, the proposed development has been designed to be fully accessible and inclusive. All spaces in the new store building would be accessible and the floors and thresholds would be level. The routes into the building would be clear, signed and demarcated appropriately using landscape treatments. There would be no abrupt changes in levels on the approach to the proposed building and policy-compliant disabled parking spaces would be provided directly outside.

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

7.23. It is therefore considered that a decision to grant permission would not conflict with the Public Sector Equality Duty.

#### 7.24. **CIL and Planning Obligations**

7.24.1. The Community Infrastructure Levy (CIL) is a levy that allows the council to raise funds from developers to mitigate the impact of new development on infrastructure. Payment is non-negotiable and is charged in accordance with the council's adopted charging schedule.

7.24.2. In this case, the proposal is for retail development. It is therefore liable to be charged CIL at a rate of £60/m<sup>2</sup>.

7.24.3. Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. They should only be used where it is not possible to address unacceptable impacts through a planning condition.

7.24.4. In this case, it is recommended that the following be secured by a section 106 agreement:

- An employment and skills plan to ensure that appropriate employment and training opportunities are provided to local residents during the construction phase of the development.
- Monitoring provisions to ensure that the travel plan targets for the site are met and that the plan can be appropriately reviewed and updated over time.

7.24.5. It will also be necessary for the developer to enter into an agreement with Hertfordshire County Council (in its capacity as local highway authority for Maxwell Road) for the off-site highway works necessary to provide the proposed vehicular accesses.

#### 7.25 **Other Matters**

##### **Direction to the Secretary of State**

7.25.1 Officers have given due consideration of the Town and Country Planning (Consultation) (England) Direction 2024. This is due to the proposed development being classed as a departure from the Local Plan as it comprises "development outside of the town centre". However, following a review of the Direction, specifically Section 5(1)(C), as the proposal does not consist of or include a building or buildings where the floor space to be created by the development is 5,000 square metres or more, there is not a requirement for the Council as LPA to consult the Secretary of State.

#### 8. **CONCLUSION**

8.1. The local plan policies most relevant to determining the application are considered to be up-to-date. Paragraph 11(d) of the NPPF is therefore not engaged and the proposal falls to be assessed against a straightforward planning balance.

8.2. The proposed development would deliver a number of clear public benefits. It would provide approximately 40 full-time equivalent jobs and would contribute towards meeting



an identified need for convenience retail in the borough. Both of these benefits carry significant weight in favour of granting planning permission. There would also be a moderate benefit to the local economy during the construction phase, and a limited but nonetheless positive benefit from the building's highly energy-efficient design, which would be net-zero carbon in operation and capable of exporting surplus renewable energy to the national grid.

- 8.3. Balanced against these benefits are a number of identified harms. The proposal would cause harm at the lower end of the "less than substantial" category to the significance of Broomin Green Farmhouse, which is grade II listed, through an adverse impact on its setting. In accordance with paragraph 215 of the NPPF, this harm must be weighed against the public benefits of the proposal. In carrying out that balancing exercise, great weight is given to the asset's conservation but in this instance, the identified economic and employment benefits are considered to outweigh the heritage harm.
- 8.4. The proposal would also result in the loss of designated employment land, contrary to Policy EC4 of the Local Plan. While the borough's overall supply of employment land remains constrained, the realistic potential for the site to be redeveloped for policy-compliant uses is limited, most notably by its proximity to Broomin Green Farm. Consequently, the level of harm arising from this policy conflict carries moderate weight against the proposal.
- 8.5. The demolition of the existing FIRA building, a non-designated heritage asset of architectural and historic interest, also represents an adverse impact. Having regard to the scale of loss, which would be total, and its degree of significance, which is of national importance but falling short of the level required for statutory designation, the loss of the FIRA building carries moderate weight against granting permission.
- 8.6. In addition, the design and layout of the proposed store would give rise to some limited harm to the character and appearance of the area, resulting in a degree of conflict with Policies GD1 and EC5 of the Local Plan. However, given the site's allocation for employment uses and its physical constraints, it is unlikely that a materially improved design outcome could realistically be achieved. Accordingly, this carries only limited weight against the proposal.
- 8.7. Although the proposal satisfies the retail impact test under paragraph 94(b) of the NPPF and Policy TC13, some diversion of trade from the town centre through a reduction in linked trips is expected. This would have a corresponding impact on town centre vitality and viability, which again carries limited weight against granting permission.
- 8.8. Subject to the recommended conditions, the proposal is considered acceptable in all other respects, including its effects on neighbouring residential amenity, parking, highway safety, flood risk, ecology, and biodiversity. These matters are considered neutral in the overall planning balance.
- 8.9. The application must be determined in accordance with the development plan unless material considerations indicate. In this instance, the proposal is considered to be contrary to the development plan, principally due to the introduction of a retail use on a designated employment site, which is contrary to the spatial strategy. However, taking all material considerations into account, the significant benefits of the proposal, chiefly to the local economy, are considered to outweigh the identified harms. A decision other than in accordance with the development is therefore warranted. Accordingly, it is recommended that planning permission be granted.

## **9. RECOMMENDATIONS**

- 9.1. That planning permission be GRANTED subject to the conditions set out below and the completion of a section 106 agreement to provide for:
- Off-site highway works
  - Employment and skills plan
  - Travel plan monitoring
- 9.2. That delegated authority be given to the Assistant Director for Planning and Regulation, in consultation with the council's appointed solicitor, to agree the wording of the s106 agreement.
- 9.3. That delegated authority be given to the Assistant Director for Planning and Regulation, in consultation with the Chair of the Planning and Development Committee, to amend or add to the conditions subject to which permission would be granted, where such amendments or additions would satisfy the relevant national policy tests and would most effectively deliver the development which the Committee has resolved to approve.

### **Conditions**

#### General

1. The development shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:

PL-01 rev. E  
PL-03 rev. N  
PL-04 rev. A  
PL-05  
PL-06 rev. B  
PL-07 rev. H  
PL-08 rev. D

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

2. The development 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).

3. Notwithstanding the provisions of section 55 of the Town and Country Planning Act 1990 and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the development shall only be used as a limited assortment discount retail store and shall not at any time whatsoever be subdivided or used for any other purpose, including any other purpose falling within Class E(a) of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987.

**REASON:** To protect the viability and vitality of the town centre and in the interests of the living conditions of neighbouring occupiers and highway safety.

4. The floor area of the store used for the display and sale of comparison goods shall not at any time exceed 20% of the net sales floor area.

**REASON:** To protect the viability and vitality of the town centre.

5. The materials used in the external surfaces of the development shall be those listed on the application form, drawing PL-06 rev. B and *Design and Access Statement* reference 240235 dated May 2025.

**REASON:** In the interests of the character and appearance of the area.

6. No demolition or construction activities (including any associated collections or deliveries) shall be carried out except between the hours of 07:30 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.

7. The development shall not be open to the public except between the hours of 08:00 to 23:00 Monday to Saturday and 10:00 to 18:00 on Sundays and bank holidays.

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

8. No external plant shall be installed or operated at the site other than in accordance with *Noise Impact Assessment* rev. 1 dated 12/05/2025.

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

9. No external lighting shall be installed or operated at the site other than in accordance with *External Lighting Statement* rev. A dated 06/05/2025.

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

10. No store collections or deliveries (including waste collections) shall take place other than between the hours of 07:00 to 23:00 on any given day.

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

11. The door labelled "04" on drawing reference PL-06 rev. B shall remain closed at all times except in cases of emergency.

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

12. The bakery oven extraction system shall discharge all exhaust air into the sales area of the store for recirculation.

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

13. In the event that any previously unidentified contamination is found when carrying out the development, work to implement the development must cease immediately and the contamination must be reported in writing to the local planning authority as soon as reasonably practicable. Work shall not resume until the results of an investigation and where necessary, a remediation scheme, have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with any approved remediation scheme.

**REASON:** In the interests of human health and the nearby public water supply abstraction.

14. The development shall be carried out in accordance with the measures recommended in sections 4.3 and 4.4 of *Preliminary Ecological Appraisal* reference BIOC24-218 V2 dated 13/05/2025.

**REASON:** To prevent unacceptable harm to habitats and species.

15. The development shall be carried out in accordance with the methods specified in sections 7 and 8 of *Arboricultural Impact Assessment* reference JSL5278\_770 rev. P06 dated 12/05/2025, together with the accompanying *Tree Removal & Protection Plan* reference 710 rev. P06.

**REASON:** In the interests of the health and longevity of trees worthy of retention.

16. The development shall be carried out in accordance with the design strategies detailed in section 8 of *Energy Usage and Sustainability Statement* Issue 01 dated 06/05/2025.

**REASON:** In the interests of climate change mitigation and adaptation.

Prior to Commencement

17. Prior to the commencement of the development (including site clearance and demolition), a construction management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of all of the following:

- a) Phasing of the development (including highway works)
- b) Hours of working (including timing of collections and deliveries)
- c) All plant and vehicles required for construction and demolition
- d) Vehicle routing and parking
- e) Traffic and pedestrian management (including any necessary footway closures)
- f) Construction and storage compounds
- g) Site enclosure
- h) Measures to keep the highway clear of dirt and debris (including wheel washing facilities)
- i) Site lighting (including any necessary off-site light spill mitigation)
- j) Noise, vibration, dust and smoke mitigation measures
- k) Vermin control

The development shall then at all times be carried out in accordance with the approved construction management plan.

**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.

18. Prior to the commencement of the development (including site clearance and demolition), a site waste management plan 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 site waste management plan.

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

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

19. Prior to the commencement of the development (including site clearance and demolition), a scheme of historic recording for the FIRA building (including details of archiving) 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 historic recording scheme.

**REASON:** In the interests of advancing the understanding of heritage assets.

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

20. Prior to the commencement of the development (including site clearance and demolition), a written scheme of archaeological investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

- a) An assessment of archaeological significance and research questions
- b) The programme and methodology of site investigation and recording
- c) The programme for post-investigation assessment
- d) Provision for analysis of the site investigation and recording
- e) Provision for publication and dissemination of the analysis and records of the site investigation
- f) Provision for archive deposition of the analysis and records of the site investigation
- g) Provision for public engagement and interpretation
- h) Nomination of a competent person or persons to undertake the works

The approved written scheme of archaeological investigation shall then be completed prior to the first operational use of the development.

**REASON:** In the interests of advancing the understanding of heritage assets.

21. Prior to the commencement of the development (excluding site clearance and demolition), details of a heritage interpretation board relating to the FIRA building shall be submitted to and approved in writing by the local planning authority. The approved heritage interpretation board shall be provided prior to the first operational use of the development and permanently retained thereafter.

**REASON:** In the interests of advancing the understanding of heritage assets.

22. Prior to the commencement of the development (excluding site clearance and demolition), a flood mitigation and drainage strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall provide for all of the following:

- a) Details of freeboard to drainage infrastructure and finished ground floor levels
- b) Details of any other necessary flood mitigation measures
- c) The results of infiltration testing on the site

- d) Details of surface water treatment before discharge
- e) A surface water drainage plan, showing all proposed discharge points, SuDS features and pipe runs (with sizes)
- f) Drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features, including any connecting pipe runs, along with all corresponding detailed calculations/modelling

The approved drainage scheme shall be implemented prior to the first operational use of the development.

**REASON:** In the interests of flood mitigation, human health and the nearby public water abstraction.

23. Prior to the commencement of the development (excluding site clearance and demolition), the results of a phase 2 site contamination investigation and where necessary, a remediation scheme, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with any approved remediation scheme.

**REASON:** In the interests of human health.

24. Prior to the commencement of the development (excluding site clearance and demolition), details of cycle parking facilities, including a total of 28 cycle parking spaces, shall be submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be provided prior to the first operational use of the development and permanently retained thereafter.

**REASON:** To ensure sustainable transport is adequately promoted.

25. Prior to the commencement of the development (excluding site clearance and demolition), details of bird and bat boxes to be provided within the development shall be submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be installed prior to the first operational use of the development and permanently retained thereafter.

**REASON:** To ensure that the ecological impacts of the development are adequately mitigated.

26. Prior to the commencement of the development (excluding site clearance and demolition), a soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The approved soft landscaping scheme shall be implemented in the first planting season following practical completion of the development.

**REASON:** In the interests of the character and appearance of the area.

#### Prior to Use

27. Where any part of the development is required to be carried out in accordance with a remediation scheme, a verification report (setting out the remedial measures actually undertaken on the site) shall be submitted to and approved in writing by the local planning authority prior to the first operational use of the development.

**REASON:** In the interests of human health and the nearby public water supply abstraction.

28. Prior to the first operational use of the development, a parking management plan shall be submitted to and approved in writing by the local planning authority. The aims of the plan shall be to ensure the safety of users of the site and to prevent vehicles queueing on the public highway. It shall consider customer parking, staff parking, deliveries, collections, and service vehicles, and shall provide for all of the following:

- a) Entry and exit routing
- b) Signage
- c) Real-time vehicle monitoring
- d) Marshalling
- e) Limits on the duration of customer car parking
- f) Customer car parking fees
- g) Car parking enforcement
- h) A plan review and monitoring framework

The development shall thereafter be operated in accordance with the agreed parking management plan at all times.

**REASON:** In the interests of highway safety.

29. Prior to the first operational use of the development, all accesses, roads, and parking, servicing and manoeuvring areas shall be laid out in accordance with the approved plans. Those areas shall thereafter be permanently maintained in a manner fit for their intended purpose.

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

30. Prior to the first operational use of the development, a SuDS maintenance and management plan shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be operated at all times in accordance with the approved SuDS maintenance and management plan.

**REASON:** In the interests of flood mitigation and human health.

31. Prior to the first operational use of the development, acoustic fencing with a superficial mass of at least 10kg/m<sup>2</sup> shall be erected as shown on drawing reference PL-07 rev. H. The fencing shall be permanently retained as such thereafter.

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

32. Prior to the first operational use of the development, a plant noise verification report shall be submitted to and approved in writing by the local planning authority. The report shall demonstrate that the plant installed at the site complies with the noise levels set out in section 7.1 of *Noise Impact Assessment* rev. 1 dated 12/05/2025.

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

33. Prior to the first operational use of the development, a lighting verification report shall be submitted to and approved in writing by the local planning authority. The report shall demonstrate that the lighting installed at the site complies with the maximum off-site artificial lighting levels and temporal controls set out in *External Lighting Statement* rev. A dated 06/05/2025.

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

34. Prior to the first operational use of the development, low- and zero-carbon technologies shall be installed in accordance with section 10 of *Energy Usage and Sustainability Statement* Issue 01 dated 06/05/2025. The low- and zero-carbon technologies shall be permanently retained as such thereafter.

**REASON:** In the interests of climate change mitigation and adaptation.

Post-Completion

36. Any trees or other plants comprised in the landscaping works for the development, which within a period of five years from the first operational use of the development are removed, become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**REASON:** In the interests of the character and appearance of the area.

**INFORMATIVES**

1. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

4. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk) or



phoning us on 01438 879990.

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

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually: excavation for foundations; damp proof course; concrete oversite; insulation; drains (when laid or tested); floor and roof construction; work relating to fire safety; work affecting access and facilities for disabled people; and completion.

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

#### 5. Community Infrastructure Levy

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

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

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

#### 6. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also

minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

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

## **10. BACKGROUND PAPERS**

- 10.1. The application file, forms, plans and supporting documents having the reference number relating to this item. Online copies may be obtained at <https://publicaccess.stevenage.gov.uk/online-applications/>
- 10.2. The Stevenage Borough Local Plan 2011-2031  
<https://www.stevenage.gov.uk/planning-and-building-control/planning-policy/local-plan>
- 10.3. The Stevenage Borough Local Plan Partial Update 2025  
<https://www.stevenage.gov.uk/planning-and-building-control/planning-policy/local-plan-partial-update/submission-to-secretary-of-state>
- 10.4. Stevenage Borough Council Supplementary Planning Documents: Parking Provision SPD 2025; Design Guidance SPD 2025; Developer Contributions SPD 2025.  
<https://www.stevenage.gov.uk/planning-and-building-control/planning-policy/planning-library>
- 10.5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031  
<https://www.hertfordshire.gov.uk/media-library/documents/about-the-council/consultations/ltp4-local-transport-plan-4-complete.pdf>
- 10.6. Government advice contained in the National Planning Policy Framework 2024 and the Planning Practice Guidance.  
[https://assets.publishing.service.gov.uk/media/67aaf8f3b41f783cca46251/NPPF\\_December\\_2024.pdf](https://assets.publishing.service.gov.uk/media/67aaf8f3b41f783cca46251/NPPF_December_2024.pdf)  
<https://www.gov.uk/government/collections/planning-practice-guidance>
- 10.7. Representations made by statutory consultees and other interested parties referred to in this report. Online copies can be found on Public Access (see paragraph 10.1).