

# Public Document Pack



## PLANNING AND DEVELOPMENT COMMITTEE

**Date: Wednesday, 15 February 2023**

**Time: 6.30pm,**

**Location: Council Chamber**

**Contact: Lisa Jerome 01438 242203**

**committees@stevenage.gov.uk**

Members: Councillors: M Downing (Chair), A Brown (Vice-Chair), Ashley-Wren, S Barr, T Callaghan, N Chowdhury, C Howells, G Lawrence CC, Mrs J Lloyd, M McKay, A Mitchell CC, C Parris, G Snell and A Wells

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## AGENDA

### PART 1

#### 1. **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

#### 2. **22/00923/FPM - THE FORUM CENTRE**

To consider the demolition of existing retail units (use Class E) and erection of proposed mixed-use development comprising biopharma manufacturing laboratories and workspace facilities (use class E(g)) together with flexible active ground floor uses including cafes, retail, collaboration spaces (use class E), Cinema (Sui Generis) and drinking establishments (Sui Generis), new multi-storey public car park, service road, public realm improvement works and ancillary works.

Pages 3 – 52

#### 3. **22/01075/FPM - THE BRAGBURY CENTRE**

To consider the variation of Condition 1 (Approved Plans) attached to planning permission 18/00398/FPM to subdivide the approved retail units.

Pages 53 – 70

#### 4. **22/00902/ENF - TRANQUIL TURTLE**

To consider the erection of large outdoor structure without planning permission.

Pages 71 – 80

**5. 22/00952/FP - 22 BASILS ROAD**

To consider the variation of condition 4 (Boundary Treatments) attached to planning permission reference number 19/00287/FP

Pages 81 – 88

**6. INFORMATION REPORT - DELEGATED DECISIONS**

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

Pages 89 – 108

**7. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

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**8. URGENT PART I BUSINESS**

To consider any Part I Business accepted by the Chair as urgent.

**9. EXCLUSION OF THE PRESS AND PUBLIC**

To consider the following motions that:

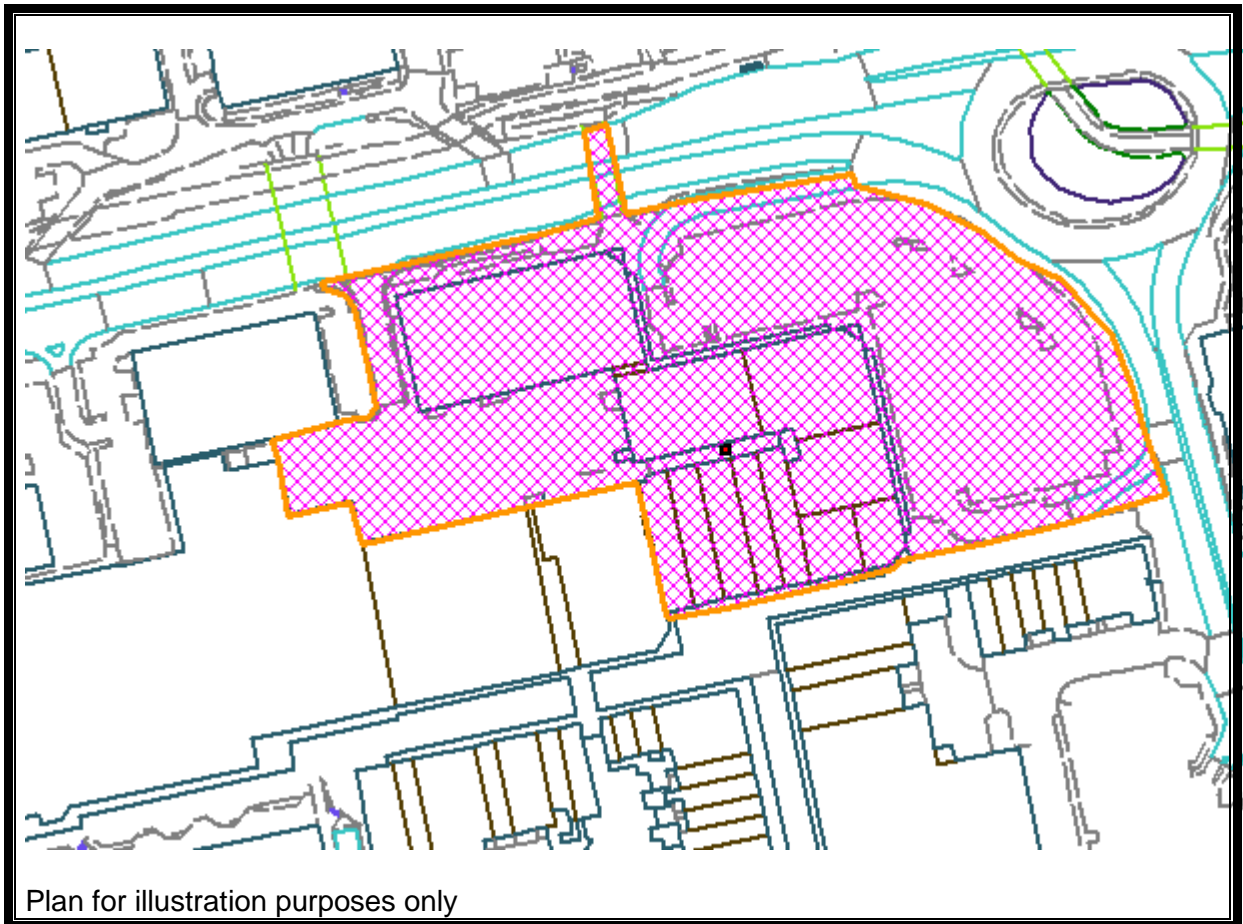
1. Under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as described in paragraphs 1-7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports (if any) being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

**10. URGENT PART II BUSINESS**

To consider any Part II Business accepted by the Chair as urgent.

<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>15 February 2023</b>	
<b>Author:</b>	<b>Ailsa Davis</b>	07702 874529
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Ailsa Davis</b>	07702 874529

Application No :	22/00923/FPM
Location :	The Forum Centre, Stevenage
Proposal :	Demolition of existing retail units (use Class E) and erection of proposed mixed-use development comprising biopharma manufacturing laboratories and workspace facilities (use class E(g)) together with flexible active ground floor uses including cafes, retail, collaboration spaces (use class E), Cinema (Sui Generis) and drinking establishments (Sui Generis), new multi-storey public car park, service road, public realm improvement works and ancillary works.
Drawing Nos.:	547-PL-001-P01; 547-PL-002-P01; 547-PL-003-P01; 547-PL-004-P01; 547-PL-010-P03; 547-PL-011-P02; 547-PL-012-P02; 547-PL-013-P02; 547-PL-014-P02; 547-PL-015-P02; 547-PL-016-P02; 547-PL-017-P02; 547-PL-018-P02; 547-PL-019-P02; 547-PL-020-P02; 547-PL-021-P01; 547-PL-022-P02; 547-PL-023-P02; 547-PL-024-P02; 547-PL-025-P01; 547-PL-026-P02; 547-PL-027-P02; 547-PL-028-P01; 547-PL-029-P02; 547-PL-035-P02; 547-PL-036-P01; 547-PL-040-P02; 547-PL-041-P02; 547-PL-042-P01; 547-PL-043-P01; 547-PL-044-P01; 547-PL-045-P01; 547-PL-046-P01; 547-PL-047-P01; 547-PL-048-P01; 29948 / 7021 P04; 29948 / 7022 P04; 29948 / 9001 P05; 29948 / 9002 P03; 29948 / 9003 P02; 29948 / 9004 P02; 29948 / 7030 P03  SY691-CAM-XX-00-DR-L-0001 P02; SY691-CAM-XX-00-DR-L-0002 P02; SY691-CAM-XX-ZZ-DR-L-0101; SY691-CAM-XX-ZZ-DR-L-0102; SY691-CAM-XX-ZZ-DR-L-0103; SY691-CAM-XX-ZZ-DR-L-0104; SY691-CAM-XX-ZZ-DR-L-0105; SY691-CAM-XX-ZZ-DR-L-0106; SY691-CAM-XX-00-DR-L-0021 P02; SY691-CAM-XX-00-DR-L-0031 P02; SY691-CAM-XX-00-DR-L-0041 P02; SY691-CAM-XX-00-DR-L-0051 P02; SY691-CAM-XX-00-DR-L-0071 P02; SY691-CAM-XX-00-DR-L-0081 P02; SY691-CAM-XX-00-DR-L-0091 P02; SY691-CAM-XX-00-DR-L-1320; 220923-1.0-TFS-TPP--JI
Applicant :	R Blue Regen LS Limited
Date Valid:	17 October 2022
Recommendation :	GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The site forms part of the Forum Shopping Centre, which covers a 2-hectare area in the north-eastern corner of Stevenage Town Centre. The site is located at the edge of the pedestrianised retail area. The site currently comprises a 326-space surface car park, 8 medium/large retail units comprising 8,213sqm of floor space and a service yard.
- 1.2 The eastern and northern parts of the site are bound by St. George's Way and Fairlands Way, which is part of the ring road that encircles Stevenage Town Centre. The site is located within the Town Centre Shopping Area, as identified in the Local Plan (2019). Beyond St George's Way, the site is bound by Stevenage Swimming Centre to the east, King George V Recreation Ground, ALDI superstore to the north and the wider town centre shopping area to the west and south.
- 1.3 The existing buildings on site comprise a rectangular unit to the north, which is connected to a U-shaped building to the south east. The east and south elevations of the U-shaped element (front of house) are split up into bays, which is reflective of the division of retail units. The shop entrances are defined by rectangular glazed panels, vertically orientated, with shop signage and a cantilevered arched canopy above.
- 1.4 The ground floor is articulated with large amounts of glazing and a suspended canopy, which provides shelter to the perimeter of the building. At first floor level, large square windows are positioned either side of the shop entrances with mansard roofs. A clock tower is positioned at the north east corner of the building. The south elevation of the site expresses similar architectural characteristics, although variation at ground floor level is evident owing to smaller retail units and, as a result, changing retail frontage.

- 1.5 By contrast, the architectural language of the rectangular element to the north of the site is more utilitarian, with unarticulated masonry facades, reflecting its 'back-of-house' use. This rectangular section is positioned adjacent to Fairlands Way. The southern section of the building is set back from Fairlands Way to the north and St George's Way to the east. The hard surfaced car park extends from the building to the north and eastern boundaries of the site.
- 1.6 Vehicular access is provided from St George's Way to the south eastern corner. Pedestrian access is provided from the north via the pedestrian subway which extends underneath Fairlands Way, from the south via Queensway (the Town Centre) and to the east from St George's Way.
- 1.7 The site is not located within a Conservation Area; however, it is visible from the Town Square Conservation Area located approximately 180m to the south of the site. There are no listed buildings or heritage assets associated with the site. The site is located within Flood Zone 1 and therefore has a low risk of fluvial flooding.

## 2. RELEVANT PLANNING HISORY

Reference	Site Address	Description	Decision
03/00045/FP	Car Park K The Forum Town Centre Stevenage Herts	3 units for Class A1 (Shops) / Class A2 (Financial and professional services) / Class A3 (Food and Drink) use, car park and access alterations and servicing	Approved 10/04/2003
02/00365/FP	Car Park K The Forum Town Centre Stevenage Herts	3 units for Class A1 (shops)/ Class A2 (financial and professional services)/ Class A3 (food and drink) use, car park and access alterations and servicing	Refused 13/01/2003
02/00364/FP	Car Park K The Forum Town Centre Stevenage Herts	Day nursery, Class D1	Withdrawn 06/06/2003
01/00693/FP	Car Park K The Forum Town Centre Stevenage Herts	3 retail units	Withdrawn 06/06/2003
01/00476/FP	Car Park K The Forum Town Centre Stevenage Herts	Day Nursery	Withdrawn 06/06/2003
2/0220/86		Retail Complex Of Buildings (Phases 1 + 2) Incorporating Superstore, 21 Shop Units, Food Court, Petrol Filling Station,	Approved 21/04/1987

		Public Toilets, Manager's Accommodation, Covered Mall, Vehicular Underpasses, Modification To Two Lay-Bys, Car Parking, Servicing	
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### 3. THE CURRENT APPLICATION

- 3.1 This application is seeking full planning permission for the development of a new life science quarter within the Town Centre, namely the demolition of existing retail units (use Class E) and erection of a proposed mixed-use development comprising four biopharma manufacturing laboratories and workspace facilities (use class E(g)) together with flexible active ground floor uses including cafes, retail, collaboration spaces (use class E), cinema (Sui Generis) and drinking establishments (Sui Generis), new multi-storey public car park, service road, public realm improvement works and ancillary works.
- 3.2 The construction of the Life Science Quarter would be phased over several years, which would take into account the leasing arrangements which are currently in place with occupiers of The Forum. The existing northern retail units (currently occupied by TK Maxx and previously occupied by Home Bargains and B&M) would be demolished first to allow for the construction of laboratory buildings 3A, 3B, 3C and Grad Lab in a phased sequence. The completion of the Grad Lab would then provide Next with the opportunity to relocate to the new retail areas within the building; alternatively, another larger retailer could be located here.
- 3.3 Once Next and the other small retailers (HMV, Game, Barclays and Sports Direct) have vacated their premises, the existing retail block would be demolished, and the new Collaboration Building constructed with retail spaces provided at both ground floor and mezzanine level. The Collaboration Building would be designed to act as a focal point and gateway to the new Life Science Quarter and its design would allow for a pedestrian thoroughfare through to the Old Town using the existing underpass.
- 3.4 The developer, R Blue Regen LS Limited, aspire to progress a new Town Centre Life Science Quarter to complement the existing STEM (Science Technology Engineering Math) company cluster located next to the GSK campus at J7 of the A1(M) on the edge of town. Due to the success of the Stevenage Bioscience Catalyst and the increased investment within the sector, this new quarter would allow the continued growth of this important industry within the heart of Stevenage Town Centre. This proposal would also follow on from the recently approved laboratory building to be occupied by Autolus (CAR T cell therapy company) on the former Marshgate car park site (planning application ref. 21/00627/FPM), which lies to the south of the site and is currently under construction.
- 3.5 The application proposal has gone through a Design Review Panel and a pre-application process with the Local Planning Authority, which has resulted in improvements to the scheme. Pre-application discussions have also been held with SBC Regeneration (in its capacity as future landowner/manager of the proposed multi-story car park) and Hertfordshire County Council (HCC) as Highway Authority.

- 3.6 This application comes before the Planning and Development Committee for its decision as it is a Major.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 As a major planning application, the proposal has been publicised by way of a site notice and a press notice. In addition, neighbouring properties have been consulted by way of letter. At the time of drafting this report, two representations of support have been received, two general comments and two objections. In terms of support, the comments expressed support for increasing the number of people working in the Town Centre and the related boost to the shops and economy this would bring. The overall architectural approach was also welcomed, believing it would enhance the appearance of the Town Centre and local area.
- 4.2 General comments mentioned the proposed cycle parking number should go above the minimum requirement and be more ambitious in terms of connecting to existing cycle routes. A representation was also received from Cycling UK (Stevenage) calling on the applicant and the Council to produce a detailed plan showing all existing and proposed cycle routes connecting the site to the cycle parking in the Indoor Market, the new Autolus lab on Marshgate and St George's Way to fulfil the purpose of the Travel Plan and Transport Statement.
- 4.3 The objections raise the issue that the Town Centre needs more shops, not laboratory buildings. The need and justification for the proposed multi-storey carpark is also questioned.
- 4.4 Please note that a verbatim copy of all comments and representations received are available to view on the Council's website.

## **5. CONSULTATIONS**

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

### **5.2 HCC Highway Authority (comments dated 1 November 2022)**

- 5.2.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council (HCC) as Highway Authority recommends that permission be refused for the following reasons:
- 5.2.2 The provided cycling facilities are not in line with the pre-application scoping response provided by HCC Highways DM to Price & Myers (transport consultant) in that they should be LTN 1/20 compliant. Therefore, it is not considered that the plans are compliant with Policies 1 and 2 of HCC's Local Transport Plan (LTP) 4 (Adopted May 2018). Furthermore, the provision of un-segregated/shared facilities are not considered consistent with the existing segregated network within Stevenage.

#### *Travel Plan*

- 5.2.3 Whilst these matters will be addressed through a suitable condition it has been noted by HCC's travel plan team the draft Travel Plan (TP) will require further details:
- A Travel Plan Coordinator (TPC) must be appointed 3-6 month prior to the first occupation and their contact details must be available from the same date;

- A car club or car share scheme must be proposed;
- A steering group and its members must be introduced;
- A Modal shift Target must be a minimum of 10% increase in sustainable mode of transport should be set;
- Monitoring method must be multi modal;
- Monitoring must take place annually for 5 years post full occupation;
- Travel Plan monitoring must take place annually for 5 years post full occupation;
- Role allocated to TPC is not mentioned.

5.2.4 Furthermore, an Evaluation and Support Contribution of £6000 must be secured via S106 legal agreement, reference to this must be made in the TP Contributions. HCC Highways operate two levels of S106 agreements, with items directly mitigating the impact of a development agreed through Strand 1 S106 agreement and those items mitigating the wider cumulative impact of development addressed in a Strand 2 S106 agreement. In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 S106 agreement. This includes the support fee for the Travel Plan.

5.2.5 In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). The Transport Statement (TS) considered by HCC Highways DM indicates that the site could potentially support '1,800 members of staff'. The toolkit therefore advises a headline figure of £759,600. However, it is recognised by HCC Highways DM that the Strand 1 measures when made LTN1/20 compliant have the potential to address the wider cumulative impact of development in addition to direct Strand 1 mitigation of the development. Therefore, it is considered appropriate to reduce the Strand 2 contribution to £500,000.

5.2.6 The applicant's highway consultant worked with the Highway Authority to overcome their objection and an amended Transport Statement (revision 4) was submitted to address the compliance with the government's cycle infrastructure design (LTN 1/20). The Highway Authority confirmed by an amended consultation response dated 3 February 2023 that their previous concerns had been addressed and the proposal, subject to minor realignment of the crossing on St George's Way which has been done, was now considered acceptable subject to conditions. The suggested condition 12 requiring traffic monitoring is not considered necessary, as the Highway Authority have confirmed in their consultation response that the Travel Plan and 'Strand 2' contribution would sufficiently mitigate the impact of the additional car trips and no assessment of traffic impact is required. Car trips would also be monitored through the Travel Plan.

5.2.7 Following negotiations between the applicant and the Highway Authority, a reduced Strand 2 contribution of £116,600 has also been agreed with funds to be allocated to the Cycling Route 8 and Pedestrian Routes 9 and 10 of the Council's Local Cycling and Walking Infrastructure Plan (2019) and Program 97 North Central Growth and Transport Plan (Stevenage Town Centre – Walking and Cycle Access Improvements). The North Central Growth and Transport Plan (NC GTP) having been developed in partnership with the Council and endorsed by the HCC Cabinet in May 2022.

### **5.3 Thames Water**

5.3.1 No objection, subject to a condition requiring a piling method statement to be submitted due to the proposed development being located within 15 metres of a strategic sewer.

### **5.4 Natural England**

5.4.1 No Objection. Based on the plans submitted, Natural England considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.



## **5.5 National Highways**

- 5.5.1 This response represents our formal recommendations regarding planning application reference 22/00923/FPM and revision 3 of the Transport Statement dated 9 January 2023. The proposed development is located on the eastern side of the A1(M) between Junction 7 and 8, our principal interest is in safeguarding the safe and efficient operation of the A1(M).
- 5.5.2 Upon a review of revision 3 of the Transport Assessment in response to our previous comments, it remains unclear what the impact of the proposed development may be on the operation the A1(M) Junctions 7 and 8. Specifically the distribution of trips generated by the proposed laboratory and the offices on other key junctions in the local area. While the revised comments associated with Trip Generation, Modal Split, Traffic Impact and Flow Diagrams within the Transport Statement are appreciated. Flow Diagrams for the proposed development trips were requested to allow us to assess the impact of the development on the strategic road network (SRN) specifically Junctions 7 and 8. Flow diagrams of development trips should validate the applicants' assumptions that there will be negligible impact to the SRN. The flow diagrams submitted suggest 107 vehicles would use the two A1(M) junctions in the AM peak and 103 in the PM peak, which is not negligible.
- 5.5.3 We request capacity assessments to be undertaken on the A1 Junctions 7 and 8. It may be necessary to combine some modelling with local junctions, but this should be discussed with Stevenage Borough Council. We also request PIC data of both A1(M) junctions. It is recommended that the application should not be approved until 3 March 2023.

## **5.6 Crime Prevention Design Advisor**

- 5.6.1 Thank you for inviting me to comment on the proposed Bio-science Centre that is proposed for the Town Centre. I have been in consultation with the project team from the start of this development. As the Police we, initially, had concerns with regards to what sort of research would be undertaken on site and who the companies were connected to. That said, however, following discussions with the team we have received assurances that no animal testing will be taking place on site and that potential tenants will not be linked to such companies.
- 5.6.2 I would recommend that the team seek to achieve accreditation to the Police preferred minimum security standard that is Secured by Design. I would also prefer them to seek the secure parking standard that is 'Park Mark' for the proposed multi-storey Car Park, as several of the Council Car Parks within the Town Centre are in this scheme. By seeking SBD accreditation this would bring the development in line with both local and national planning policy with regards to issues regarding crime, disorder, and the fear of crime. It would also ensure compliance with the National Model Design Code regarding public open space.
- 5.6.3 The Police Crime Prevention Design Service are not looking to object to this development and support this application.

## **5.7 SBC Environmental Health**

- 5.7.1 I have reviewed the documentation and note the mitigation measures in the air quality statement by Gem Air Quality, which should be adopted. The residential planning noise report by Sandy Brown has recommendations which should be adopted. The Phase 1 risk assessment discusses measures to be taken, and the recommendations resulting including for an intrusive ground investigation. The standard paragraphs should be attached for when ground is broken regarding contaminated land.
- 5.7.2 Mention should be made of the hours that are acceptable for works that are audible at the boundary 7:30 – 18:00 Monday – Friday, 8:00 – 13:00 Saturdays and nothing on Sunday or

public holidays. This is only for works audible at the boundary and does not prevent works being carried out at any other time.

## **5.8 Flood Risk and Drainage Consultant**

5.8.1 Due to resourcing issues at Hertfordshire County Council as Lead Local Flood Authority (LLFA), the LLFA is temporarily unable to comment on planning applications. The Council has appointed an independent drainage consultant to assess the Flood Risk Assessment and Surface Water Drainage Strategy in line with Guidance issued by the LLFA. The consultant reviewed the information provided with respect to flood risk and drainage and prepared a technical note advising the Planning Authority on how the proposed drainage strategy for the site could be improved. The advice can be summarised as follows:

- A revised surface water drainage strategy which demonstrates that the existing surface water flowpath is either intercepted by an adequately sized on-site drainage system and/or can be safely conveyed through the site (similar to how it is at present). The flowpath should not pose a risk to the proposed buildings, or be altered so that it poses an increased risk to off-site receptors
- A revised surface water exceedance flow diagram
- Updated MicroDrainage calculations if any changes to SuDS features are proposed
- Confirmation on whether the proposed swale will be vegetated
- Confirmation if all the SuDS features will be lined to prevent infiltration; and
- Agreement from Thames Water Utilities Limited on the supplied plans for the Sewer Diversion.

5.8.2 The applicant provided additional information addressing the above comments, which will be discussed in section 7.6 below.

## **5.9 SBC Arboriculture and Conservation Manager**

5.9.1 I studied this application and can confirm that I have no objection from an Arboriculture viewpoint. I have a couple of suggestions though:

5.9.2 Can species like *Alder Cordata* and *Alder Glutinosa* from the northern side of the proposed development be replaced with shade tolerant species such as *Carpinus Betulus*, *Ilex Aquifolium* or *Taxus Baccata Fastigiata*? This is to accommodate the lack of direct sunlight due to the proposed tall buildings on their southern side.

5.9.3 I think that the 147 trees to be fitted into such a limited amount of space available would be difficult. This would also most likely affect their future development. Instead, I suggest that only 50-60% of the proposed trees are planted on site and the remaining funds are used for planting off site at a nearby location to be agreed.

5.9.4 The brief for the central square and perimeter landscaping was to provide green amenity space, which would double up as sustainable urban drainage (SuDS) and provide biodiversity value. Central to the landscaping strategy was achieving a 3:1 replacement tree ratio as per Council policy. The result is the public realm would have 147 new trees, creating dense canopy cover like a forest (see attached Tree Planting plan ref. SY691-CAM-XX-00-DR-L-0071-P02 GA).

5.9.5 The applicant's landscape architect responded with the following:

- The current proposal does work from a technical / horticultural point of view
- As the trees mature, the effect will be quite dense, casting a good deal of shade
- The trees would tend to become etiolated, as in a wood, so working as groups rather than individual specimens

- Following various discussions with the LPA, this is the approach that we took, emphasising the greening and biodiversity rather than multifunctional, usable space. This has the added benefit of compliance with the 'three for one' policy; and
- It is certainly arguable that it would be beneficial to reduce the number of trees, so that each has more space to develop individually, but that is not the approach we have taken to date.

5.9.6 Officers have taken the decision to leave the landscaping strategy as proposed and plant all 147 trees on site to achieve an enhanced biodiversity value from the denser tree planting, sustainability benefits and a positive impact for sustainable urban drainage. The trees would adapt/work in groups, as if they were in a woodland setting. It has been agreed however, that the proposed species would be changed to include more shade tolerant species as suggested.

## 5.10 SBC Green Spaces Development Officer

5.10.1 In general, we support this scheme which provides well-thought-out and innovative features in the landscaping proposals.

5.10.2 However, please find below our comments, observations, and suggestions concerning the above-referenced planning application:

- Whilst detail is provided concerning the hard and soft landscaping design, we require details on the proposed construction and future management of these areas. We expect that this can be dealt with via condition.
- *Euphorbia spp.* can be toxic/irritant and must be removed from the design and substituted with a suitable alternative.
- At the correct stage, we require the full contact details of the appointed Management Company(ies) responsible for the maintenance and upkeep of the landscaping under private management.
- We welcome the inclusion of playable features within the SUDs features, which provides an innovative approach to delivering a further use of these spaces. However, care must be given to ensure that any 'play' features are safe for use, including inspection, repairs and replacements. In addition, any play item which exceeds 600mm in height from surrounding surfaces should include safer surfacing as per BS EN1177.
- We have concerns regarding the proposed planting directly adjacent to the road, which could provide some safety issues for maintenance. In addition, this proposed planting area is anticipated to be around 1 metre in width, which may struggle to establish. In some regions, this verge is also presented to be sloping towards the road (at an unknown gradient), which may cause further maintenance challenges. Therefore, this area may be more suited to be grassed or hard landscaped.
- The developer shall ensure that any decking area provides good anti-slip properties, including during wet conditions. In addition, consideration should be given to a suitable poly-deck alternative, which may provide a more durable and easier-to-clean option. Any decking area shall be maintained to provide an excellent anti-slip surface all year round. This should include a programme of repair and maintenance to ensure proper drainage.
- We note proposals to use timber furniture and finishes within the public realm. However, consideration must be given to ensuring that surfaces and materials can be easily cleaned, provide good durability, and be easily replaced or repaired. This will apply to the furniture proposed along Queensway.
- All street furniture, seating walls etc should incorporate anti-skate/bike features.
- Section 5.7 (page 98) of the DAS states:  
*"This cycleway connects the Leisure Centre and Town Centre Gardens to the east with the subway, cycle network and recreational grounds to the north."*  
 It is worth noting that cycling is not currently permitted within the Town Centre Gardens and does not form part of the town's cycling network.

- Consideration could be given to including areas of spring flowering bulbs to provide a flush colour in key areas. Any bulbs should be naturalising and could consist of Snowdrops, *Iris reticulata*, Crocus, early flowering Tulips, and dwarf Daffodils (More information found here... <https://www.rhs.org.uk/advice/profile?PID=150>)
- All planted areas shall be subject to a defect liability period for a minimum of 12 months following practical completion.
- The developer must ensure that the proposed new shrub bed, to be constructed and maintained by Stevenage Direct Services (SDS), is designed to prevent soil, mulch, etc, from washing onto the surrounding hard surfaces.
- All landscaped areas must be easily accessible for maintenance. All paved/hard surface areas maintained by SBC (SDS) shall be designed for mechanical sweeping with suitable resistant surfaces.
- All plant stock shall be responsibly sourced (where possible from UK nurseries) with full tractability to minimise the risks of imported pests and diseases. Containerised stock shall also be peat-free.

#### **5.11 SBC CCTV**

5.11.1 Provided details of suggested locations for CCTV cameras covering the public realm, which has been agreed with the applicant would be subject to a planning condition.

#### **5.12 Hertfordshire and Middlesex Wildlife Trust**

5.12.1 Do not wish to comment.

#### **5.13 HCC Fire and Rescue (Water Officer)**

5.13.1 A condition will be required seeking the installation and provision of fire hydrants at no cost to the county or the fire and rescue service to ensure there are adequate water supplies available for use in the event of an emergency.

#### **5.14 HCC Fire and Rescue (Fire Officer)**

5.14.1 No comments received.

#### **5.15 UK Power Networks**

5.15.1 No comments received.

#### **5.16 National Grid**

5.16.1 No comments received.

#### **5.17 Affinity Water**

5.17.1 No comments received.

#### **5.18 SBC Engineers**

5.18.1 No comments received.

#### **5.19 SBC Car Parks Manager**

5.19.1 No comments received.

## **5.20 HCC Minerals and Waste**

5.20.1 No comments received.

# **6. RELEVANT PLANNING POLICIES**

## **6.1 Background to the Development Plan**

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

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

## **6.2 Central Government Advice**

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

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

## **6.3 Planning Practice Guidance**

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

## **6.4 National Design Guide**

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

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

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

- Policy SP1: Presumption in favour of sustainable development
- Policy SP2: Sustainable development in Stevenage
- Policy SP3: A strong, competitive economy

Policy SP4: A vital Town Centre  
Policy SP5: Infrastructure  
Policy SP6: Sustainable transport  
Policy SP8: Good design  
Policy SP11: Climate change, flooding and pollution  
Policy EC7: Employment development on unallocated sites  
Policy TC1: Town Centre  
Policy TC7: Marshgate Major Opportunity Area  
Policy TC8: Town Centre Shopping Area  
Policy IT4: Transport Assessment and Travel Plans  
Policy IT5: Parking and access  
Policy IT6: Sustainable Transport  
Policy IT7: New and Improved Links for Pedestrians and Cyclists  
Policy IT8: Public parking provision  
Policy GD1: High quality design  
Policy FP1: Climate change  
Policy FP2: Flood risk in Flood Zone 1  
Policy FP5: Contaminated land  
Policy FP6: Hazardous Installations  
Policy FP7: Pollution  
Policy FP8: Pollution Sensitive Uses  
Policy NH5: Trees and Woodland  
Policy NH10: Conservation Areas

## **6.6 Supplementary Planning Documents**

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

Parking Provision and Sustainable Transport SPD (2020)  
Stevenage Design Guide SPD (2023)  
Developer Contributions SPD (2021)  
The Impact of Development on Biodiversity SPD (2021)  
Town Square Conservation Management Plan SPD (2012)

## **6.7 Community Infrastructure Levy Charging Schedule**

6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development. As the laboratory buildings would fall within planning use class E – commercial, business and service use, which is the same use class as retail, this proposal would be CIL liable at £60/m<sup>2</sup>. However, it is recognised that the upper floors of the buildings would not be in retail use and therefore would be liable for CIL at £0m<sup>2</sup> as ‘other development’ under the CIL charging schedule.

6.7.2 In order to exempt the applicant from paying the higher rate of CIL, the use of the upper floors of the buildings would need to be restricted to bio-science laboratory use class E (g) (ii) of the Town and County Planning (Use Classes) (Amendment) (England) Regulations 2020 relating to the research and development of products or processes. This can be secured by way of a planning condition, should planning permission be granted.

## **7. APPRAISAL**

7.1.1 The main issues for consideration in the determination of this application are its acceptability in land use and retail policy terms, design, impact on the setting of nearby designated heritage assets, flood risk and drainage, climate change mitigation, amenity, air

quality, noise, highway impact, access and parking, trees, biodiversity and landscaping and planning obligations to mitigate the impact of the development.

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

## **7.2 Land Use and Retail Policy Considerations**

7.2.1 As identified by the Local Plan proposals map, the site of the Forum surface carpark falls within the Marshgate Major Opportunity Area and is covered by Policy TC7 of the Local Plan (2019). The policy states planning permission will be granted for:

- a. High density Use Class C3 residential units;
- b. New Use Class D1 and D2 leisure, cultural and civic uses;
- c. New Use Class A1, A3 and A4 shop, bar, restaurant and café uses, and
- d. New multi-storey or basement car parking.

7.2.2 It should be noted that from 1 September 2020, the planning use class order was amended to combine use classes A1 (Shops), A3 (Restaurants and Cafés), D1 (Non-residential institutions) and D2 (Assembly and Leisure) into a new Use Class E covering commercial, business and service uses. The use of the proposed buildings as bio-science laboratories and workspaces would fall within Use Class E(g) of the Town and Country Planning (Use Classes) Order 2020 covering offices, research and development and industrial processes.

7.2.3 The area of the site currently occupied by the Forum Centre (8 retail units) and service yard to the rear falls outside of the Marshgate Major Opportunity Area, however, is designated as Town Centre Shopping Area and Primary Retail Frontage (Policy TC8) of the Local Plan.

7.2.4 Policy TC8 seeks to ensure uses appropriate to a Town Centre are permitted at ground floor level. The policy quotes uses A1, A2, A3, A4, C1, D1 and/or D2 which would all now fall under use class E covering commercial, business and service uses. Within Primary Frontages i.e. The Forum Centre, Policy TC8 states planning permission will only be granted for shops (use class E(a)). Other uses would be considered where the benefits to the overall vitality and viability of the town centre would equal or outweigh those that would be provided by an A1 or A2 use (now class E(a) or E(c)) in the equivalent location. This will be considered having regard to whether:

- The proposal will retain an active frontage;
- The proposal will generate footfall equivalent to, or greater than, an A1 or A2 use (now class E(a) or E(c)) in the equivalent location; and
- The unit has been unsuccessfully marketed for A1 or A2 use (now class E(a) or E(c)), or has remained vacant, for at least 6 months.

7.2.5 Policy TC8 states subject to the above criteria, the redevelopment of existing premises will be permitted within the Town Centre Shopping Area where this would not cause harm to the Town Square Conservation Area.

7.2.6 The existing 8 units at The Forum Shopping Centre comprise retail floorspace totalling 8,213m<sup>2</sup>. To accommodate the proposed development, 8,213m<sup>2</sup> gross of floorspace within the Primary Shopping Frontage would be removed and replaced by 4,041m<sup>2</sup> of flexible retail/commercial floorspace, including some additional space at mezzanine level. The spaces provided would vary in size to accommodate different commercial formats and would be integrated within the Life Science Quarter to enable active ground floor uses.

7.2.7 The size and positioning of the retail units has been developed in consultation with the Council's Regeneration team and takes into account the envisaged construction phasing for

the scheme. Most of the proposed units would be located on key thoroughfares or at junctions to strengthen their commercial attraction for potential occupiers. Larger units would be located within the Grad Lab building and Collaboration Building, with smaller commercial units within the specialist Lab buildings (A and C). In addition, these spaces would have the flexibility to be single or double height, increasing the amount of commercial floorspace that can be accommodated within the Life Science Quarter.

### *Phasing*

7.2.8 The construction of the Life Science Quarter would be phased over several years, taking into account the leases which are currently in place with occupiers of The Forum. The phasing strategy is broadly as follows:

- The existing northern retail units (currently occupied by TK Maxx and formerly by Home Bargains and B&M) would be demolished first to allow for the construction of Buildings A, B, C and the Grad Lab Building in a phased sequence. It should be noted planning permission has been granted for TK Maxx to relocate to Roaring Meg Retail Park under planning permission ref. 22/00385/FPM;
- Completion of the Grad Lab Building would then provide Next with the opportunity to relocate to the new retail areas within the building; alternatively, another larger retailer could be located here.
- Once Next and the other retailers (HMV, Game, Barclays and Sports Direct) have vacated their premises, the existing retail block would be demolished, and the new Collaboration Building constructed with retail space provided at both ground floor and mezzanine level.

7.2.9 The proposed retail phasing would therefore account for the gradual removal of retail occupiers from The Forum to enable the construction of the proposed development, whilst also offering the opportunity for the larger retailers (e.g. Next) to relocate within the Grad Lab Building or Collaboration Building should they wish to remain within this part of the town centre.

7.2.10 In addition, the commercial spaces across the proposed development (including those provided within the specialist Lab buildings) would be available for other activities (including retail, café, drinking establishment and cinema uses) which would create an active and vibrant all-day destination and aim to significantly strengthen the night-time economy within this part of the town centre.

7.2.11 A set of retail phasing planning obligations, which would be incorporated into the S106 Legal Agreement, have been agreed with the applicant to ensure the Council would retain sufficient control within a planned framework to mitigate any negative impacts to the vitality and viability of the Town Centre over the loss of existing retail units. The planning obligations would be as follows:

- Prior to Occupation of 31,000m<sup>2</sup> of Office/Research and Development space (Class E (g)), the provision of at least 500m<sup>2</sup> of active Town Centre uses, Class E (a,b,c,d,e,f NOT g), Cinema or Drinking establishment (Sui Generis) or Class F1 (b,c,d,e) shall be agreed in writing by the Council and provided and be ready to be occupied.
- No Demolition of the 'Next block', until a Destination Retail Space single operator of Class E (a), or an equivalent Town Centre use approved in writing by the Council, has signed up for at least 1200m<sup>2</sup> of retail floor space (all parties acting reasonably).
- Prior to Occupation of Phase 2 (Collaboration Building) Office/Research and Development space (Class E (g)), all the ground floor retail or equivalent Town Centre uses shall be provided and be ready to be occupied, including a minimum of 2 x 1,200m<sup>2</sup> Destination Retail Space single operator of Class E (a) or equivalent Town Centre use.



- 7.2.12 The planning application is supported by a Retail Statement by Turley, which examines how the replacement uses proposed as part of the Life Science Quarter comply with the policy provisions as set out within Policy TC8 of the Local Plan. The Statement explores ways in which displaced retail occupiers could be relocated to other suitable units or future development sites within the Town Centre; the potential for the Council to use planning obligations to mitigate any negative impacts to the vitality and viability of the Town Centre; and the net economic benefits generated by the proposed development in terms of job creation and worker expenditure.
- 7.2.13 In conclusion, the Retail Statement advises the retail occupiers displaced by the proposed development may choose to relocate elsewhere within Stevenage Town Centre upon expiration of their current leases to one of the alternative available retail premises within the Primary Frontages. Alternatively, they may relocate to the new retail units provided within the Life Science Quarter or to new commercial floorspace being developed elsewhere within the Town Centre (e.g. within the BHS, Matalan or SG1 redevelopments). If the occupiers choose to relocate outside of Stevenage, this may be done irrespective of the proposed development or whether any alternative units are available within the Town Centre.

#### *Economic Benefits*

- 7.2.14 The Economic and Regeneration Statement prepared by Volterra (found at Appendix 1 of the Retail Statement) demonstrates that whilst retail units within The Forum would be removed to accommodate the proposed development, the proposed development would result in the creation of circa 1,800 additional jobs in the Town Centre during its operation, equating to 35% of Stevenage's forecast total employment growth to 2031.
- 7.2.15 The Statement also concludes the creation of additional employment would boost revenues of the remaining retailers in the centre by approximately £2.1 million per annum generated in employee spend, increasing the retail economy of the remaining occupiers in the Town Centre by 1.6%. The proposed development would also generate business rates receipts of £1.5 million per annum for the Council, which is equivalent to 8.5% of Stevenage's forecast business rates collected.
- 7.2.16 Development of the Life Science Quarter would also help to increase the average Rateable Value per m<sup>2</sup> for units within the Town Centre by enhancing the economic value of its remaining retail assets. In addition to the creation of active frontages throughout the proposed development, the significant increase in footfall and expenditure in this part of the centre would strengthen the economy and vibrancy of Stevenage Town Centre, making the centre a more worthwhile location for retail occupiers.
- 7.2.17 Supporting text to the retail policies within the Local Plan (2019) is clear that within the existing shopping streets, the Council intends to protect the principal comparison shopping areas, whilst allowing greater freedom and flexibility in secondary and tertiary areas. Consequently, the retail streets are broadly protected by the Town Centre Shopping Area designation, whilst the best ground floor retail frontages are given extra protection through the Primary Frontages designation. The Council is keen to offer the opportunity for the Town Centre to become an all-day destination by permitting cafes, bars, restaurants, and public houses in appropriate locations.
- 7.2.18 Shopping is now a leisure activity and Stevenage needs to respond to that change. Consumers have a choice of shopping destinations and experiences available to them and are often prepared to travel considerable distances to enjoy a new or distinctive experience. Evidence suggests that people from within Stevenage's catchment are travelling to enjoy centres such as St Albans, Milton Keynes and Luton. The retail parks in Stevenage also provide significant competition for the Town Centre. Stevenage Town Centre once again -

as it did in the 1960s - needs to become a centre of choice for people from a wide catchment.

- 7.2.19 It is hoped that the significant numbers of people living in the new residential community proposed in the Major Opportunity Areas will stimulate a change in the retail offer available in the Town Centre. Likewise, the significant number of people working in the Town Centre in jobs created by the bio-science companies based in the proposed Life Science Quarter would have the same effect. The Council intends to create a set of circumstances in the Town Centre whereby a market-led regeneration of the retail offer can occur. The Local Plan (2019) emphasises a more open and permissive attitude will generally be taken to stimulate positive change, whilst retaining sufficient control within a planned framework to regulate negative changes.
- 7.2.20 With that in mind, whilst the proposed mixed-use redevelopment of the existing shops at The Forum Centre would involve a loss of primary retail frontage within the Town Centre Shopping Area, the proposed scheme would seek to re-provide a large Destination Retail Space single operator of Class E(a), or an equivalent Town Centre use adjacent to the proposed multi-storey car park at the northern end of the site. Further, flexible class E / sui generis uses with active frontages would be provided at ground floor / mezzanine level in the laboratory buildings across the whole site and the new Collaboration Building (Phase 2), including retail, cafes, drinking establishments and cinema to create an all-day destination within the Town Centre and night-time economy.
- 7.2.21 It is considered with the above retail phasing obligations (para. 7.2.11) providing sufficient mitigation for the loss of existing retail units, together with the proposed large Destination Retail Space single operator (or an equivalent town centre use) and smaller ground floor active frontages, including retail, cafes, drinking establishments and cinema creating an all-day destination within the Town Centre and night-time economy, the redevelopment of the site as proposed would accord with Local Plan Policies TC7 and TC8. The clear economic benefits to the Town Centre of increased footfall from the employees of the new bio-science companies located here would also be a material planning consideration and could act as a catalyst to trigger a market-led regeneration of the retail offer in this part of the Town Centre.
- 7.2.22 The principle of mixed-use development comprising biopharma manufacturing laboratories and workspace facilities (use class E(g)) together with flexible active ground floor uses including cafes, retail, collaboration spaces (use class E), Cinema (Sui Generis) and drinking establishments (Sui Generis), new multi-storey public car park, service road, public realm improvement works and ancillary works is therefore considered acceptable in land use and retail policy terms, subject to satisfying design, transport and environmental policies.

### **7.3 Design, Layout and Visual Impact**

- 7.3.1 Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”. It goes on to state that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 7.3.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:
- will function well and add to the overall quality of an area;
  - is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
  - is sympathetic to local character and history;

- establishes or maintains a strong sense of place;
- optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
- creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

7.3.3 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change”.

7.3.4 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.3.5 The Council’s Design Guide SPD (2023) generally reflects the above policies requiring development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places. The National Design Guide (2019) is also a material consideration in the determination of the development proposal.

7.3.6 The proposal has gone through a Design Review panel and been amended to reflect the subsequent written advice and discussions that have taken place in pre-application meetings, which have all resulted in improvements to the scheme. Changes have also been made to the scheme as a result of discussions with the Council’s Regeneration team. The scheme has been assessed against the key policy criteria on good design, as well as how the scheme meets the four key objectives in the National Design Guide on what is considered to be a well-designed place.

7.3.7 The application submission advises the aim of the development is to improve and enhance the character of the Town Centre of Stevenage with high quality and attractive buildings, increase the amount of pleasant high quality public realm and support the significant life science industry. These aims have been approached in a way to appear in keeping with the integrity of the original design of the Town Centre, improving its overall offer and attraction for both visitors and residents.

*Context and Layout*

7.3.8 The layout of the proposed buildings creates a central square with connections to the north and south linking into the current network of streets and spaces within the Town Centre, including the underpass to the north of the site leading to the Old Town. The arrangement of the buildings responds to the emerging redevelopment context of the northern edge of the Town Centre which is shifting from large retail boxes with significant footprints and blank facades to a more granular form of development. The proposed routes linking the site into the Town Centre would provide a more legible sequence of spaces and a choice of routes for pedestrians connecting them with Queensway.

7.3.9 The proposed buildings on the northern edge are variously set back from Fairlands Way, allowing pedestrian and cycle routes along this edge (currently precluded), and creating an arrival space for pedestrians/cyclists to the south of the underpass. This north facing space would be in shade for much of the day and, adjacent to the road, is unlikely to be a place for people to dwell. It would, however, be a distinctive space which marks one of the entry points into the Town Centre and clearly signals the route south to the Town Centre.

- 7.3.10 The articulated edge to this northern boundary is supported, avoiding a wall of development, and allowing space for pedestrians, cyclists and greening which is a common edge condition in Stevenage. The existing arrangement provides limited access and often results in pedestrians walking along the edge of Fairlands Way risking injury to themselves and to motorists. Consideration has been given to creating a coherent edge to the road in terms of planting and this site benefits from a significant road edge as its boundary, allowing for a major contribution in this respect. Besides creating a more attractive route for pedestrians and cyclists, the trees would also mediate between the scale of the proposed buildings and the adjacent paths and road.
- 7.3.11 The north south route to the central square and connections to Queensway create a more direct and pleasant environment for pedestrians to travel into the Town Centre or east to the Leisure Centre and Town Centre Gardens. This improved permeability is consistent with the Town Centre location of a grid and choice of connections and is supported.
- 7.3.12 Although the proposals create a largely inward-looking development, efforts to animate the northern and eastern edge of the site have been taken with the introduction of a pedestrian/cycle route to the east of the underpass with a planted strip and tree planting. This would help screen the secure service yard required for pharmaceutical purposes which would be set slightly below the road level and accessed via existing access points from the main road. The width of the landscape strip has been made as wide as possible to create a positive feel to this edge, albeit adjacent to the fast-moving traffic on Fairlands Way, the roundabout, and St George's Way.
- 7.3.13 The buildings would provide a built edge, albeit set back from the road and some definition to the corner of this part of the Town Centre. The proposed layout would retain and define a central service yard to the west which would allow deliveries to the retail units along Queensway and provide access to the proposed multi storey car park which would also face onto Fairlands Way. The multi storey car park, which would be inactive as a frontage, provides a point of interest, a beacon to the town centre with lighting to create interest and the opportunity for light spill to the adjacent spaces for pedestrians and cyclists.
- 7.3.14 The buildings would be centred around a new public square, which would lie at the heart of the Life Science Quarter. The square has been designed with a soft landscaping led design approach to maximise greenery and be family friendly and playable. The circulation space around the buildings would be punctuated by colonnaded (a row of evenly spaced columns supporting a development feature) margins; sitting below the paving level so would also act as landscape SuDS (sustainable urban drainage system). The colonnades would encourage active frontages and commercial spill out. The square would encourage cross movement via 'bridges' over the sunken greenery, which would be widened in places to become habitable spaces.
- 7.3.15 The bridges could also accommodate commercial spill out within the greenery from cafes or other active frontages and would include space for public seating and play. The movement space would be balanced with a desire for greenery and driven by the public realm approaches and building entrances, with many different route options. The square would also deliver playable public realm with a combination of surfacing, bespoke seating, natural landscape features and sculpture. The central space would provide a focus for the development and a welcome addition to the variety of spaces within the Town Centre. The edges of this space would help define its character, as would the architecture, dimensions, and orientation.

#### *Form and Scale*

- 7.3.16 Recent planning approvals for high rise residential buildings within and on the edge of the Town Centre at Unit 7 The Forum (former BHS), Unit 11 The Forum (former Office Outlet) and the Icon Building set a precedent for taller development in this location. The form of

development is driven by the emerging scale of development on this northern edge and corresponds with the contemporary approach to development on this edge of the Town Centre. Although higher than existing buildings, the proposed building heights are not at odds with this new context and rather than create a wall of similar height development on a similar building line, the architects have opted to vary the building alignment and heights to create a more varied outline/silhouette in this location. Although set back from the road, the buildings would create more definition to this corner of the Town Centre. The quality of the architecture is fundamental to achieving a high-quality development, which respects the traditional qualities of the Town Centre buildings and a contemporary interpretation of those aspects.

- 7.3.17 Significant thought has been given to the southern edge of the development, the Collaboration Building, to allow for sun penetration into the main square. This is important and supported; a space which does not receive adequate sunlight would not support the activity necessary to make this an attractive place for those in the surrounding buildings or the general public to inhabit and create the activity and vitality which such a space needs. The three storey Collaboration Building would allow this light penetration and provide a contextual scale to Queensway. Consideration has also been given to the stepping of the proposed buildings to the west to allow continued sunlight into this space during the late afternoon.
- 7.3.18 The proposed height of the multi-storey car park to the north west of the site, which would partially enclose the service yard, would be lower than the adjoining Grad Lab building, which is supported, given its use and significance.

#### *Appearance*

- 7.3.19 The proposed architectural treatment of the elevation of most buildings within the scheme is a clear plinth and then a different upper storey treatment, which is consistent with the broad approach with the 1950's buildings found in the Town Centre. The transition between the two elements in the older buildings was marked with a canopy creating a covered walkway. The proposed buildings would have an arcaded treatment as a unifying measure, providing a covered space which is an interpretation of the canopy and is considered acceptable.
- 7.3.20 The lower 'plinth' would contain the bottom two levels of all buildings and would house the public facing retail areas, building reception spaces and other front-of-house activities. It would provide a double height colonnade to the new square and main public realm routes, referencing the existing overhangs seen throughout the town. The plinth would link all buildings visually and would be framed with a horizontal concrete band at first floor. On public facing elevations the facades would be predominantly glazed, whilst on the 'rear' or service side elevations the plinth would turn into gabion walls, which would be filled with recycled concrete.
- 7.3.21 Above the plinth, the elevations to the research related functions would provide a framework capable of creating a strong visual identity for the buildings while being adaptable to accommodate change. The elements would be modular and façade strategies have been developed that provide flexibility in relation to the varying tenant fit-out requirements. A series of projecting vertical fins are proposed, providing visual interest, articulation, and rhythm to the elevations. Infill panels would be glazed, solid or louvred depending on internal functions.
- 7.3.22 The façade strategy is also integral to the "fabric first" approach on sustainability and fins would vary in response to building orientation, to limit solar gain. North facing elevations would have larger glazed openings to increase levels of daylight for users. The façade proposals provide alternative material approaches to provide variety and interest. Aluminium fins to Buildings 3A, 3B and the Grad Lab would provide a primary identity for

the new quarter, with pre-cast fins to Building 3C providing a strong visual relationship to the existing Town Centre buildings.

### *Materials*

7.3.23 A successful relationship with the existing Town Centre and immediate surroundings would be achieved through the careful selection of high-quality materials which respond to the local context. The architect's intention is to create buildings of a contemporary character using materials that would age well. The massing, form and materiality of the buildings combine to create a feeling of solidity, permanence, and texture at lower levels, whilst upper levels are more technical in character creating areas of refined articulation, relief, and contrast.

7.3.24 The key materials would comprise:

- Concrete – A concrete finish would be used within the plinth level at ground and mezzanine levels of the publicly accessible areas, defining the 'solid' base of all the buildings, and 'folds' into the paved areas in the new public realm.
- Timber – It is proposed that the Collaboration Building would have an exposed timber, laminated timber or timber effect structure that would be visible on approach to the site from Queensway. This would be the 'gateway' to the development from the Town Centre and would be the most visible building in the scheme. The use of timber, a low-carbon solution, gives clear expression to sustainability objectives of the project in a way which is not possible in the more high-performance laboratory buildings.
- Metal – Metal detailing would be used on some external surfaces to provide weather protection to the timber where required.
- Cladded columns – Circular black double-height columns would be used as the supporting structural elements to the colonnade and would be coloured to differentiate them from the lighter concrete. This would allow the horizontal band to 'float', visually, between blade columns. These would be a modern interpretation of the dark columns found in some locations in the Town Centre.
- Coloured aluminium curtain walling and framed glazing – The upper levels of the buildings, from first floor upwards, would be constructed from a proprietary-coloured aluminium modular system that would be formed from glazed and solid elements, projecting fins, louvred panels and sloped cills.
- Full height glazing and metalwork – Full height framed double glazing is proposed to the retail and reception areas at ground and mezzanine levels. The coloured aluminium frames would be coordinated with concrete elements and further solid panelled areas would provide articulation in the lower-level facades where required for privacy.
- Metal cladding, doors and louvres – Metal panels, doors and louvres in a colour to match the other metalwork would be used in the service yard areas between the gabion walls to form the openings required for the loading bays and other back of house openings.
- Gabion walls and stainless-steel mesh / cables – On the non-public or service side of the buildings, the solid base changes into gabion walls to provide interest and a variation in texture. The stainless-steel mesh of the gabion cages would be filled with recycled concrete rubble sourced from a demolished building. The stainless-steel mesh would allow climbing plants to grow up these walls greening them in the process.

### *Identity*

7.3.25 The development has the potential to create a distinct quarter in terms of the detail, yet the overall scale and arrangement of buildings would link it successfully into the wider Town Centre character, both existing and emerging. The proposed sequence of spaces would help create this positive and coherent identity reinforced by the treatment of the landscape led approach to the main square. This space would be a special place which is distinctive from others in the Town Centre, which respects the desire lines for pedestrians walking through. Additionally, the edges of this space are wide enough to facilitate activity

especially on the northern edge, which would be sunny and ideal for chairs/tables/benches for people to enjoy sitting in the sun. The arcaded edge would help support this activity and assist in the identity of the space.

- 7.3.26 It is considered that architecturally, the scheme would respond successfully to its context and the modernism of Stevenage's original 1950s buildings. The overall design approach detailed above is supported and it is considered the proposal would be in accordance with paragraphs 124, 127, 128 and 130 of the NPPF in respect of design, Policies SP8 and GD1 – High Quality Design of the Local Plan (2019) and Stevenage Design Guide (2023).

## **7.4 Impact on Designated Heritage Assets**

- 7.4.1 The application site itself contains no designated heritage assets. The northern boundary of the Town Square Conservation Area lies approximately 180m to the south of the application site boundary; however, the application site itself is largely screened from the Conservation Area by buildings on Queensway and Marshgate although views of the site looking north along Queensway are important. The Design and Access Statement advises careful consideration has been taken to ensure that the design is sensitive to this context.

- 7.4.2 The design has been completed while ensuring not to impact on key views along Queensway and to be in keeping with the core of Stevenage Town Centre, which has a unique and distinctive architectural built form, strongly reminiscent of post war town planning and drawing on design themes from mid-20th century shopping areas in the Netherlands. There are also three statutory grade II listed assets at the heart of the Town Square Conservation Area, the clock tower and raised pool, the bronze 'Joyride' sculpture by Franta Belsky and Baijo's tiled mural on the Primark building. Two other listed assets are sited to the south of the site, the cast concrete relief by William Mitchell in the underpass beneath St George's Way to Park Place and St Andrew and St George Church also on St George's Way.

- 7.4.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 contains 'statutory duties' that apply to this application:

S.66: The decision maker shall have special regard to the desirability of preserving the setting of listed assets (relates to the indirect impact on the statutory listed clock tower, the bronze 'Joyride' sculpture by Franta Belsky, Baijo's tiled mural, the William Mitchell Relief and St. Andrew and St. George Church).

S.72: The decision maker shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (this relates to the direct impact on the conservation area. This section of the 1990 Act does not relate to the setting of conservation areas).

- 7.4.4 Case Law has determined that in this context 'preserve' is taken to mean 'to do no harm'. The NPPF requires 'great weight' to be given to conserving the significance of designated heritage assets (199). This is regardless of whether any harm may be 'substantial harm' or 'less than substantial harm' (199). Any harm should require 'clear and convincing' justification (200). If a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal (201).

- 7.4.5 In undertaking that balancing, Case Law has confirmed that the presumption to preserve in the 1990 Act is a strong one and must be given 'considerable importance and weight'. For instance, less than substantial harm is not a less than substantial planning issue. However, that presumption is not irrefutable and can be outweighed by circumstances important enough to justify it. A decision maker that has followed the processes set out in the NPPF can be considered to have discharged their duties under the 1990 Act. The balancing, however, is not 'equal' the presumption to preserve must come first.

7.4.6 The site is located to the north of the Town Square Conservation Area. The Conservation Area Management Plan identifies 'Views looking north along Queensway' as a key view within the Conservation Area. It notes that:

*'Development proposals which lie adjacent to the conservation area will need to be mindful of its setting and should not dominate the Town Square, Queensway or Market Place in their massing. Again, a balance must be struck by new developments, to ensure that high quality, high density development is also of a character and design which complements the original.'*

7.4.7 Policy SP13 of the Local Plan (2019) concerns the historic environment and notes that regard will be given to preserve and enhance the most important areas and characteristics of Stevenage. The building layout, massing, and material palette of the existing buildings on site greatly contrasts to that used in the earlier buildings of the Town Centre which establishes the distinct character and appearance of the Conservation Area. As such, it is considered the site does not contribute to the character and appearance of the Conservation Area through setting. Further, the site is considered to have a negative impact on the wider setting of the Conservation Area as the low-quality architecture is experienced when exiting the Conservation Area to the north.

7.4.8 The submitted Heritage, Townscape and Visual impact Assessment assesses the impact of the development upon the relevant heritage context, and concludes:

*'No impact to the significance of the Town Square Conservation Area will arise as a result of the Proposed Development within its setting. Its wider setting will be enhanced through the introduction of high-quality architecture which reintroduces active frontage, as well as a well-considered landscaping scheme which focusses on providing a safe and welcoming environment for pedestrian movement and incorporates extensive planting which will enhance public realm and visual amenity.'* And,

*'the Proposed Development would preserve the significance the identified designated heritage assets, namely the Town Square Conservation Area, Joy Ride and the Clock Tower and Surrounding Raised Pool, through development in their setting.'*

7.4.9 In terms of impact on the setting of the William Mitchell relief within the underpass and St Andrew and St George Church, the proposed development would be visible from both the underpass when looking north, as well as longer views from the Church so there would be some impact to their setting. The proposed crossing on St George's Way would also have some impact. Like the impact on the listed assets within the Town Square Conservation Area, it is considered the introduction of high-quality architecture and a well-considered landscaping scheme would enhance the wider public realm and visual amenity of the site. As such, it is considered the proposed development would also preserve the significance of these designated heritage assets on St George's Way through development in their setting.

7.4.10 It is acknowledged care has been taken to ensure that the design and layout are sensitive to the Conservation Area and setting of the listed assets and the development proposal would appear in keeping with the core character of Stevenage Town Centre. On this basis it is considered the proposal would preserve and enhance the significance of the designated heritage assets, namely the Town Square Conservation Area, Grade II listed clock tower, statue, mural, relief and church and would be in accordance with Local Plan Policies NH10 'Conservation Areas', SP13 'The Historic Environment, the Town Square Conservation Management Plan SPD (2012) and the relevant paragraphs of the NPPF.



## 7.5 Highway Impact, Access and Parking

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

### Access

7.5.2 Vehicular access is proposed to the service yard serving Lab Buildings 3A, 3B and 3C via a new entrance on St George's Way in the south-east corner of the site. This has been designed with a taper so the vehicles can reduce their speed off the main carriageway. There would be a cycle crossing point, which is set away from the taper and set approximately 13m back from the security gate, allowing a large vehicle to stop at the gates without blocking the crossing.

7.5.3 Vehicles would exit the service yard onto Fairlands Way in the north-east corner of the site. This has been set back 66m from the St George's Way roundabout arm to provide sufficient visibility, in accordance with HCC's visibility guidelines. These accesses would be gated and controlled by a security team.

7.5.4 The existing access to the service yard in the north-west corner of the site would remain, as this would continue to provide access to this service yard and in addition the proposed multi-storey car park. Two new ramped accesses would be provided in and out of the car park. White lining and appropriate signage would be provided along the existing access road to ensure vehicles give way, and that access to the service yard is restricted to members of the public using the car park only. The visibility splays and vehicle tracking for all accesses is provided in Appendix F of the Transport Statement (rev 4) and have been agreed with the Highway Authority.

7.5.5 In terms of pedestrian access, the site is open to the south for pedestrians walking from the Town Centre and other retail units. Pedestrians can also enter the site from the south-east from St George's Way. A new surface level crossing is proposed at this location which would link the site to the eastern side of St George's Way and the Leisure Centre. This is proposed to be a toucan crossing. The introduction of a crossing would comply with Local Plan policy IT7 'New and Improved links for pedestrians and cyclists', which identifies a need for a new surface level crossing on St George's Way linking The Forum and Town Centre Gardens. Pedestrian access would also be maintained via a refurbished subway link below Fairlands Way in the north of the site, linking the site to the Old Town High Street.

7.5.6 A pedestrian ramp is proposed in the north-west corner of the site linking the footpath and bus stop on Fairlands Way to the site, which is set at a lower level to the subway. There is an existing subway in the north-west corner of the site which passes underneath the access road. This is currently blocked off; however it is proposed to be re-opened as part of the development linking the site to the north western part of the Town Centre (Office Outlet / Tesco's).

7.5.7 In terms of cycle access, a 3m wide two-way cycleway is proposed along the eastern and northern perimeter site boundary. This would connect to the 11 The Forum residential building granted permission in 2022 under ref. 21/01002/FPM (currently Office Outlet) via the new pathway under the service ramp. Crossing points are provided where it conflicts with the service yard road and cyclists would have priority. The cycleway would link the site to the existing cycle route to the north of Fairlands Way and would eventually link up with a proposed future cycle way on the eastern side of St George's Way via the new crossing. Like the Town Centre, cycling would not be permitted within the central square.

- 7.5.8 On this basis, it is concluded the proposal would comply with Local Plan Policy IT5 'Parking and Access' in that it would (i) provide safe, direct and convenient routes within the development, (ii) link to existing cycleway and pedestrian networks and (iii) contribute towards improving cycleways and pedestrian routes serving the development site and policy IT7 'New and Improved links for pedestrians and cyclists' in respect of the new crossing on St George's Way.

#### *Highway Impact*

- 7.5.9 The submitted Transport Statement (revision 4) assesses existing use trip rates for the site as well as the expected future trip rates by all transport modes and net increase in person trips to the development site. In terms of private car, the trip rates show that in total there would be an increase of 110 vehicle trips during the peak hours (08.00-09.00 and 17.00-18.00). The increase in vehicle trips equates to a maximum increase of 2 vehicles every minute, which is considered negligible within the existing road network and Town Centre setting. It is not considered that this would have an impact on the surrounding highway network and/or adjacent roundabouts. It has been confirmed with HCC Highway Authority that no vehicle or junction modelling is required, and that these additional trips can be accommodated on the existing local road network without severe impact.
- 7.5.10 The A1(M) is in close proximity to the site, with the development located between junctions 7 and 8. The starting location of the employees travelling to work is not known, however an estimation on the percentage of vehicle trips utilising these junctions has been made based on a traffic distribution exercise. Based on areas, around 50% of the surrounding area would travel to Stevenage by using the A1(M), these would be split between the two junctions as the site is located approximately halfway between the two. The flow diagrams for the AM and PM peak associated with the offices/laboratories have been provided in Appendix H of the Transport Statement (rev 4). These result in a maximum increase of 28 vehicles trips for the peak hour for one junction, which is less than an increase of 1 vehicle every 2 minutes.
- 7.5.11 Based on the capacity of roads, as set out in UK Highway Agency's advice note TA 79/99, the two-lane slip roads on the A1(M) can be expected to have a capacity of 2950 vehicles per hour (UAP2 – Dual Carriageway). Therefore, an increase of no more than 28 vehicles per hour results in an increase of less than 1% of total vehicles using junctions 7 and 8 of the A1(M). On this basis, the Transport Statement concludes junction modelling is not required and there would be minimal impact on the nearby Strategic Road Network (SRN).
- 7.5.12 National Highways has been consulted on the application and have placed a hold on their response until 3 March 2023 to allow the submission of capacity assessments for junctions 7 and 8 of the A1(M). Their response is anticipated to deal with the implications of additional traffic in this area affecting junctions 7 and 8 of the A1(M). If comments are received prior to the meeting an update will be provided, otherwise it is anticipated members will agree to delegate powers being granted to the Assistant Director of Planning and Regulation to impose any conditions advised on any response provided after the committee meeting.
- 7.5.13 A decision will not be issued until the S106 legal agreement associated with the development has been signed, which will occur after the holding direction date provided by Highways England. Therefore, their comments will be fully considered prior to a decision being issued. However, if Highways England raise objection to this application and their concerns cannot be overcome, then this application will be referred back to the Planning and Development Committee for its decision.
- 7.5.14 In terms of public transport, the Transport Statement calculates the modal increase in trips by public transport would be 52. It notes the sustainable location of the site and its proximity to the railway station, bus station and bus stop on Fairlands Way. On this basis, it considers

an increase of 52 people on the bus and rail network is a negligible increase and would be spread across different services and different routes. It concludes that the public transport network could accommodate the proposed development and no mitigation measures are required.

- 7.5.15 The planning application is also supported by a Travel Plan, the measures contained within are designed to increase the number of trips by walking, cycling and public transport and reduce the number of vehicle trips once the site is open and the Travel Plan is operational. The measures contained within the Travel Plan would be subject to a planning condition and the monitoring of the Plan by Hertfordshire County Council as Highway Authority would be part of the S106 Legal Agreement attached to any planning permission.
- 7.5.16 In terms of highway safety, the Transport Statement provides the Personal Injury Accident (PIA) Data for the last 5 years and concludes the site would not represent a road traffic safety risk. In addition, the development proposals would not impact negatively on the safety of the existing road network and some of the proposals would further improve the safety in this area. HCC as Highway Authority have not raised any concerns around Personal Injury Accident data in respect of this site. On this basis, it is concluded the proposal would comply with Local Plan Policy IT4 'Transport Assessments and Travel Plans' in that it would not have an adverse impact on highway safety and the residual cumulative impacts of the development would not be severe.

#### *Parking*

- 7.5.17 The existing surface car park which currently provides 326 spaces for shoppers and visitors to the Town Centre would be redeveloped as part of the scheme. Policy IT8 'Public Parking Provision' of the Local Plan (2019) states that planning permission resulting in the loss of existing public car or cycle parking provision will be granted where:
- i. Existing spaces are replaced within or adjacent to the new development
  - ii. Replacement car and cycle-parking provision are made within 200 and 80 metres walk respectively of the key attractors currently served; or
  - iii. It can be robustly evidenced that the parking is no longer required.
- 7.5.18 Applications for new public car or cycle provision will be supported in principle where they respond to a demonstrated need and do not take land specifically allocated or otherwise protected for other uses.
- 7.5.19 The supporting text goes on to set out that the redevelopment of the Town Centre will require the rationalisation of existing car parking provision. The peripheral areas of the Town Centre are dominated by large, surface car parks and it will be vital to make more efficient use of this land. Similarly, the large surface car parks to the rear of the Old Town High Street provide opportunities for more development. New facilities will be supported in these areas to facilitate change.
- 7.5.20 The loss of the surface car parking at The Forum Centre would be supported by Local Plan policy IT8 if one of the three criteria set out within the policy are met. Should this be the case, a justification for its loss would not be required in policy terms. In this case, replacement car parking is proposed in the form of a new, Council owned and managed multi-storey car park (MSCP) within the north west of the application site, which would provide 326 spaces to replace in full the existing surface car parking. The MSCP would be for public use and available for shoppers and visitors to the town centre, as well as employees of the bio-science companies. On this basis, there would be no loss of parking provision in this part of the town centre and the proposal would comply with criterion (i) of Policy IT8. The principle of the loss of the existing surface carpark is therefore considered acceptable.

- 7.5.21 In terms of the quantum of proposed vehicular parking spaces (326) within the new MSCP, the Transport Statement advises this has been calculated based on the existing Town Centre parking demand and the proposed trip rates. The trip rates suggest that because of the office/laboratory development, potentially 369 cars would need to park. The car parking standards set out in the Council's Parking Provision SPD (2020) for Use Class E development 'offices/light industry and research' was reviewed.
- 7.5.22 The maximum car parking standards for research and development is 1 space per 35m<sup>2</sup> GFA. Based on the office and laboratory floor space of 28,213m<sup>2</sup> this would permit a maximum of 806 spaces. This area excludes the reception, bicycle stores, storage, cores and plant space. Based on the accessibility zoning system, the site sits on the edge of the 'Town Centre (TC)' zone and the SPD states that the parking standards are not applied and should be assessed on a site-by-site basis.
- 7.5.23 The proposed scheme is a large-scale development with the potential for 1,800 employees. A Travel Plan has been submitted with the application, the measures within which would be subject to planning condition, to promote sustainable travel including car sharing (10% of the spaces within the MSCP would be reserved for this). However, it is unrealistic to expect that all employees would be able to use public transport/car share. The site is located on the edge of the Town Centre zone, and the next outer zone, Zone 1, allows between 0-25% of the maximum car parking provision, which gives a total of 0 – 202 spaces.
- 7.5.24 The new MSCP would provide a maximum of 326 spaces, as the Trip Rate Information Computer System (TRICS) analysis has shown that this number is required to avoid causing a detrimental impact on the town centre parking provision as a whole. Whilst this is more than the maximum zone 1 requirement of 25% set out in the SPD, the parking standards are based on office/industry parking only, whereas the new MSCP would be available for shoppers and visitors to the Town Centre as well, so the 25% benchmark figure of 202 spaces does not accurately reflect the future users of the MSCP.
- 7.5.25 The Transport Statement advises the number of spaces proposed has been thoroughly reviewed, compared with existing data and based on proposed trip rates. It is the minimum that can be provided without causing a detrimental impact on the surrounding area, whilst also not providing an abundance of spaces which would make it attractive or easy to drive to the site. As a minimum, the Council's Town Centre parking strategy recommends 10% capacity (232 out of 2319 spaces) should remain within Town Centre car parks. The proposed number of spaces provides 12% capacity (271 out of 2319 spaces), allowing for some future growth.
- 7.5.26 It is therefore accepted that in this case, the quantum of vehicular parking spaces should be calculated on a bespoke basis and the justification put forward for the number proposed within the new MSCP is considered acceptable. Furthermore, the requirement for replacement parking under Local Plan policy IT8 is also relevant and a material consideration when considering the number of spaces proposed. The measures contained within the Travel Plan would seek to increase the number of trips by walking, cycling and public transport and reduce trips by private car. The future success of the Travel Plan would be boosted by the sustainable Town Centre location of the Life Science Quarter. On balance, the proposed vehicular parking arrangements are considered acceptable.

#### *Electric Vehicle Parking*

- 7.5.27 In accordance with the Parking Provision SPD (2020) and Buildings Regulations, it is proposed that 20% of the overall spaces would have active electric vehicle charge points, with the remaining 80% providing passive provision for future upgrade.

### *Disabled Parking*

7.5.28 Disabled spaces should be in accordance with the standards set out in Table 7 of the Parking Provision SPD (2020). The number of employees that would be disabled is unknown, however a percentage of the total spaces within the MSCP would be designed as accessible. As this would be a public car park, the maximum percentage value should be provided. Therefore, it is proposed to provide 6% of the total capacity from the outset and a further 5% capacity for the future. The proposed car park plan (ref. 547\_PL\_035\_P02) shows the disabled parking sited on the ground floor level, close to the car park pedestrian entrance/exit next to the Grad Lab Building. This is considered acceptable.

### *Cycle Parking*

7.5.29 The cycle parking requirements for the proposed research and development floor space, as well as retail floor space set out in the Parking Provision SPD (2020) have been complied with. Long and short stay bicycle spaces would be secure and covered for the office/life science use. A cycle store would be provided inside each of the buildings, along with shower facilities and storage areas for employees. A total of 68 spaces would be proposed in the form of Sheffield stands sited within the public realm for public use. This is greater than the minimum 65 spaces required for the proposed retail floor space – long stay (19) and short stay (22) spaces and includes the re-provision of 24 existing spaces which would be impacted by the proposals. It is considered the proposed cycle parking arrangements are acceptable and meet or exceed minimum standards as set out within the Parking Provision SPD (2020).

### *Servicing and Deliveries*

7.5.30 The existing service yard in the west would remain and would be used to service the existing retail units, as well as the proposed units adjacent to it (Grad Lab and Collaboration Building). The proposed service yard to the east of the site would service the buildings adjacent to it (Blocks 3A, 3B and 3C). Adjacent to Building 3A there would be two bays, which would allow space for a vehicle up to 16m in the left bay and 10m in the right-hand bay. Building B would provide three bays, one of which would be suitable for a 12m vehicle and the other two a 10m vehicle. Building 3C would provide two bays, the southern space allowing for a 10m vehicle, and the other for an 8m vehicle. Vehicle tracking has been included in Appendix F of the Transport Statement and agreed with HCC as Highway Authority.

### *Fire Strategy*

7.5.31 The scheme has been reviewed by specialist consultants Affinity Fire who have advised on the fire related requirements for the development. It was deemed to have an A2 fire risk profile and would employ the following strategies:

- Specialist Laboratory Buildings 3A, 3B, 3C and the Grad Lab would be over 18m to the highest occupied floor and would require two firefighting cores in each building.
- The Collaboration Building would be under 18m to the highest occupied level and no firefighting cores are required.
- The carpark would be under 18m high, but larger than 900m<sup>2</sup> in area per level and two firefighting cores would be required.
- All buildings would be below 30m to the highest occupied level and so sprinklers would not be required.
- A dry riser inlet valve associated with each firefighting core would be provided. Fire tender access within 18m of the valve would be required. This can be achieved to all buildings via Queensway, the new service yard to the east of Buildings 3A, 3B and 3C, and the existing service yard to the rear of the Grad Lab and the new carpark. Therefore, no fire tender access to the new square is required.

- All protected escape routes within each building would be less than 18m in length from all cores on the ground floor to the final exit.
- Interlinking fire alarms would be provided within new buildings across the development.

7.5.32 A planning condition would be included requesting the provision of fire hydrants to serve the site should planning permission be granted.

## **7.6 Flood Risk and Drainage**

7.6.1 A Flood Risk Assessment prepared by STM Environmental and Drainage Strategy prepared by Price & Myers have been submitted. The FRA report reviews the drainage and flood risk issues associated with the proposed development and the Drainage Strategy sets out how surface water run off would be accommodated. The report states that the application site is located within Flood Zone 1 and that flood risk from fluvial flooding is low and medium for surface water flooding. The development of the site for biopharma manufacturing laboratories, retail and multi-storey car park is therefore appropriate as set out by the 'flood risk vulnerability classification' contained within the Planning Practice Guidance. The Drainage Strategy sets out details in respect of surface water and foul water drainage.

7.6.2 Drainage strategies should adhere to the Sustainable Drainage Strategy (SuDS) hierarchy provided in the Local Flood Risk Management Strategy 2 (2019). The hierarchy identifies that living roofs and walls are the most-sustainable SuDS features, followed by ponds and basins, infiltration devices and permeable surfaces. Tanked and piped systems are identified as the least sustainable, providing no pollution reduction nor biodiversity benefit. The proposals include a sedum roof on the Collaboration Building. This would serve to help intercept the first 5mm of rainfall falling on the roof, initial treatment of run-off, improve the thermal performance of the building and provide biodiversity benefits. It is noted that green roofs have been ruled out on other buildings due to rooftop 'plant' and/or roof level car parking on all the other proposed buildings.

7.6.3 The Drainage Strategy proposes the inclusion of surface SuDS in the form of a large central SuDS detention basin in the main square, rain gardens and a swale between the Grad Lab and Building 3C. In addition to providing attenuation for larger storm events, they would also provide treatment, amenity and biodiversity benefits. The Drainage Strategy also includes the use of attenuation tanks below ground. While this is the least desirable option, it is understood that there are space constraints in the site that restrict the use of further surface SuDS features.

7.6.4 The Drainage Strategy advises that the greenfield runoff rate cannot be achieved from each catchment as this would be less than 1l/s in each case. As such a rate of 2.5l/s has been used and achieved using hydrobrake flow control devices before outfall. This is deemed to be acceptable. It is proposed to discharge into the Thames Water surface water sewer. As there are no surface watercourses in the vicinity and infiltration has been ruled out, this is considered acceptable. The applicant has contacted Thames Water to confirm acceptable connection points and discharge rates. Thames Water's response is included in the Appendices of the Drainage Strategy and confirms that a discharge rate of 7.5l/s would be acceptable.

7.6.5 Following the submission of an amended Drainage Strategy at the request of the Council's Flood Risk and Drainage Consultant to address the identified outstanding issues (see paragraph 5.8.1), the Consultant has been re-consulted. If comments are received prior to the meeting an update will be provided, otherwise it is anticipated members will agree to delegate powers being granted to the Assistant Director of Planning and Regulation to impose any conditions advised on any response provided after the committee meeting.

7.6.6 A decision will not be issued until the S106 Legal Agreement associated with the development has been signed, which will allow time for updated comments to be received. Therefore, comments will be fully considered prior to a decision being issued. However, if the Council's Drainage Consultant raises an objection to this application and their concerns cannot be overcome, then this application will be referred back to the Planning and Development Committee for its decision.

## **7.7 Public Realm, Landscaping and Biodiversity**

7.7.1 The design of the public realm and landscape throughout the development has been considered within the context of Stevenage Town Centre. The public space proposals build on the key characteristics of the historic Town Centre, which have been identified as follows:

- Hierarchy of spaces
- Rectilinear, but essentially informal
- Navigable
- Spatially compact
- Continuous active frontages
- Punctuated with artwork
- Strong, enduring character
- Basis for high-quality public realm

### *Public Square*

7.7.2 In terms of activity and character, the proposed public square at the heart of the Life Science Quarter has been designed to complement, rather than compete with, existing public spaces within the Town Centre. In terms of scale and public use, the Town Square would remain the main focus of the town, with the new public realm contributing to the network of satellite spaces.

7.7.3 This public square would provide a contrast with other open areas of the Town Centre by maximising the amount of greenery throughout the space. Pedestrian movement and connectivity would be key to the design, with an emphasis on the building colonnades as spaces to walk through in all weathers. Places for commercial spill-out have been allowed in relation to retail spaces, public realm transit and aspect. The stepping stones through the greenery in the central space would provide a playful option for people of all ages. In addition, the raised elements on the decking would create an opportunity for different activities. These elements emphasise the family-friendly aspect of the design, allowing for a whole range of users to enjoy the space all year round. These elements are integrated with the sustainable drainage system (SuDS) feature.

7.7.4 The Life Science Quarter Square would be a pedestrian-only space, the same as the other squares in the Town Centre. Cycle parking would be provided at key locations, with some spaces closer to the buildings for security of the users. Seating would be provided throughout, in the shape of raised seating walls surrounding the green planted areas. These seats would face different aspects providing a range of options. Close distance between the seats, plus a generally level public realm arrangement, ensure ease of access for all users. A large proportion of the seating would be specifically designed for all users, including features such as armrests, backrests and spaces for wheelchair users to sit alongside. The seating opportunities have been closely considered with clear routes and navigation of the space, making this a legible, inclusive public realm.

### *Connections*

7.7.5 The design of the exterior spaces is based on public realm quality, maximising greenery and enhancing pedestrian connections, particularly between Stevenage Old Town and

Stevenage Town Centre. The north-south route that connects the Life Science Quarter with the existing subway is designed as a clear route delineated by spaces under colonnades, greenery and active frontages. Enhancing legibility on Queensway, the east-west route is more open and flexible, providing a new connection with the Town Centre Gardens and the Leisure Centre.

- 7.7.6 The proposed new surface level crossing on St George's Way at the eastern end of Queensway is a significant contribution to east-west connectivity. To the north of the site, the east-west route next to the bus stop and the adjacent Office Outlet warehouse (with planning permission for residential redevelopment) has been widened and improved making it a much more appealing and a safer space. The high-traffic roads of St George's Way and Fairlands Way demarcate the north eastern boundary of the site. A new cycleway is provided along this boundary to create a safer route for cyclists while connecting with the existing cycle network.

#### *Public Art*

- 7.7.7 There is a legacy of the integration of high-quality artwork throughout Stevenage Town Centre. This varies from murals that are integrated into building fabric to sculptures at various locations. To continue this tradition, it is proposed that artwork is incorporated into the scheme in prominent locations. The new artwork would be key elements in the scheme in their promotion of public art as part of the town's heritage, community involvement and site identity.

- 7.7.8 The proposed locations have been chosen as they would be visible from many angles and by many users, including pedestrians, cyclists and from vehicles. The locations would also act as thresholds into the Life Science Quarter and the Town Centre. To enable a coordinated Arts Strategy to be developed in detail and artists to be commissioned, an Arts Consultant would be engaged should planning permission be granted. Any scheme would be devised in line with the Council's overarching cultural strategy, to ensure that the art being introduced represents the culture of Stevenage.

#### *Trees*

- 7.7.9 Section 15 of the NPPF (2021) requires developments to preserve and enhance the natural environment. Policy NH5 of the Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate. In terms of facilitating the development proposal, 49 existing trees on site would need to be removed. The landscaping proposals show 147 proposed new trees, therefore complying with the Council's requirement to plant 3 trees for each tree removed. The proposed tree species have been selected for their following qualities:

- Strong-growing, robust and tall species
- Deciduous, to maximise internal daylight
- Tolerant of wet growing conditions for swales and rain gardens
- Wind-tolerant and wind mitigation
- In-keeping with adjacent site tree strategies
- Striking autumn colour
- Tolerant of urban pollution

- 7.7.10 For maximum impact and robustness, sizes of trees at planting would be specified, in most cases, as comparatively large, semi-mature specimens. This would provide an instant impact and presence in the streetscape whilst also being able to withstand environmental conditions.



- 7.7.11 The Council's Arboriculture and Conservation Manager advised that only 50-60% trees should be planted on site and the rest off site to avoid overcrowding and limiting growth. However, officers have agreed that all 147 trees should be planted on site, as proposed, to achieve an enhanced biodiversity value from the denser tree planting, sustainability benefits and a positive impact to surface water flood risk. The landscape architect has advised the trees would adapt/work in groups, as if they were in a woodland setting.
- 7.7.12 It has been agreed however, that the proposed species would be changed to include more shade tolerant varieties as requested by the Council's Arboriculture and Conservation Manager. This would be subject to a planning condition. The maintenance of the public realm including the trees would be the responsibility of a Management Company to be secured as part of any S106 Agreement and not the Council. On this basis, it is considered the proposed tree planting strategy would comply with Local Plan policy NH5 'Trees and Woodland' and is considered acceptable.

#### *Biodiversity*

- 7.7.13 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's Biodiversity SPD (2021) requires all major and minor applications, other than the following exemptions currently suggested by the Government, to demonstrate a net gain in biodiversity:
- i) Permitted development;
  - ii) Householder development, including extensions;
  - iii) Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
  - iv) Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
  - v) Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building
- 7.7.14 As the application site comprises hard surfaced areas and commercial buildings, it is considered it would meet exception criteria iv) and v) above as the site is currently developed and does not contain any protected habitats. On this basis, there would be no requirement to achieve a 10% biodiversity net gain on the site. Hertfordshire and Middlesex Wildlife Trust has raised no objection to the proposals.
- 7.7.15 Notwithstanding this, the proposed landscaping strategy discussed above would provide significant biodiversity enhancement to the site. In addition, the Preliminary Ecological Appraisal recommends that the site's ecological value is enhanced through the incorporation of:
- Wildlife friendly landscaping
  - Biodiverse living roofs
  - Vertical greening
  - Invertebrate habitat features (e.g. bee bricks and stag beetle loggery);
  - Bird and bat boxes integrated into the fabric of the building as well as on retained trees; and

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

## **7.8 External Lighting**

7.8.1 The detailed design would include a public realm lighting scheme, fully integrated with all the landscape and architectural features. The lighting proposals would create visual interest while providing a safe and secure environment for all users. This would be a critical element in the quality of the public realm, with the following being particular design issues:

- Safe levels of lighting for all users
- Facial recognition
- Variation in light levels and methods, creating nuanced character
- Lighting of foliage, furniture, etc. to enhance the night scene
- Highlighting playable features
- Ecological sensitivity
- Avoiding light spill into surrounding buildings
- Avoiding light pollution
- Dynamic over the course of night time
- Coordinated with CCTV

7.8.2 The buildings would not have dedicated façade lighting. Instead, a combination of other lighting techniques would be used to provide the illuminance required to the public realm areas. The general night-time appearance would be created by interior lighting illuminating and shining out from the glazed areas on the lower floors. Building entrances would be highlighted creating focal points to ease navigation. Light fittings would also up light the colonnades creating a softer lit environment in these areas.

## **7.9 Climate Change Mitigation**

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

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

7.9.2 Energy and carbon are high on the agenda for the applicant; reducing the environmental impact of the development has informed all aspects of the design to minimise energy and carbon wherever possible. A BREEAM Excellent rating is targeted, with an aspiration to achieve Outstanding. The laboratory buildings would be process driven, with tightly controlled internal environments. They would be subject to tight Regulatory standards due to the nature of the science proposed and highly serviced, with more and complex services compared to an equivalent sized office building. The nature of the science requires a high degree of resilience and constant operation and maintenance of the internal environment.

7.9.3 Due to decarbonising of the National Grid, it is proposed to reduce/obviate the use of natural gas and utilise electric heat pumps to generate space heating and cooling for the new development. All mechanical, electrical and plumbing (MEP) service installations would be optimised to limit energy use whilst delivering an optimal environment for occupants of the buildings. The development would be well measured so that in-use energy could be monitored and accessible. The proposed MEP systems would be designed to:

- Provide a robust and resilient installation, capable of maintaining the specified internal environment
- Be energy efficient and minimise fossil fuel use
- Serve the range of uses and be adaptable to accommodate change
- Assist in achieving the targeted BREEAM rating
- Be simple to operate and maintain
- Be quiet in operation to minimise external and internal noise.

7.9.4 Further information relating to sustainability and energy is provided within the Design and Access Statement, Energy Statement and BREEAM Pre-Assessment accompanying the application. It is considered the information provided within the application demonstrates that the proposed development would accord with the requirements of policies SP2 and FP1 of the Local Plan (2019) in relation to sustainable construction and climate change mitigation and is acceptable.

## **7.10 Pollution and Hazardous Substances**

7.10.1 Liquid Nitrogen if used within laboratories is considered a potentially hazardous substance and therefore the application proposal would need to be considered under Local Plan (2019) Policy FP6 'Hazardous Installations'. The policy states planning permission will be granted for development proposals involving the use, storage or movement of hazardous substances where:

- a) There are no additional health and safety risks to users of the site or surrounding area;
- b) There are no additional threats to the local environment; and
- c) The proposal does not cause long term land contamination.

7.10.2 In terms of Liquid Nitrogen storage tanks, these would be located within a secure storage compound within a secure delivery zone on site for authorised personal only. The storage zone would be located outdoors within the secure service areas. A full health and safety assessment of the proposals would be carried out in compliance with British Compressed Gas Association (BCGA) and the UK Health and Safety Executive (HSE) guidance.

7.10.3 In terms of oil/chemical storage tanks, all above ground oil and chemical storage tanks would be sited on an impervious base and surrounded by a liquid tight bund wall. The bunded area would be capable of containing 110% of the volume of the tank(s) and all fill pipes and sight gauges would be enclosed within the curtilage. No drainage outlet would be provided, and the vent pipe would be directed downwards into the bund. It is considered the above arrangements are acceptable and would meet the requirements of Local Plan Policy FP6 'Hazardous Installations'.

## **7.11 Air Quality**

7.11.1 An Air Quality Statement prepared by Gem Air Quality Ltd has been submitted with the application. In consultation with the Council, it was confirmed that a construction impact assessment would be sufficient in relation to potential air quality impacts associated with the proposed development which have been identified as acceptable, subject to mitigation measures which can be secured via planning condition. With regards to the operational phase, the Statement focusses on the Travel Plan targets in terms of reducing emissions from vehicular traffic. The application proposals are considered acceptable in terms of the

potential air quality impacts. The proposed development therefore accords with Local Plan policies FP7 and FP8 regarding air pollution.

## **7.12 Noise Impact**

- 7.12.1 The planning application is accompanied by a Noise Report by Sandy Brown Consultants, which has been undertaken in respect of the proposed development. Representative background sound levels measured during the survey were LA90,15min 53 dB during the daytime and LA90,15min 39 dB at night. An assessment of the proposed plant items associated with the development has been carried out. Based on the requirements of the Council and on the results of the noise survey, the report recommends all plant must be designed such that the cumulative noise level at 1m from the worst affected windows of the nearby noise sensitive premises does not exceed LAeq 53 dB during the daytime and LAeq 39 dB during the night. Subject to the recommended mitigation measures being incorporated within the design, the report concludes the proposed plant items are expected to have a low impact.
- 7.12.2 Although delivery noise has the potential to impact existing noise sensitive receptors, it is considered that the main access routes to the laboratory areas are fully screened from the receptors to the south west, which would provide significant attenuation. Deliveries to retail units would take place within the existing loading bay to the west, therefore, the impact of noise associated with deliveries on existing and potential future noise sensitive receptors should be no greater than that currently experienced. Recommendations have, however, been provided on restriction of the use of cages/trolleys externally at night to control noise impact on the surrounding noise sensitive receptors. Guidance has been provided on restrictions of use to control the noise impact of outdoor seating areas. Provided these spaces are suitably managed, the report states they should not have a significant impact on the surrounding noise sensitive receptors.
- 7.12.3 Subject to planning conditions requiring the recommended noise mitigation measures are incorporated into the development as per the Council's Environmental Health officer comments and restricting the times that cages/trolleys can be used to typical daytime hours only, it is considered the proposed development would not have an unacceptable impact on the general amenity of the wider area in terms of noise pollution. The proposed development would therefore be in accordance with Local Plan Policy FP7 'Pollution' in relation to noise.

## **7.13 Amenity**

- 7.13.1 The application site lies approximately 17.6m to the north of second floor flats at 85 – 103 Queensway. The proposed use of the laboratory buildings for research and development connected with the life science industry would not generate external noise. The submitted noise assessment does not identify any potential amenity issue with the proposed roof top plant and concludes noise associated with deliveries to the labs and retail units would be no greater than that currently experienced. Furthermore, the main access routes to the lab servicing areas would be fully screened from the receptors to the south west, which would provide significant attenuation. It is therefore considered the conclusion reached in paragraph 7.12.3 above would also apply to impact on the amenity of the occupiers of the flats at 85-103 Queensway with regards to noise.
- 7.13.2 With regards to impact on amenity in terms of light and overbearing impact, the closest flats at 85 – 103 Queensway to the south are orientated in an east to west direction without any windows facing onto the development site itself. The flats are located at second floor level of a three-storey block with retail below, which faces onto Queensway. The flats are sited approximately 17.6m from the southern boundary of the application site where the Collaboration Building would be located. The layout and scale of the development has been informed by sunlight studies, which demonstrate all shading would occur to the north and

north east, away from the flats to the south. Furthermore, the Collaboration Building would be three storeys in height similar to 85 – 103 Queensway. As such, it is considered there would be no loss of light or overbearing impact particularly as the residential windows face east and west.

7.13.3 With regards to outlook and privacy, given the orientation of 85 – 103 Queensway is east to west and the proposed development is to the north and would be non-residential in use, it is considered there would be no adverse impact on outlook or privacy to the occupiers of the flats. No residential windows face onto the application site. A planning condition can be imposed controlling external lighting to ensure the occupiers would not be disturbed by unneighbourly light at night time. No representations have been received objecting to the proposed development from existing residents at 85 – 103 Queensway, who already live within a commercial Town Centre setting.

7.13.4 It is not considered the proposed buildings would raise any amenity issues with occupiers of nearby residential properties in terms of noise, outlook, light, and privacy due to the orientation and distances involved. The proposal is considered acceptable in this regard and in accordance with Local Plan Policy GD1 'High Quality Design'.

## **7.14 Planning Obligations**

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

- S278 Agreement of the Highways Act 1980 (covering the junction improvements, surface level crossing and public realm works on highway verge land to be adopted by HCC as Highway Authority)
- £6000 Travel Plan evaluation and support fee
- £116,600 'Strand 2' HCC Highway Authority contribution (see paragraph 5.2.7 for details)
- Local Employment and Apprenticeships
- Retail phasing (see paragraph 7.2.11 for details)
- Management Company to manage areas of un-adopted public realm
- s106 monitoring fee

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

## **7.15 Other Matters**

### Waste and Resources

7.15.1 The development proposal would produce waste during construction works and the Council will require the preparation of a Site Waste Management Plan (SWMP) to be secured via planning condition. The waste storage provision would be located on the ground floor adjacent to the service yard within each building. It would consist of a large, ventilated store with an integrated recycling area. External access to the waste store would be via a large sliding metal door, which would allow direct access to each service yard. Collection of the waste by the Council or another contractor is to be agreed, however waste collection vehicles would be able to park within the service yards with direct access to the waste areas. Within the buildings, users would be encouraged to separate their waste through the provision of compartmentalised waste bins. Each tenant would be responsible for transporting their waste to the storage area for collection.

### Community Infrastructure Levy

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

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

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

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

7.15.5 The retail floorspace of the proposed development would be liable for CIL at £60/m<sup>2</sup>, however the upper floors of the buildings would not be in retail use and therefore would be liable for CIL at £0m<sup>2</sup> as 'other development' under the CIL charging schedule. In order to exempt the applicant from paying the higher rate of CIL for the laboratory floorspace, the use of the upper floors of the buildings would need to be restricted to bio-science laboratory use class E (g) (ii) of the Town and County Planning (Use Classes) (Amendment) (England) Regulations 2020 relating to the research and development of products or processes. This can be secured by way of a planning condition, should planning permission be granted.

Equality, Diversity and Human Rights

7.15.6 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

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

7.15.8 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

- 7.15.9 In terms of inclusive access, the proposed buildings have been designed to be fully accessible and inclusive. All spaces in the new buildings would be accessible; the floors and thresholds would be level and lifts would serve all floors. The routes into the building would be clear and signed and demarcated appropriately using landscape treatments. There would be no abrupt changes in levels on the approach to the proposed buildings. Disabled parking spaces would be provided within the MSCP at ground floor level. The design proposals have been developed with reference to Approved Document Part M (AD-M) and BS8300:2018 'Design of an Accessible and Inclusive Built Environment.'
- 7.15.10 Level access would be provided to the development at all pedestrian access points. Dropped kerbs and tactile paving would be provided at junctions / crossings in the area. 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.
- 7.15.11 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

## **7 CONCLUSIONS**

- 8.1 The policies considered to be most relevant for determining this application are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up to date. Accordingly, Paragraph 11(d) of the NPPF is not engaged and the application falls to be determined against a straightforward planning balance.
- 8.2 The proposed development would create a vibrant Life Science Quarter containing four specialist biopharmaceutical advance manufacturing buildings and a central Collaboration Building. This would build on Stevenage's growing reputation as a leading hub for Life Science, especially Cell and Gene Therapy, and would help to deliver on the Council's aspirations for new developments to lead the regeneration of the Town Centre.
- 8.3 The development would also deliver significant public benefits, including 1,850 gross additional jobs directly on site during the operational development, and the associated spend of these new workers within the Town Centre. Accordingly, the development would significantly benefit the vitality and viability of Stevenage Town Centre and therefore the net reduction of retail floorspace within the primary shopping area is justified. These benefits carry significant weight in favour of the proposal.
- 8.4 The proposed high-quality architecture takes precedent from Stevenage's rich history in 20th century architecture and public art programme. The buildings would deliver transformational change to the character of the surrounding area, especially when experienced from the north of the site, and would contribute positively to the evolving wider townscape character. The scale, height and massing of the proposed development is considered appropriate to the location of the site. The introduction of a new public square, improvements to the existing public space to the north of Queensway, a new surface level crossing over St George's Way as well as enhanced landscaping would improve pedestrian experience and permeability within the Town Centre.
- 8.5 The significance of the identified designated heritage assets would be preserved by the proposed development, with the Town Square Conservation Area setting enhanced through the introduction of high-quality architecture which would reintroduce active frontage, as well as a well-considered landscaping scheme. The proposed development would deliver significant environmental, social and economic benefits for the site and wider area,

representing the sustainable development of brownfield land at the heart of the Town Centre.

- 8.6 Given the above, the proposed development accords with the Local Plan (2019), the Council's Supplementary Planning Documents, the NPPF (2021) and PPG (2014).

## 8 RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into a S106 Legal Agreement to secure/provide contributions towards:

- S278 Agreement (covering the junction improvements, surface level crossing and public realm works on highway verge land to be adopted by HCC Highway Authority)
- £6000 Travel Plan evaluation and support fee
- £116,600 'Strand 2' HCC Highway Authority contribution
- Local Employment and Apprenticeships
- Retail phasing planning obligations
- Management Company to manage areas of un-adopted public realm
- S106 monitoring fee

- 9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, along with the recommendations of Highways England following cessation of their holding direction and the Council's Drainage Consultant, as well as the imposition of suitable safeguarding conditions.

- 9.3 Authority would be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:

### General

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

547-PL-001-P01; 547-PL-002-P01; 547-PL-003-P01; 547-PL-004-P01; 547-PL-010-P03; 547-PL-011-P02; 547-PL-012-P02; 547-PL-013-P02; 547-PL-014-P02; 547-PL-015-P02; 547-PL-016-P02; 547-PL-017-P02; 547-PL-018-P02; 547-PL-019-P02; 547-PL-020-P02; 547-PL-021-P01; 547-PL-022-P02; 547-PL-023-P02; 547-PL-024-P02; 547-PL-025-P01; 547-PL-026-P02; 547-PL-027-P02; 547-PL-028-P01; 547-PL-029-P02; 547-PL-035-P02; 547-PL-036-P01; 547-PL-040-P02; 547-PL-041-P02; 547-PL-042-P01; 547-PL-043-P01; 547-PL-044-P01; 547-PL-045-P01; 547-PL-046-P01; 547-PL-047-P01; 547-PL-048-P01; 29948 / 7021 P04; 29948 / 7022 P04; 29948 / 9001 P05; 29948 / 9002 P03; 29948 / 9003 P02; 29948 / 9004 P02; 29948 / 7030 P03

SY691-CAM-XX-00-DR-L-0001 P02; SY691-CAM-XX-00-DR-L-0002 P02; SY691-CAM-XX-ZZ-DR-L-0101; SY691-CAM-XX-ZZ-DR-L-0102; SY691-CAM-XX-ZZ-DR-L-0103; SY691-CAM-XX-ZZ-DR-L-0104; SY691-CAM-XX-ZZ-DR-L-0105; SY691-CAM-XX-ZZ-DR-L-0106; SY691-CAM-XX-00-DR-L-0021 P02; SY691-CAM-XX-00-DR-L-0031 P02; SY691-CAM-XX-00-DR-L-0041 P02; SY691-CAM-XX-00-DR-L-0051 P02; SY691-CAM-XX-00-DR-L-0071 P02; SY691-CAM-XX-00-DR-L-0081 P02; SY691-CAM-XX-00-DR-L-0091 P02; SY691-CAM-XX-00-DR-L-1320; 220923-1.0-TFS-TPP--JI

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



2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON:-** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
3. No site clearance or construction work relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.  
**REASON:-** To safeguard the amenities of the occupiers of neighbouring properties.
4. The use of floors 1 – 5 of building 3A and the Grad Lab and floors 1 – 6 of buildings 3B and 3C hereby approved shall be limited to Schedule 2, Part A, Class E (g) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 relating to office, research and development of product or processes and industrial processes and shall be used for no other purposes.  
**REASON:-** To prevent the unrestricted change of use to retail (Class E (a)) without paying the required CIL charge under the Council's adopted Community Infrastructure Levy Charging Schedule.
5. If contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority.  
**REASON:-** To ensure that the site does not pose any risk to human health and to ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.
6. The development to which this permission relates shall be carried out in accordance with the external materials specified within the Design and Access Statement by Stanton Williams submitted as approved or any alternatives to be submitted to and approved by the Local Planning Authority.  
**REASON:-** To ensure a satisfactory appearance for the development.
7. All hard and soft landscaping shall be carried out in accordance with the approved details as set out in phase 1 and 2 landscape plan ref: SY691-CAM-XX-00-DR-L-0002 P02 to a reasonable standard in accordance with the relevant British Standards or other recognised Codes of Good Practice.  
**REASON:-** To ensure a satisfactory appearance for the development.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development.  
**REASON:-** To ensure a satisfactory appearance for the development.
9. All hard surfacing comprised in the approved details of landscaping shall be carried out within 6 months of the completion of the development, or, prior to first occupation of in relation to each building or phase of the development hereby permitted, whichever is the earliest.

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

10. The proposed shrub bed to be maintained by Stevenage Direct Services (SDS) shall be designed to prevent soil from washing onto surrounding hard surfaces. All paved/hard surface areas maintained by SDS shall be designed for mechanical sweeping with suitable resistant surfaces.

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

11. The measures to address adaptation to climate change as set out within the Design and Access Statement by Stanton Williams, Energy Statement and BREEAM Pre-Assessment by KJ Tait Engineers shall achieve minimum BREEAM Very Good and be implemented and permanently maintained in accordance with the approved details.

**REASON:-** To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.

12. The development to which this permission relates shall be carried out in accordance with the recommendations set out within the Air Quality Statement by Gem Air Quality Ltd (ref. AQ2158) as approved or any alternatives to be submitted to and approved by the Local Planning Authority.

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

13. The development to which this permission relates shall be carried out in accordance with the recommendations set out within the Noise Report by Sandy Brown (ref. 22079-R01-D) as approved or any alternatives to be submitted to and approved by the Local Planning Authority.

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

14. The recommended ecological and nature conservation enhancements set out within the Preliminary Ecological Appraisal by SLR dated March 2022 shall be implemented and permanently maintained in accordance with the approved details.

**REASON:-** To provide a net gain in biodiversity.

15. No use of outside trolleys or cages in connection with loading, unloading, deliveries or collections shall take place in external public realm areas other than between the hours of 07.00 hours and 22.00 hours seven days a week. Deliveries within dedicated service yards are unrestricted.

**REASON:-** To control noise impact on the surrounding noise sensitive receptors.

16. The development to which this permission relates shall be carried out in accordance with the recommendations set out within the Flood Risk Assessment prepared by STM Environmental dated 11 October 2022.

**REASON:-** To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

#### Prior to Commencement

17. No demolition and site clearance shall take place until a demolition management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, demolition and clearance of the site shall only be carried out in accordance with the approved plan. The demolition management plan shall include details of the following:

- a) Vehicle numbers, type, routing;
- b) Access arrangements to site;
- c) Traffic and pedestrian management requirements;
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;

- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of demolition activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of demolition/site clearance activities;
- i) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- j) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
- k) Dust control measures during demolition and construction from plant and machinery, and vehicles.

**REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way, in the interests of amenities of neighbouring properties, to ensure suitable, safe and satisfactory planning and development, in order to reduce the level of waste generated during demolition and to recycle all waste materials where possible.

18. No development shall take place in relation to Buildings 3A, 3B, 3C and the Grad Lab (excluding demolition and site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority in relation to each building or phase of the development. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:

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

**REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way, in the interests of amenities of neighbouring properties, to ensure suitable, safe and satisfactory planning and development, in order to reduce the level of waste generated during groundworks and construction phases of development and to recycle all waste materials where possible.

19. No development shall take place in relation to the Multi Storey Carpark (excluding demolition and site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the

development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:

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

**REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way, in the interests of amenities of neighbouring properties, to ensure suitable, safe and satisfactory planning and development, in order to reduce the level of waste generated during groundworks and construction phases of development and to recycle all waste materials where possible.

20. No development shall take place in relation to the Collaboration Building (including demolition and site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:

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

**REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way, in the interests of amenities of neighbouring properties, to ensure suitable, safe and satisfactory planning and development, in order to reduce the level of waste generated during groundworks and construction phases of development and to recycle all waste materials where possible.

21. No development shall take place (excluding demolition, site clearance and utility diversion enabling works) until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
- i) Roads, footways.
  - ii) Cycleways.
  - iii) Foul and surface water drainage.
  - iv) Visibility splays
  - v) Access arrangements
  - vi) Parking provision in accordance with adopted standard.
  - vii) Loading areas.
  - viii) Turning areas.

**REASON:-** To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

22. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water in relation to each building or phase of the development. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

**REASON:-** The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

23. Prior to the first commencement for each phase or building of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

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

#### Prior to Work above Slab Level

24. No development shall take place above slab level until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

**REASON:-** To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties

25. No development shall take place above slab level, excluding super-structure works, until a Landscape Management Plan and Planting Schedule has been submitted to and approved in writing by the local planning authority. The approved plan shall then be implemented in the first planting and seeding season following completion of the development unless otherwise agreed in writing by the local planning authority.

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

26. No development shall take place above slab level until a final detailed design for the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented in full prior to occupation of each building or phase of the development to which this permission relates and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To adhere to the hierarchy of drainage options, as set out in paragraph 080 (Reference ID: 7-080-20150323) of the Planning Practice Guidance; to maximise the use of SuDS in the interests of mitigating the risk of flooding to the site itself and downstream; and to maximise the sustainability of the development.

27. A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level (excluding superstructure works and multistorey car park) shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number (29948 / 7030 P03) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

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

Prior to Occupation/First Use

28. Prior to the first use of the multistorey car park hereby permitted, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 80% of the remaining car parking spaces to have passive provision for EV charging.

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

29. Prior to the first occupation of each phase or building of the development hereby permitted the proposed access arrangements / onsite car and cycle parking / servicing / loading, unloading / turning / waiting area shall be implemented in accordance with the approved drawing number 547\_PL\_010\_P03 Proposed Site Plan and retained thereafter available for that specific use.

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

30. Prior to the first occupation of the development hereby permitted (excluding the Multi Storey Car Park), a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access(es) where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

**REASON:-** To ensure construction of a satisfactory development and in the interests of highway safety.

31. Prior to the first occupation of buildings 3A, 3B and 3C hereby permitted, the vehicular accesses shall be completed and thereafter retained as shown on drawing numbers (SY691-CAM-XX-00-DR-L-0002 P02, 29948 / 7021 P04, 29948 / 7022 P04, 29948 / 9001 P05, 29948 / 9002 P03, 29948 / 9003 P02 and 29948 / 9004 P02) in accordance with

details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

**REASON:-** To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

32. Prior to the first occupation of each phase or building of the development hereby permitted, the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the accesses shown on drawing numbers (SY691-CAM-XX-00-DR-L-0002 P02, 29948 / 7021 P04, 29948 / 7022 P04, 29948 / 9001 P05, 29948 / 9002 P03, 29948 / 9003 P02 and 29948 / 9004 P02) only. Any other access(es) or egresses shall be permanently closed, and the footway / kerb / highway verge shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

33. Prior to first occupation of each phase or building hereby permitted the vehicular access improvements, as indicated on drawing numbers (SY691-CAM-XX-00-DR-L-0002 P02, 29948 / 7021 P04, 29948 / 9001 P05, 29948 / 9002 P03 and 29948 / 9003 P02), shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

34. Prior to first occupation of each phase or building hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway except for the existing overland flow path as outlined in the Drainage Strategy (rev 3) by Price & Myers (Jan 2023).

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

35. Prior to the first occupation of the development hereby permitted (excluding the Multi Storey Car Park), a Management and Maintenance Plan for the approved SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority in relation to each building or phase of the development. The scheme shall include:

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

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

**REASON:-** To maximise the use of SuDS in the interests of mitigating the risk of flooding to the site itself and downstream; and to maximise the sustainability of the development.

36. Prior to the first occupation of each building hereby permitted (excluding the Multi Storey Car Park), details of the proposed external lighting strategy shall be submitted to and approved by the Local Planning Authority. The lighting strategy shall be implemented in

accordance with the approved details prior to first occupation of each building or development phase:

- a) Building 3A
- b) Building 3B
- c) Building 3C
- d) Grad Lab
- e) Collaboration Building

**REASON:-** To ensure a satisfactory appearance for the development and to protect the residential amenity of existing residents.

37. Prior to the first occupation of each building hereby permitted (excluding the Multi Storey Car Park), details of the proposed CCTV arrangements shall be submitted to and approved by the Local Planning Authority. The CCTV arrangements shall be implemented in accordance with the approved details prior to first occupation of each building or development phase:

- a) Building 3A
- b) Building 3B
- c) Building 3C
- d) Grad Lab
- e) Collaboration Building

**REASON:-** To ensure adequate security measures are in place to serve the development and surrounding public realm.

38. Prior to first use of the Multi Storey Car Park, details of the proposed external lighting strategy shall be submitted to and approved by the Local Planning Authority. The lighting strategy shall be implemented in accordance with the approved details prior to first occupation of each building or development phase.

**REASON:-** To ensure a satisfactory appearance for the development and to protect the residential amenity of existing residents.

39. Prior to first use of the Multi Storey Car Park, details of the proposed CCTV arrangements shall be submitted to and approved by the Local Planning Authority. The CCTV arrangements shall be implemented in accordance with the approved details prior to first occupation of building or development phase.

**REASON:-** To ensure adequate security measures are in place to serve the development and surrounding public realm.

40. Prior to first occupation of the development hereby permitted (excluding the Multi Storey Car Park), a public art programme in accordance with the Council's Cultural Strategy shall be submitted to and approved in writing by the Local Planning Authority. The public art shall be implemented in accordance with the approved details and permanently maintained thereafter.

**REASON:-** To ensure the delivery of high quality public art within the public realm.

41. Prior to first occupation of any café/restaurant uses (Use Class E(b)) hereby permitted, a scheme for the extraction and filtration of cooking fumes shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the approved details. The implemented scheme shall be permanently maintained in good working order thereafter.

**REASON:-** To protect the amenities of the occupiers of adjoining properties.

42. At least 3 months prior to the first occupation of the development hereby permitted (excluding multistorey car park), a detailed Travel Plan or Travel Plan for each building on the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to



approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

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

#### Post Occupation/Completion

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

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

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

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

#### **INFORMATIVES**

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

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

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

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

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

or by telephoning 0300 1234047.

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

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

3. Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)
4. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
7. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
8. Roads to remain private: The applicant is advised that all new roads associated with this development will remain unadopted (and shall not be maintained at public expense by the Highway Authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

9. Adoption (section 38): The applicant is advised that Hertfordshire County Council as Highway Authority will likely adopt the pedestrian and cycle routes through the development to ensure their long-term continuity, however the developer should put in place permanent arrangements for long-term maintenance. Details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. Furthermore, the extent of adoption as public highway, once finalised, must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
10. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
11. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.
12. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk).
13. During the demolition and construction phase of the development, the guidance in BS5228-1:2009 (Code of Practice for Noise Control on Construction and Open Sites) should be adhered to.
14. The applicant is advised to contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design to ensure that the development is compliant with both National and

Local Planning Policies. In addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations".

15. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

### **PRO-ACTIVE STATEMENT**

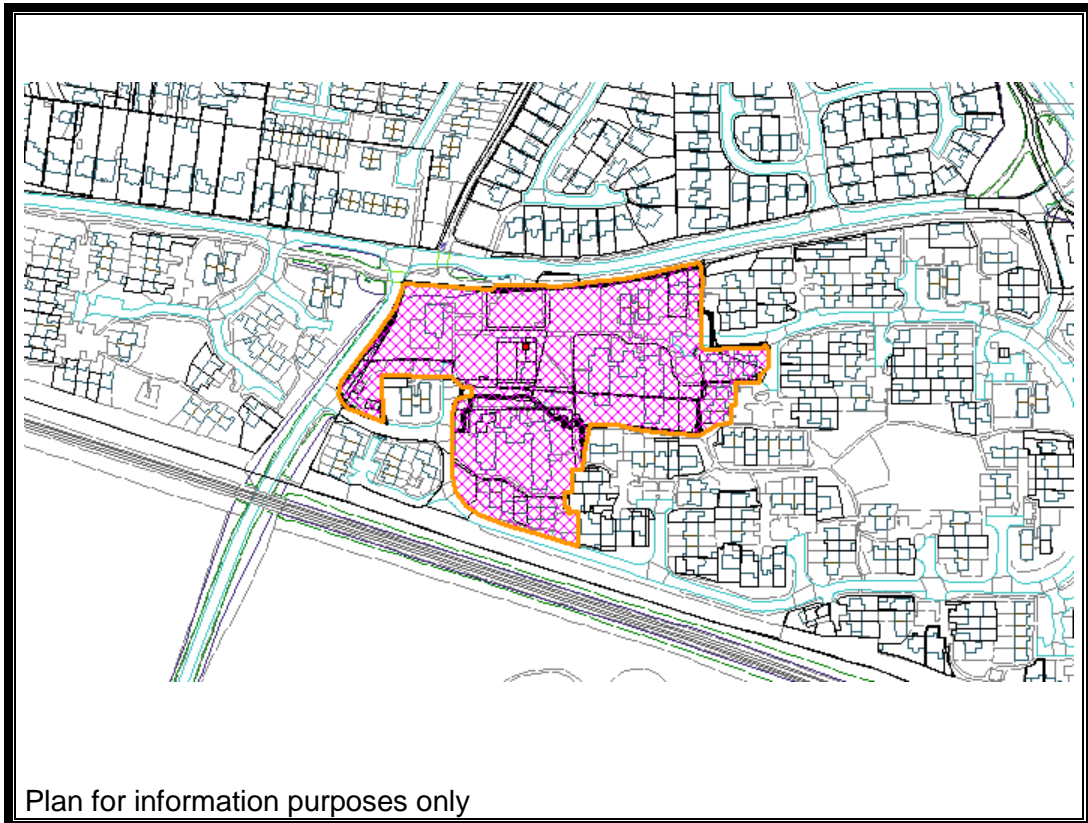
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **9 BACKGROUND DOCUMENTS**

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

**Meeting:** Planning and Development Committee      **Agenda Item:**  
**Date:** 15 February 2023  
**Author:** James Chettleburgh      01438 242242  
**Lead Officer:** Zayd Al-Jawad      01438 242242  
**Contact Officer:** James Chettleburgh      01438 242242

Application No:	22/01075/FPM
Location:	The Bragbury Centre, Kenilworth Close, Stevenage
Proposal:	Variation of Condition 1 (Approved Plans) attached to planning permission 18/00398/FPM to subdivide the approved retail units.
Drawing Nos.:	19063.wd2.01 E; 19063.A1.wd2.01 B; 19063.A1.wd2.02 B; 19063.A1.wd2.03 B; 19063.A1.wd2.04 B; 19063.A1.wd2.05 B; 19063.A1.wd2.06 A; 19063.A1.wd2.101 A; 19063.A1.wd2.102 B; 19063.A2.wd2.01 A; 19063.A2.wd2.02 A; 19063.A2.wd2.03 A; 19063.A2.wd2.102 A; 19063.A2.wd2.103 A; 19063.A4.wd2.02; 19063.A4.wd2.03 A; 19063.A4.wd2.04 A; 19063.A4.wd2.05 A; 19063.A4.wd2.101 A; 19063.A4.wd2.102 A; 19063.A4.wd2.103 A; 19063.A4.wd2.104 A; 19063.A5.wd2.01; 19063.A5.wd2.101.
Applicant:	Stevenage Borough Council.
Date Valid:	4 <sup>th</sup> January 2023
Recommendation:	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site is currently designated as a small parade of shops in the adopted Local Plan (2019). The site is bordered by Hertford Road which is located to the north, Watton Road to the east, Stirling Close to the west and Kenilworth Close to the south. The site, which has an area of 1.6 hectares (ha), prior to demolition, was previously occupied by the Kenilworth Close neighbourhood centre, Bragbury Centre and sheltered accommodation block Asquith Court. Construction of the independent living block and apartment block which front onto Hertford Road are at an advanced stage along whereby the dwellinghouses and apartment block located towards the rear of the site have been completed.
- 1.2 Turning to the surrounding area, to the south of the application site lies Walpole Court which is a sheltered housing development. The building itself is constructed from a mixture buff multi-stock brick with parts of the first-floor level clad in timber. The roof of the sheltered accommodation is clad in bold roll concrete inter-locking tiles with timber soffits with black uPVC gutters and downpipes. The fenestration detailing of the Walpole Court comprises uPVC windows and doors which are symmetrically aligned and evenly spaced. The Walpole Court site also comprises six bungalows which form a staggered terrace with hipped roofs. These properties are constructed from red and buff brick with a band of grey bricks. The roofs of the bungalows are clad in concrete inter-locking tiles
- 1.3 To the south-west/west of the application site is the residential development of Cragside and a residential block of flats on Blenheim Way. The development at Cragside comprises two residential terraces which front onto a centralised parking courtyard. The terraces themselves, which are uniform in design, are constructed from a mixture of red and buff brick with a grey brick band with their respective roofs clad in concrete inter-locking tiles. There is also a standalone pair of semi-detached properties which are of the same design as the terraced properties. To the north of Cragside off Blenheim Way (to the north-west of the site) lies a three-storey residential block of flats with a double mono-pitched roof. The block itself is constructed from a stock red brick with the roof clad in concrete inter-locking tiles. On the flank elevations at second floor level the elevations are finished in timber cladding. To the west of the community centre beyond Watton Road is the residential development of Balmoral Close. This consists of a mixture if three storey blocks of flats and terraced houses.
- 1.4 To the east of the application is residential development in Blenheim Way and Stirling Close. The developments in both the aforementioned roads generally comprise uniform, two-storey terraced properties set within regimented building lines and regular shaped plots. These properties have been constructed from a stock buff brick with their roofs finished in bold roll inter-locking concrete tiles. To the north of the application site beyond Hertford Road is Petworth Close. This estate generally comprises of two-storey detached properties which are uniform in design constructed from buff facing brick with gable-end roofs clad in concrete tiles set within spacious plots.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Planning application 18/00398/FPM sought permission to demolish the existing Bragbury End community centre, Asquith Court and various residential dwellings and the construction of a mixed-use development with 169 no. dwellings (including independent living) and 4no. retail units across various blocks. This application was granted planning permission in October 2019.
- 2.2 Prior approval application 19/00505/PADEMO sought prior approval for the demolition and clearance of various buildings
- 1) 1 to 32 Asquith Court, Stirling Close, Stevenage, SG2 8UJ
  - 2) 70 & 72, Stirling Close, Stevenage, SG2 8UJ
  - 3) 74 to 96, Stirling Close, Stevenage, SG2 8UJ
  - 4) Community Centre, Kenilworth Close, Stevenage SG2 8TB

5) 3, 3a, 5 and 5a Kenilworth Close SG2 8TB (Retail units).

Prior Approval was not Required and approved in September 2019.

- 2.3 Discharge of condition application 20/00575/COND sought to discharge condition 11 (Bird Boxes) and 12 (Bat Boxes) attached to planning permission reference number 18/00398/FPM. The conditions were discharged in October 2020.
- 2.4 Discharge of condition application 20/00576/COND sought to discharge of condition 14 (construction management) and 16 (waste management) attached to planning permission reference number 18/00398/FPM. This condition was discharged in December 2020.
- 2.5 Discharge of condition application 20/00577/COND sought to discharge of condition 25 (Site Investigation) and 27 (Detailed remediation scheme) attached to planning permission reference number 18/00398/FPM. The conditions were discharged in October 2020.
- 2.6 Discharge of condition application 20/00707/COND sought to discharge of conditions 21 (Surface Water Drainage) and 22 (Detailed drainage scheme) attached to planning permission 18/00398/FPM. The conditions were discharged in February 2021.
- 2.7 Planning application 20/00736/FPM sought the removal of conditions 12 (Bat boxes), 22 (Drainage Scheme), 23 (Management and Maintenance), 25 (Site Investigation) and variation of conditions 1 (Approved Plans), 3 (Materials), 11 (Bird Boxes), 14 (Construction Management Plan), 16 (Site Waste Management Plan), 21 (Surface Water Drainage) and 27 (Remediation Scheme) attached to planning permission 18/00398/FPM. This application was granted permission in November 2021.
- 2.8 Planning application 20/00739/FP sought permission for the erection of a temporary fish and chip shop unit with associated services area. This application was withdrawn in March 2021.
- 2.9 Discharge of condition application 21/00047/COND sought the discharge of condition 18 (acoustics) attached to planning permission 20/00736/FPM / discharge of condition 19 (acoustics) attached to planning permission 18/00398/FPM. The conditions were discharged in July 2022.
- 2.10 Planning application 21/00621/FP sought planning permission for the proposed temporary fish and chip shop retail unit adjacent to Kenilworth Close with associated services area and temporary extension to existing pavement to allow pedestrian access. This application was granted permission in July 2021.
- 2.11 Discharge of condition application 21/01004/COND sought the discharge of Conditions 5 (Oil collection and storage) and 7 (Litter Bins) attached to planning permission reference 21/00621/FP. The conditions were discharged in October 2021.
- 2.12 Discharge of condition application 21/01272/COND sought the discharge of condition 3 (Soft and Hard Landscaping) attached to planning permission reference number 20/00736/FPM. The condition was discharged in July 2022.
- 2.13 Discharge of condition application 21/01273/COND sought the discharge of condition 6 (external lighting) attached to planning permission reference number 20/00736/FPM. The condition was discharged in July 2022.
- 2.14 Discharge of condition application 21/01275/COND sought the discharge of condition 29 (Boundary Treatment) attached to planning permission reference number 20/00736/FPM. The condition was discharged in April 2022.
- 2.15 Non-material amendment application 22/00979/NMA to amend description of development as follows: Demolition of the existing Bragbury End community centre, Asquith Court and various

residential dwellings and the construction of a mixed-use development with 169 no. dwellings (Including independent living) and provision of retail units across various blocks. The non-material amendment was agreed in November 2022.

### 3. THE CURRENT APPLICATION

- 3.1 This application seeks to vary condition 1 (approved plans) attached to planning permission 18/00398/FPM to subdivide the approved retail units. The proposal comprises no other changes in terms of floorspace or external alterations to the built fabric of the residential block in which the retail units will form part of. For reference, this condition states the following:

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

*16059.01.A4.WD2.01A;16059.01.A4.WD2.02;16059.01.A4.WD2.03A; 16059.01.A4.WD2.04A; 16059.01.A4.WD2.05A;16059.01.A4.WD2.101;16059.01.A4.WD2.102A;16059.01.A4.WD2.103A;16059.01.A4.WD2.104A;16059.01.A5.WD2.01A;16059.01.A5.WD2.101A;16059.01.SU1.01;16059.01.SU1.02;16059.01.SU1.03;16059.01.WD2.01B;16059.01.WD2.101A;16059.01.A1.WD2.01B;16059.01.A1.WD2.101A;16059.01.A1.WD2.102A;16059.01.A2.WD2.01A;16059.01.A2.WD2.02A;16059.01.A2.WD2.03A;16059.01.A2.WD2.04A;16059.01.A2.WD2.05A;16059.01.A2.WD2.06A;16059.01.A2.WD2.101A;16059.01.A2.WD2.102A;16059.01.A2.WD2.103A;16059.01.wd2.05A; 16059.wd2.02A; 16059.01.wd2.03A; 16059.01.wd2.04A; 16059.01.A1.wd2.06A;*

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

- 3.2 The proposed amendment does not seek to alter the external appearance of the development as approved nor increase the overall floorspace of the retail units which are the subject of this application. The reason why the subdivision of the retail units requires planning permission relates to a recent Court of Appeal case. This is set out in greater detail below.
- 3.3 The Court of Appeal ruled in the case of *Finney v Welsh Ministers* [2019] EWCA Civ 1868 that it is unlawful to use Section 73 of the Town and Country Planning Act 1990 to amend or contradict the description of the development permitted by a planning permission. The facts of the case were very simple, permission was granted to install two wind turbines with a maximum height of 100m which included a condition for them to be installed as per the approved plans. The description of development also included details of the maximum height of the turbines.
- 3.4 The applicant sought through a Section 73 of the Town and Country Planning Act 1990 (As amended) application (Variation or removal of conditions attached to a planning permission) to increase the height of the turbines to 125m and to substitute the approved plans. On appeal, the Welsh Ministers approved the plan following which a challenge was lodged to the High Court. This challenge was rejected and was concluded that it was possible to use Section 73 to vary a condition even if it conflicted with the description of development.
- 3.5 The Court of Appeal came to a different conclusion after due consideration of the legislative history and the previous treatments of Section 73 in the courts. The Court of Appeal determined that Section 73 is only concerned with amending the conditions of a planning permission. The description of development may not be altered either explicitly or via a condition in a Section 73 application. Therefore, *Finney* makes clear that the scope of Section 73 is constrained by the description of development.
- 3.6 Moving on from the Court of Appeal Decision, under Section 96A of the Town and Country Planning Act 1990 (as amended), a Local Planning Authority may make a change to any planning permission, or permission in principle (granted following an application to the authority) relating to land in their area if they are satisfied that the change is not material. The act goes on to state that in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission (or permission in principle) as originally granted.



3.7 As established by case law, the principle of Section 96A can also cover the description of development, providing the change is deemed to be non-material. As such, under application 22/00979/NMA, the applicant sought to amend the description of development under planning permission 18/00398/FPM, specifically in relation to the retail units which are the subject of this application. The current description of development, as set out under planning permission 18/00398/FPM, as subsequently under the S73 application 20/00376/FPM (which does not amend the description of development) states the following:

*“Demolition of the existing Bragbury End community centre, Asquith Court and various residential dwellings and the construction of a mixed-use development with 169 no. dwellings (Including independent living) and 4no. retail units across various blocks”.*

3.8 The non-material amendment application (S.96A application) sought to remove the wording "**4 no.**" from the description of and replaced it with "**provision of**". The justification for this amendment is to allow the future subdivision of the retail units to create additional or smaller units to reflect market requirements. The current wording of the 2018 permission restricted the applicant's ability to do so as it restricts the number of retail units to 4.

3.9 The non-material amendment application was approved as it was determined that the overall amendment did not materially affect the parameters established under the original planning permission.

3.10 This current application before the Council has been submitted to amend the approved plans under application 18/00398/FPM i.e., to subdivide the approved retail floorspace to create more than 4 no. retail units. This application is deemed to be lawful because the S96A permission (22/00979/NMA) effectively amends the description of development of the 2018 permission to allow greater flexibility.

3.11 This application comes before the Planning and Development Committee as Stevenage Borough Council is the applicant. In addition, the application is a Major and seeks to amend the scheme which was previously approved by the Council's Planning and Development Committee.

## **4. PUBLIC REPRESENTATIONS**

4.1 The proposal has been publicised by way of letters to nearby properties and a site notice was displayed on a nearby lamp post. In addition, the application was also advertised in the local press. Following a discussion and agreement with the applicant, the description of development was also amended based on initial comments from residents following which residents were re-consulted accordingly.

4.2 Comments have been received from 93 Stirling Close and 32 Petworth Close whom state the following:

- The application was difficult to find on the Council's website.
- The change appears to simply allow 5 retail units of 4.
- Why did the letter not explain the change in better detail so it is easier for residents to understand?
- It is requested that a protection order be placed on the trees adjacent to Hertford Road as they provide privacy screen to 32 Petworth Close.

4.3 Please note that the aforementioned representations have been summarised and are not verbatim. A full copy of public representations against this application can be found on the Council's website.

## **5. CONSULTATIONS**

5.1 No relevant consultees.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the Development Plan**

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

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

### **6.2 Central Government Advice**

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

### **6.3 Planning Practice Guidance**

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

### **6.4 Stevenage Borough Local Plan 2011 – 2031 (adopted May 2019)**

- SP1 Presumption in favour of sustainable development
- SP2 Sustainable development in Stevenage
- SP4 A vital town centre
- TC11 New convenience and retail provision
- TC13 Retail Impact Assessment
- IT5 Parking and Access.
- IT8 Public Parking Provision
- HC2 Local shops

### **6.5 Supplementary Planning Documents**

Parking Provision Supplementary Planning Document October 2020  
Stevenage Design Guide 2023.

### **6.6 Community Infrastructure Levy Charging Schedule**

6.6.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development.

## 7 APPRAISAL

7.1.1 The main issues for consideration in the determination of this application are the acceptability of the subdivision of the retail units.

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

### 7.2 Principle of development

7.2.1 The principle for the redevelopment of the site has been established under extant planning permission 18/00398/FPM. The approved development comprises the provision 4 no. retail units within block A1 which were required to compensate for the units which were lost following demolition of the existing shopping parade.

7.2.2 This application which is currently before the Council as Local Planning Authority seeks permission to subdivide the approved retail units into 5 no. units as detailed in drawing number 19063.A1.wd2.01 Revision B (See Figure 1).



**Figure 1:** Snapshot of drawing number 19063.A1.wd2.01 Revision B showing the creation of 5 no. retail units.

7.2.3 The proposal comprises no increase in the overall retail floorspace which is being provided. Consequently, the requirements under Policy TC13 to undertake a Retail Impact Assessment are not engaged. Consequently, the proposed subdivision of the retail floorspace from 4 no. units to 5 no. units accords with the Council's respective retail policies. Moreover, this proposal supports the wider re-development of Kenilworth Close with a more vibrant neighbourhood centre and will support the needs of the local community.

### 7.3 Impact on Amenity

- 7.3.1 The proposed development, given it comprises an internal subdivision of the approved retail units, would have no impact on the amenities of neighbouring residential properties or the amenities of future occupiers of the development.
- 7.3.2 In terms of the potential future use of the premises and the requirement to install plant and equipment associated with a particular operation, if Members were minded to grant permission a condition would be imposed (draft condition 28) requiring a scheme for the installation of equipment to control the emission of fumes and smell from these premises and/or for the installation of any external plant and equipment such as air conditioning units and refrigeration units shall be submitted to the Council for its approval. This would ensure that any plant, equipment and ducting would not cause harm in terms of noise for future or nearby occupiers of residential properties as well as potentially control any odours from cooking activities.

#### **7.4 Parking and Highway Implications**

- 7.4.1 In terms of highway implications, as the proposal does not seek to increase any retail floorspace which could generate additional vehicle trips or alter the approved highway layout of the development, the proposal would not have any impact on the highway network. In terms of parking, as no additional floorspace is being created, there is no policy requirement to provide additional parking to serve the amended scheme.

#### **7.5 Equality, Diversity and Human Rights**

- 7.5.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.5.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.5.3 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.5.4 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.5.5 The proposed development, given its nature, will have no impact on persons who share protected characteristics under the Equality Act.

### **8 CONCLUSIONS**

- 8.1 In summary, the principle of development has already been established under planning permission 18/00398/FPM and would not conflict with retail policy. The proposal would cause no harm to the character and appearance of the development or the visual amenities of the wider street scene. Furthermore, the proposal, subject to appropriate conditions, would not cause harm to the amenities of existing or future residential occupiers and would have no impact on the highway network or require additional parking provision.

- 8.2 Given the aforementioned, as there is no conflict with the policies set out in the adopted Local Plan (2019) and the NPPF (2021) nor the relevant guidance in the Parking and Design SPD's as well as Planning Practice Guidance, it is recommended that planning permission be granted.

## 9 RECOMMENDATIONS

- 9.1 Planning permission be GRANTED subject to the following:-

- 9.2 The imposition of suitable conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:-

- 1 The development hereby permitted shall be carried out in accordance with the following 19063.wd2.01 E; 19063.A1.wd2.01 B; 19063.A1.wd2.02 B; 19063.A1.wd2.03 B; 19063.A1.wd2.04 B; 19063.A1.wd2.05 B; 19063.A1.wd2.06 A; 19063.A1.wd2.101 A; 19063.A1.wd2.102 B; 19063.A2.wd2.01 A; 19063.A2.wd2.02 A; 19063.A2.wd2.03 A; 19063.A2.wd2.102 A; 19063.A2.wd2.103 A; 19063.A4.wd2.02; 19063.A4.wd2.03 A; 19063.A4.wd2.04 A; 19063.A4.wd2.05 A; 19063.A4.wd2.101 A; 19063.A4.wd2.102 A; 19063.A4.wd2.103 A; 19063.A4.wd2.104 A; 19063.A5.wd2.01; 19063.A5.wd2.101.

- 2 The external surfaces of the buildings (including the dwellings) hereby permitted shall be carried out in accordance with the approved Materials Palette as specified in application reference 20/00736/FPM as received on 02 December 2020.

**REASON:-** To ensure the finished appearance of the development enhances the visual amenities of the area.

- 3 The approved hard and soft landscaping scheme, unless otherwise agreed in writing by the Local Planning Authority, shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner, in accordance with the following plans which accompanied discharge of condition application 22/01072/COND:

- Soft Landscaping with Planting Schedule (Drawing number HILL23073 – 11F Sheet 1)
- Soft Landscaping with Planting Schedule (Drawing number HILL23073 – 11F Sheet 2)
- Soft Landscaping with Planting Schedule (Drawing number HILL23073 – 11F Sheet 3)
- Hard Landscaping Strategy including details of materials (Drawing number HILL2303 – 12G Sheet 1);
- Hard Landscaping Strategy including details of materials (Drawing number HILL2303 – 12G Sheet 2);
- Planter Details (Drawing number HILL23073 – 1401A);
- Seating with back rest details (Drawing number HILL23073 – 1402A);
- Bench details (Drawing number HILL23073 – 1403A).

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

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

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

5 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.

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

6 Prior to first occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the external lighting scheme shall be installed in accordance with the following approved documentation and plans which accompanied discharge of condition application 21/01273/COND:

- Block A4 Communal Ground Electrical Services Layout (drawing number CVG/965/E3000 Rev C1);
- Block A1 - Flat Type A3 Electrical Services Layout (drawing number CVG/979/E6002 Rev P1);
- Block A2 - Flat Type C Electrical Services Layout (drawing number CVG/979/E6016 Rev P1);
- Lighting Layout (Adoptable Lighting) (drawing number 2436-DFL-HLG-XX-DR-EO-13001 P01);
- External lighting plan (drawing number D44820/RD/C);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 1 of 4 (drawing number CVG/979/E3000 Rev. P1);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 2 of 4 (drawing number CVG/979/E3001 Rev. P1);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 3 of 4 (drawing number CVG/979/E3002 Rev. P1);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 4 of 4 (drawing number CVG/979/E3003 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 1 of 5 (drawing number CVG/979/E3100 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 2 of 5 (drawing number CVG/979/E3101 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 3 of 5 (drawing number CVG/979/E3102 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 4 of 5 (drawing number CVG/979/E3103 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 5 of 5 (drawing number CVG/979/E3104 Rev. P1);
- A4 House Type 1 Electrical Services Layout (drawing number CVG/965/E6000 Rev C2);
- A4 House Type 2 Electrical Services Layout (drawing number CVG/965/E6001 Rev C3);
- A4 House Type 3 Electrical Services Layout (drawing number CVG/965/E6002 Rev C4);
- A5 House Type 1 Electrical Services Layout (drawing number CVG/965/E6003 Rev C3);
- Proposed feature lighting / soft landscape proposals (drawing number HILL23073-11D Sheet 1);
- External lighting illumination plan (drawing number 21-0234-1A);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-CA-13001-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-CA-13002-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-CA-13003-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-DR-13001-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-RA-13001-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-RP-13001-S3-P01);
- Luminaire Schedule by Colne Valley Group.

- REASON:-** In order to protect the amenities and operations of neighbouring properties and to ensure any external lighting does not prejudice highway safety. In addition, to ensure the development does not have a detrimental impact on foraging bats.
- 7 No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless searched before by a suitably qualified ornithologist.  
**REASON:-** Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).
- 8 No development, including site clearance, shall commence until the trees as specified on drawing numbers 9575 TPP 02 Rev A (1/3) A; 9575 TPP 02 Rev A (2/3) A; 9575 TPP 02 Rev A (3/3) A (Aboricultural Impact Assessment, prepared by Aspect Arboriculture, Report reference 9575\_AIA.001 dated October 2018) to be retained on the site have been protected by fencing in accordance with the vertical tree protection fencing detailed in the Aboricultural Impact Assessment. In addition, all works which are to be undertaken within the Root Protection Areas of trees which are to be retained as specified on the aforementioned drawings shall be undertaken in accordance with the details specified in the Aboricultural Impact Assessment.  
**REASON:-** To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.
- 9 Within the areas to be fenced off in accordance with condition 8, there shall be no alteration to the ground levels and they shall be kept clear of vehicles, materials, surplus soils, temporary buildings and machinery.  
**REASON:-** To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.
- 10 Prior to the first occupation of each dwelling hereby permitted the bird (Manthorpe Swift Brick) as detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be installed as high as possible under the roofline in accordance with the approved scheme and retained thereafter.  
**REASON:-** To increase roosting opportunities for birds and to compensate for lost opportunities for nesting birds.
- 11 Prior to the first occupation of each dwelling hereby permitted any bat (Schwegler 1FR Bat Tube) boxes associated with that dwelling detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be installed as high as possible under the roofline in accordance with the approved scheme and retained thereafter.  
**REASON:-** To increase roosting opportunities for bats.
- 12 Prior to the first occupation of the dwellinghouses hereby permitted, the parking areas as shown on drawing number 16059.01.wd2.01 B shall be surfaced (in either a porous material or provision shall be made for surface water drainage to be contained within the site) and marked out accordingly and shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved.  
**REASON:-** To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents.
- 13 The Construction Management Plan/Method Statement as detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be carried out in accordance with the approved details, or any such scheme that is submitted to and approved in writing by the Local Planning Authority, which cover the following requirements:-
- (i) Details of construction phasing programme (including any pre-construction demolition or enabling works);
  - (ii) Hours or operations including times of deliveries and removal of waste;

- (iii) The site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (v) Details of the provisions for temporary car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding;
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;
- (xi) Cleaning of site entrances, site tracks and the adjacent public highway; and
- (xii) Disposal of surplus materials.

**REASON:-** To minimise the impact of construction vehicles and to maintain the amenity of the local area.

- 14 The development hereby permitted shall not be occupied until the proposed accesses have been constructed as identified on drawing number 16059.01.wd2.01 B the existing accesses have been closed and the existing footway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

**REASON:-** In order to protect highway safety and the amenity of other users of the public highway.

- 15 The Site Waste Management Plan (SWMP) which details how waste materials as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level of soil to be imported to the site as submitted with application reference 20/00736/FPM dated 02 December 2020 shall be strictly adhered too during the course of construction of the development hereby permitted, or any such scheme that is submitted to and approved in writing by the Local Planning Authority.

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

- 16 Prior to the first occupation of each dwelling hereby permitted the approved secure cycle parking areas and public cycle parking for the relevant dwelling shall be constructed in accordance with the details approved under Condition 1 and shall be permanently retained in that form thereafter.

**REASON:-** To ensure that there is sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings and the development as a whole on site in perpetuity.

- 17 Prior to the first occupation of each dwelling hereby permitted the approved refuse and recycle stores for the relevant dwelling shall be constructed in accordance with the details approved under condition 1 and shall be permanently retained in the form.

**REASON:-** To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity.



- 18 The design of windows and ventilators to each dwelling shall achieve an acoustic performance which shall ensure that, when windows are closed, the following noise levels are not exceeded:
- (i) An average of 35 decibels (dB) (LAeq) during the daytime (07:00 - 23:00) within bedrooms and living rooms
  - (ii) An average of 40 dB (LAeq) during the daytime (07:00 - 23:00) within dining rooms
  - (iii) An average of 30 dB (LAeq) during the night (23:00 - 07:00) within bedrooms
  - (iv) A maximum of 45 dB (LAmax,F) on more than ten occasions during any typical night (23:00 - 07:00) within bedrooms.

And prior to first occupation of the development hereby permitted, the noise mitigation measures detailed in discharge of condition application 21/00047/COND being implemented as detailed in the following documentation:

- Noise Assessment with detailed mitigation prepared by Cass Allen (Report reference: RP02-17645-R0 dated December 2020);
- Glazing specifications with associated technical notes;
- Acoustic Facade specifications;
- Balcony door specifications;
- BRE Laboratory measurement of sound insulation.

**REASON:-** To ensure that residents of the development do not suffer undue noise disturbance from traffic on the adjoining highway as well as noise generated from the nearby East Coast railway line.

- 19 Prior to first occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the Electric Vehicle Charging Points shall be installed in accordance with the approved drawing number 19063.WD3.L.01 rev 1 which accompanied discharge of condition application 21/01274/COND and thereafter permanently retained.
- REASON:-** In order to provide facilities to charge electric vehicles and to help reduce the impact of vehicle emissions on the local environment.

- 20 The development permitted by this planning permission shall be carried out in accordance with the approved submitted Surface Water drainage Strategy Rev. final v2.0, dated November 2018, prepared by JBA, and the following mitigation measures detailed within the FRA:

1. Implementing an appropriate drainage strategy based on infiltration, using appropriate SuDS measures as shown on drawing No. 2017s6007-001 Rev.P01, No.2017s6007-002 Rev. P01 and No.2017s6007-003 Rev.P01.
2. Providing attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + 40% to climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

**REASON:-** To prevent flooding by ensuring the satisfactory disposal of and storage of surface water from the site. In addition, to reduce the risk of flooding to the proposed development and future occupants.

- 21 The detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles as submitted and approved by Hertfordshire County Council as Lead Local Flood Authority under discharge of condition application 20/00707/COND which demonstrated the surface water run off generated up to and including 1 in 100 year + climate change critical storm will not exceed the runoff from the existing site following the corresponding rainfall event. The approved scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- REASON:-** To prevent the increased risk of flooding, both on and off site.

- 22 Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:
1. Final confirmation of management and maintenance requirements
  2. Provision of complete set of as built drawings for both site drainage
- REASON:-** To reduce the risk of flooding to the proposed development and future occupants.
- 23 Upon completion of the development a final management and maintenance plan must be supported by a full set of as-built drawings, a post construction location plan of the SuDS components cross-referenced with a maintenance diagram to secure the operation of the scheme throughout its lifetime.
- REASON:-** To prevent the increase risk of flooding, both on and off site.
- 24 The remediation measures as detailed in Phase 2 Geo-environmental Assessment (Prepared by MLM Group, document reference:- 724476-MLM-ZZ-XX-RP-J-0001, dated August 2020) and remediation strategy and verification report (Prepared by MLM Group, document reference 724476-MLM-ZZ-XX-RP-J-0002, dated September 2020) to remediate the contaminants which have been identified shall be implemented in order to render the site suitable for the development hereby permitted. The site shall be remediated in accordance with the approved measures before the properties are occupied.
- If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.
- 25 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 26, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 27.
- REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.
- 26 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.
- 27 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

- 28 Prior to the first occupation of the ground floor retail units as detailed on the approved drawings, a scheme for the installation of equipment to control the emission of fumes and smell from these premises and/or for the installation of any external plant and equipment such as air conditioning units and refrigeration units shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first occupation of these units. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

**REASON:-** To protect the amenities of the occupiers of adjoining properties and the development.

- 29 Prior to first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the boundary treatment shall be constructed in accordance with the approved details set out in discharge of condition application 21/01275/COND which are as follows:

Detailed Drawing Reference Numbers:

- Proposed Site Plan (drawing number:- 19063.WD3.L.01 P);
- Proposed Site Plan (West) (drawing number:- 19063.WD3.L.02 J);
- Proposed Site Plan (East) (drawing number:- 19063.WD3.L.03 O).

The boundary treatment would comprise as follows:

- 1800mm close board timber fence;
- 1800mm close board timber fence with 300mm trellis;
- 2100mm brick wall - buff to match adjacent building;
- 2100mm brick wall - blue to match adjacent building;
- Brick retaining wall with 1500mm metal polyester powder coated (PPC) railings (total 1800mm above ground);
- 1200mm PPC railings;
- Brick retaining wall with 1100mm metal PPC railings above;
- 450mm knee high rail fence;
- 1800mm close board timber fence gate.

Thereafter, the hereby approved boundary treatment(s) shall be permanently retained and maintained accordingly.

**REASON:-** To ensure that the finished appearance of the development will enhance the character and visual amenities of the area.

## **INFORMATIVE**

### **Environmental Health**

The ventilation system for each dwelling shall incorporate continuous mechanical supply and extract with heat recovery conforming to the current edition of Approved Document F to the Building Regulations and designed so as to ensure that the ventilation system itself does not produce unacceptable levels of noise within each dwelling.

### **Thames Water**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning

02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

In the car parking areas, it is recommended that a petrol/oil interceptor be fitted to ensure that local watercourses are not polluted from potential oil polluted discharges.

#### **Hertfordshire Constabulary Crime Prevention Design Advisor.**

The proposed development should achieve Secured by Design (SBD) accreditation in order for it to comply with current Building Regulations. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227 or by email on [mark.montgomery@herts.pnn.police.uk](mailto:mark.montgomery@herts.pnn.police.uk).

#### **Hertfordshire County Council as Highways Authority.**

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

##### **REASON:**

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

Prior to commencement of the development the applicant shall contact Network Management North at [NM.North@hertfordshire.gov.uk](mailto:NM.North@hertfordshire.gov.uk) or call on 0300 1234 047 to obtain the requirements to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads.

#### **Hertfordshire County Council as Lead Local Flood Authority**

The applicant has not carried out ground contamination investigation for this site. Contamination on site can condition the suitability of the entire drainage strategy which is based in infiltration. We therefore recommend the LPA to contact the Environment Agency in respect to this.

The LPA will need to satisfy itself that the proposed SuDS features can be maintained for its lifetime and we recommend the LPA obtains a maintenance and adoption plan from the applicant

#### **Pro-active Statement**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted October 2023.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.

4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance.

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

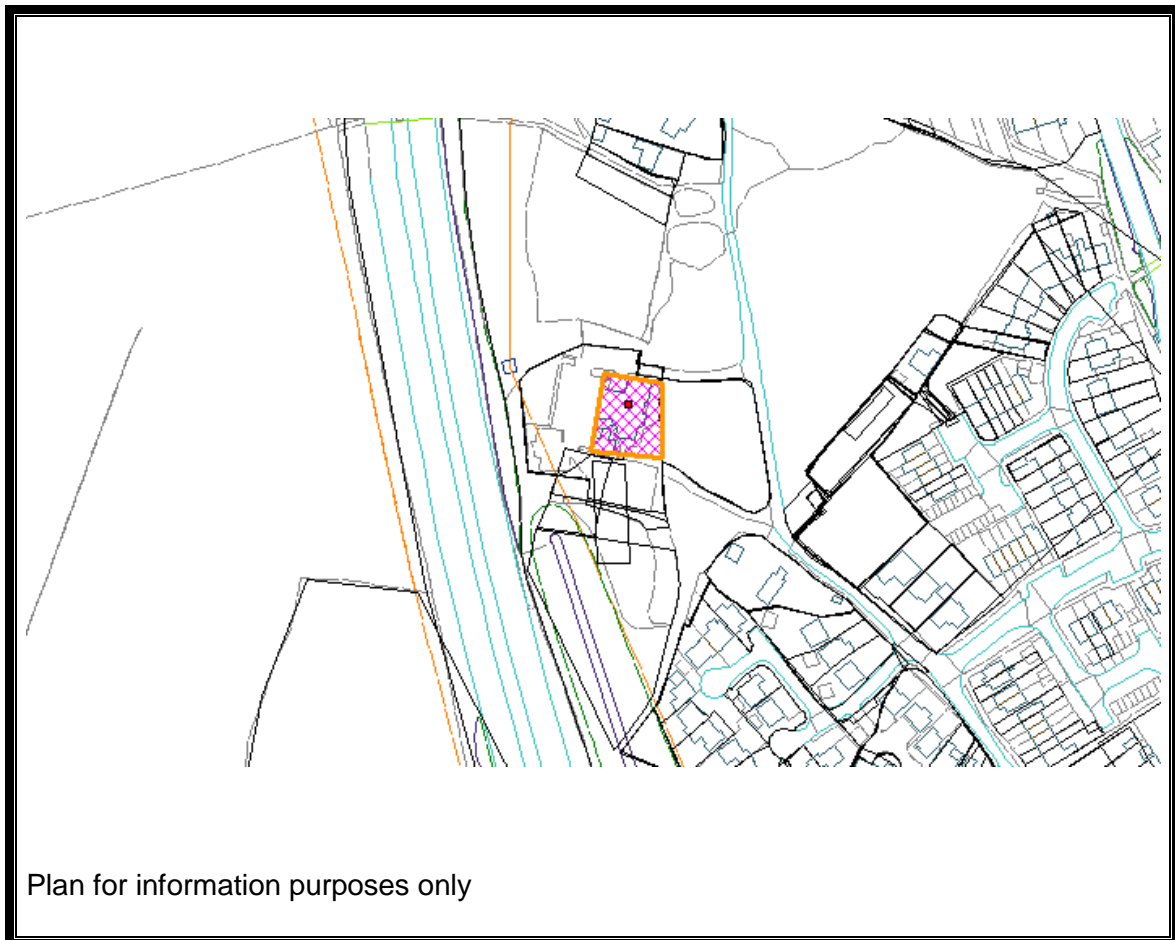
**Date:** 15 February 2023

**Author:** James Chettleburgh      01438 242242

**Lead Officer:** Zayd Al-Jawad      01438 242242

**Contact Officer:** James Chettleburgh      01438 242242

Application No:	22/00902/ENF
Location:	Tranquil Turtle, Symonds Green Lane, Stevenage
Proposal:	Unauthorised erection of large outdoor structure without planning permission.
Drawing Nos.:	N/a
Applicant:	N/a
Date Valid:	N/a
Recommendation:	SERVE AN ENFORCEMENT NOTICE



## 1. BACKGROUND

- 1.1 The enforcement site is located off Symonds Green Lane which forms part of the Symonds Green Conservation Area and Common. The site comprises a public house operated by Tranquil Turtle (formerly the Crooked Billet) set in a large plot with a large parking area, on the western side of the road, but set well back from the road. The surrounding area comprises the central Common which is bordered by residential development with the A1(M) motorway located west of the site.

### Site history

Reference number	Description	Date and outcome
01/00561/FP	Single storey side and rear extension	06.12.2001 PERMISSION
13/00272/AD	Installation of 1no externally illuminated totem sign, 1no externally illuminated fascia sign, 1no logo sign, 2no amenity signs, 3no welcome signs, 4no car park sign and 2no storm boards.	13.09.2013 ADVERTISEMENT GRANTED
21/00653/FP	Removal of existing timber structure and replaced with new timber structure with 50% open walls, removal of existing smoking shelter located to the front of the building	29.07.2021 PERMISSION
21/01109/LIC	To change the layout and design of the premises in accordance with the submitted plan, drawing number BHB/BA/02. The change is a slight reduction in the bar servery To extend the supply of alcohol Sunday to Thursday until 00.00 (currently permitted until 23.00) and on Friday and Saturday until 01.00 (currently permitted until 00.00) To extend late night refreshment Sunday to Thursday until 00.00 (currently permitted until 23.30) and on Friday and Saturday until 01.00 (currently permitted until 00.00) To allow the premises to open 30 minutes following the end of licensable activity	19.10.2021 CLOSED
22/00044/LIC	Application from Greene King Retailing Limited for the minor variation of premises licence for the Tranquil Turtle, Symonds Green Lane, Stevenage, SG1 2HP	25.01.2023 RAISE OBJECTION
22/00045/LIC	Application from Greene King Retailing Limited for the full variation of premises licence for the Tranquil Turtle, Symonds Green Lane, Stevenage, SG1 2HP	25.01.2023 RAISE OBJECTION



## **2. Consultation with the Council's Conservation and Heritage Advisor (BEAMS)**

- 2.1 I would agree that the structure is harmful to the character and appearance of the Symonds Green Conservation Area by virtue of its size and makeshift / scaffolded, poor quality appearance. I would recommend enforcement action is taken to remove the structure.

## **3. POLICY**

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

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

- 3.1.2 Dealing specifically with development in Conservation Areas, The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes several 'statutory duties' for decision-makers, all of which are applicable to the unauthorised development:

- "Section 72(1): the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

- 3.1.3 Case law (South Lakeland, 1992) has determined that 'preserve' means 'to do no harm'. However, if harm is identified, the NPPF provides a means of weighing either 'substantial harm' or 'less than substantial harm' to the significance of a designated heritage asset against the public benefits of the proposal. In doing so, case law has emphasised the need to give "considerable importance and weight" to preserving listed buildings or the character and appearance of conservation areas (Barnwell Manor, Case No: C1/2013/0843). However, the presumption 'to preserve' is not irrebuttable and "can be outweighed by material considerations powerful enough to do so" (Forge Field (Case Nos: CO/735/2013; CO/16932/2013) and a decision maker that has followed the process set out in the NPPF, in respect to weighing harm and benefits, can reasonably be expected to have complied with the 'statutory duties' of the 1990 Act (Mordue, Case No. C1/2015/1067).

### **3.2 Central Government Advice**

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

- 3.2.2 In relation to development in conservation areas, Paragraphs 199 to 202 of the NPPF (2021) have to be considered in the determination of this planning application. As

established through case law, if there is any harm to designated heritage assets, great weight should be given as to the impact the development may have on these assets. Dealing with Paragraph 199, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 3.2.3 Paragraph 201 sets out that where a proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In reference to paragraph 202 of the NPPF (2021), this sets out that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **3.3 Planning Practice Guidance**

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

### **3.4 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

Policy SP8: Good design  
Policy GD1: High Quality Design  
Policy SP13: Historic Environment  
Policy NH10: Conservation Areas

### **3.5 Supplementary Planning Documents**

Stevenage Design Guide SPD (2009)  
Symonds Green Conservation Area Management Plans SPD (2009)

## **4. DISCUSSION**

### **4.1 Unauthorised erection of large outdoor structure without planning permission.**

*Policy background – Conservation Areas*

- 4.1.1 Dealing firstly with development in Conservation Areas, consideration should be given to Section 72(1) of The *Planning (Listed Buildings and Conservation Areas) Act 1990* (see paragraph 3.1.2 of this report) and paragraphs 199 to 202 of the NPPF (2021) (see paragraph 3.2.2 to 3.2.3). In addition, consideration is made to Policy SP13 of the Stevenage Borough Local Plan 2011-2031 (2019). This policy stipulates that the Council will seek to preserve and enhance the most important areas and characteristics of Stevenage. Criterion b. of this policy states “*We will use national guidance and legislation to review, designate and determine planning applications affecting heritage*”. Policy NH10 Conservation Areas states those development proposals within or affecting a conservation

area should have regard to the guidance provided by the relevant Conservation Area Management Plan Supplementary Planning Document.

#### *The Symonds Green Conservation Area*

- 4.1.2 The enforcement site is located within the Symonds Green Conservation Area as defined by the Local Plan (2019) policies map. The conservation area is centred around the Green, the ponds and the Crooked Billet (now Tranquil Turtle) public house. These provide an attractive focal point to the area and depict its rural character.
- 4.1.3 The area is defined by a mixture of historic properties. The oldest structure in the conservation area is Oakfield Farm which dates back to the 16th Century. In the 17<sup>th</sup> Century, a road which ran north from Old Stevenage to Titmore Green led to the dwellings of Willow Cottage and the Thatched Cottage.
- 4.1.4 In the latter half of the 20th Century, Newlyn Close, Dunwich Farm and Southwold Close were developed and this area has a leafy and regular character and appearance. The 20th Century properties are laid out in a cul-de-sac arrangement with higher densities, which have significantly altered the character and appearance of the conservation area.

#### *Policy background – Design and visual impact*

- 4.1.5 Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”. It goes on to state that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 4.1.6 Paragraph 130 of the NPPF sets out several requirements for new development, including that development:
- will function well and add to the overall quality of an area;
  - is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
  - is sympathetic to local character and history;
  - establishes or maintains a strong sense of place;
  - optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
  - creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 4.1.7 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change”.
- 4.1.8 Paragraph 132 of the NPPF states that applicants “should work closely with those affected by their proposals to evolve designs that take into account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot”.
- 4.1.9 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of

built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

4.1.10 The Council's Design Guide SPD (2023) generally reflects the policies set out in the National Design Guide.

*Assessment of the existing unauthorised structure*

4.1.11 It was reported to the Council that an unauthorised structure had been erected at Tranquil Turtle which covers the outdoor seating area of the premises (See Figure 1).



Figure 1: Photograph of unauthorised structure within outdoor seat area of Tranquil Turtle.

4.1.12 In terms of timeframes, it can be evidenced that structure has been in place for more than 28 consecutive days when the Council as Local Planning Authority (LPA) was originally notified. For reference, it is of note that the scaffolding has not been erected in relation to any construction works which are taking place at the property, as it clearly covers the outdoor seating area and no works are taking place underneath it.

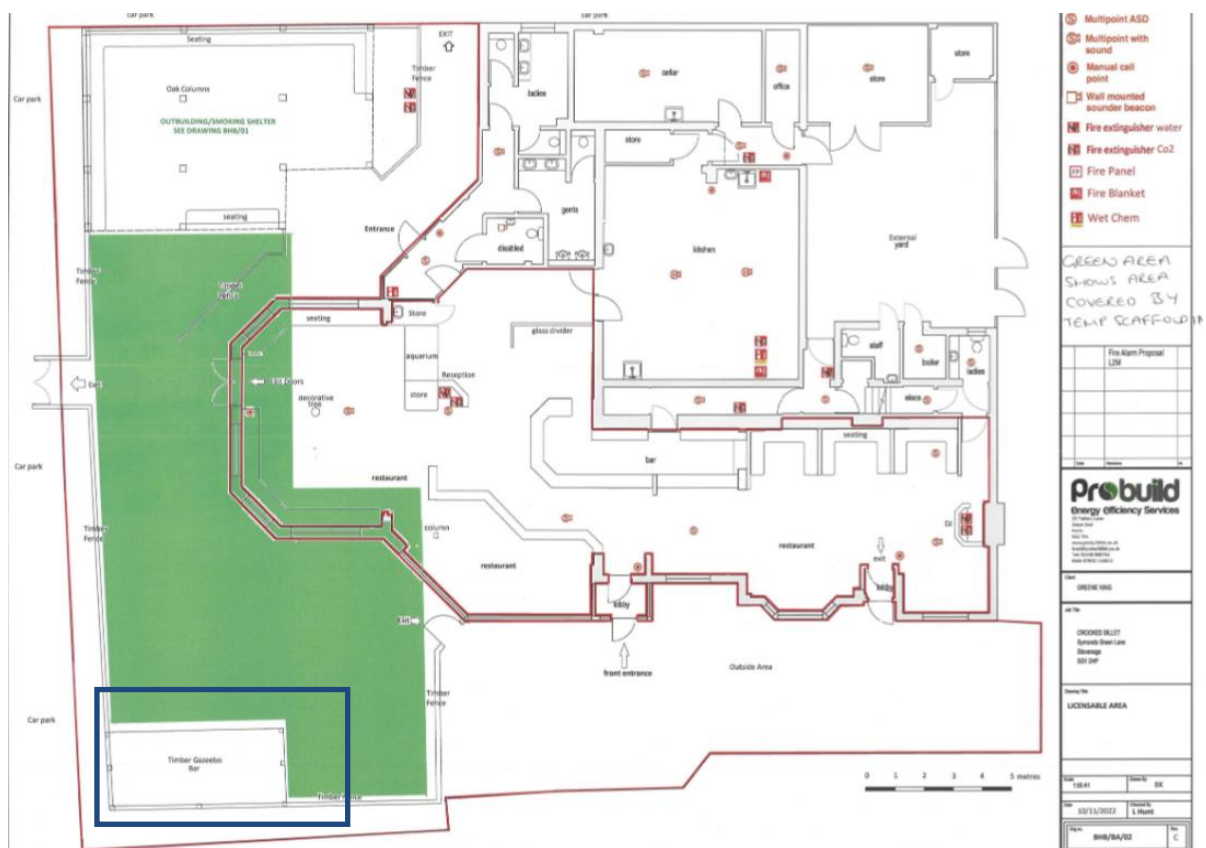
4.1.13 Further to the above, the enforcement file relating to the structure in question was opened on 11<sup>th</sup> October 2023 and the photograph in Figure 1 was taken on the 24<sup>th</sup> January 2023. Consequently, the structure in question has been place for a considerable period of time especially given it is not associated with any construction works. Given this, the Council has also served a Planning Contravention Notice (PCN) on the owners of the site Greene King on the 12<sup>th</sup> October 2022. The PCN required the owner to respond within 21 days and provide the following information:

- a) The name and postal address of any other person known to you to have an interest in the land;
- b) Any reasons why you consider that the structure already benefits from planning permission, or does not require it;
- c) Any offer you wish to make to apply for planning permission for the structure; and,

- d) Any offer you wish to make to remove the structure and return the land to its former condition.

4.1.14 To date, no response has been received from Greene King with respect to the PCN. Recently, the Council as Local Planning Authority were consulted by the Council as Licensing Authority regarding an application to vary the premises licence. The application for a Major Variation of the premises Licence (Planning Reference: 22/00045/LIC) identified on a plan the retention of the unauthorised structure to continue to be used as a cover for the outdoor seating area. It would also provide cover for the timber gazebo which was to be used as an outdoor servery and the sale of alcohol.

4.1.15 Turning to the Licensing application itself, the timber gazebo / bar area is outlined in drawing number BHB/BA/02 Rev C which accompanied the application in the blue square. The existing temporary scaffolding which is currently being utilised to cover the outdoor seating area is shown green on the plan and in the photograph in Figure 1.



4.1.16 Therefore, it is evident that the operators of Tranquil Turtle and the landowners Greene King have no intention to remove the structure. Consequently, it can be established that on the balance of probability, it is the intention of the operator of the premises to permanently retain this unauthorised structure to provide cover from the elements the outdoor seating area and external servery / bar area.

4.1.17 Given the aforementioned, it can be concluded that as a permanent structure, it would be classed as development under Section 55 of the Town and Country Planning Act 1990 (as amended), especially as it is not associated with any construction works which are taking place at the Public House. Therefore, as development, it would require planning permission

from the Council as Local Planning Authority (LPA). As the Council as LPA has not received an application to seek permission for the unauthorised structure, it has been established that a breach of planning control has occurred in this instance.

- 4.1.18 As it can be demonstrated that the existing structure requires planning permission and that there is evidence that a clear breach of planning control has taken place, an assessment needs to be made as to whether it is expedient to take enforcement action against the unauthorised works.
- 4.1.19 Given the enforcement property is located within the Symonds Green Conservation Area, an assessment needs to be made as to whether the works cause harm to the character of the Conservation Area. Looking at the unauthorised structure in question, it is constructed from scaffolding with a corrugated sheet metal roof with plastic sheeting on the side. It is considered the structure represents an unsympathetic and incongruous design, which does not reflect the architectural characteristics of the host property. Furthermore, it is of a significant size and scale and is not deemed proportionate in scale or form to the Public House. Furthermore, it is an incongruous form of development within the Conservation Area and widely visible within the street scene, especially the Common.
- 4.1.20 In addition, the Council's Conservation and Heritage Advisor considers the unauthorised structure to be harmful to the character and appearance of the Symonds Green Conservation Area by virtue of its size and makeshift / scaffolded, poor quality appearance. It is therefore, deemed that the structure causes a level of harm which is at the higher end of the scale of Less than Substantial Harm. As the development works which have taken place are deemed to have no real public benefit which would outweigh the harm which has been caused, it considered that the development fails to accord with paragraphs 199 to 202 of the National Planning Policy Framework (NPPF) 2021. Moreover, it does not accord with policies SP13 and NH10 of the adopted Local Plan (2019) and the Symonds Green Conservation Area Management Plan SPD (2012).
- 4.1.21 Further to the above, given the development works are unsympathetic and incongruous forms of development, they also have a detrimental impact on the character and appearance of the Public House and the visual amenity of the wider street scene of Symonds Green Lane. As such, the development works as constructed do not accord with paragraph 126 of the NPPF (2021) and associated PPG, policies SP8 and GD1 of the adopted Local Plan (2019) and the Council's Design Guide SPD (2009).

## **5. RECOMMENDATION**

- 5.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring the removal of the existing structure in the outdoor seating area of the Tranquil Turtle. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- 5.2 That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- 5.3 That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

## **6. REMEDY REQUIRED**

- 6.1 Within six months of the date of any Enforcement Notice served, the entirety of the scaffolded structure which forms a cover for the outdoor seating area shall be removed in its entirety and the land made good where required.

## **7. BACKGROUND DOCUMENTS**

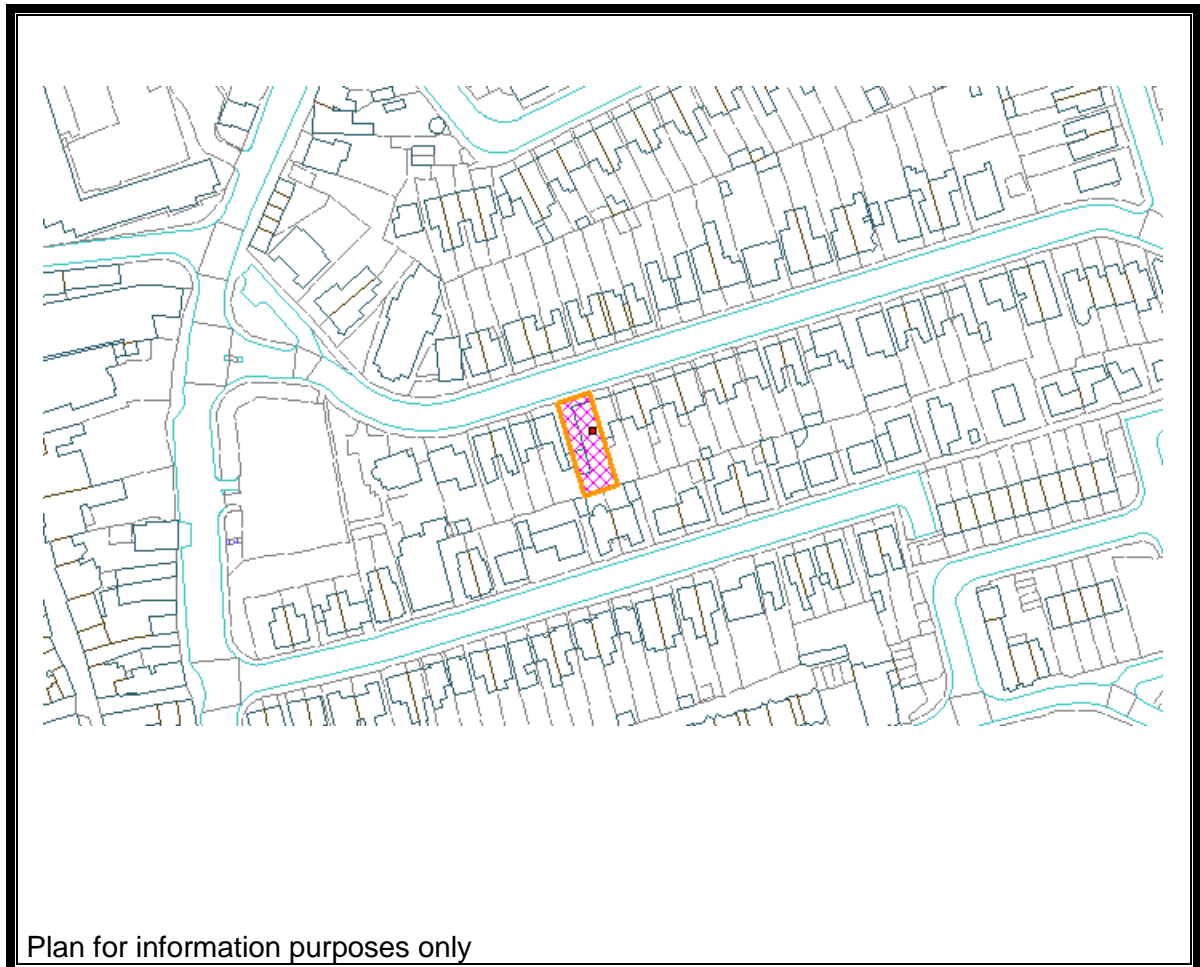
1. The application file, forms, plans and supporting documents associated with reference.
2. Stevenage Borough Local Plan 2011-2031 (2019)
3. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide SPD (2023); The Council's Symonds Green Conservation Area Management Plan SPD (2012).
4. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance.

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>15 February 2022</b>	
<b>Author:</b>	<b>James Chettleburgh</b>	01438 242242
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242242
<b>Contact Officer:</b>	<b>James Chettleburgh</b>	01438 242242

Application No:	22/00952/FP
Location:	22 Basils Road, Stevenage, SG1 3PX.
Proposal:	Variation of condition 4 (Boundary Treatments) attached to planning permission reference number 19/00287/FP.
Drawing Nos.:	22190-109; 22190-110
Applicant:	Mr Edger
Date Valid:	28 October 2022
Recommendation:	REFUSE PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site which is located on the south side of Basils Road and was previously occupied by a part single storey, part two storey brick-built warehouse/office building. This building has been demolished with 2 no. dwellinghouses currently under construction via planning application 19/00287/FP.
- 1.2 The site is adjoined by No.20 to the west and No.24 to the east, both of which are residential properties. The rear of the application site forms the boundary with Nos.33 and 35 Grove Road which are also residential properties.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Planning application 19/00287/FP sought permission for the part demolition of existing building and erection of 2no two-bedroom dwellings. This application was granted planning permission in July 2019.
- 2.2 Discharge of condition application 22/00853/COND Discharge of condition 3 (Materials) attached to planning permission reference number 19/00287/FP. This application is pending consideration.
- 2.3 Discharge of condition application 22/00896/COND Discharge of conditions 4 (means of enclosure) and 8 (climate change) attached to planning permission reference number 19/00287/FP. This application is pending consideration.
- 2.4 Non-material amendment application 22/01009/NMA sought to amend planning permission 19/00278/FP to change materials of external doors and windows from timber to UPVC. The non-material amendment was agreed in December 2022.

## **3. THE CURRENT APPLICATION**

- 3.1 Under planning permission 19/00287/FP the existing rear wall of the two-storey building which was to be demolished was to remain in-situ. This was in order to protect the privacy of numbers 33 and 35 Grove Road located to the rear of the site, specifically in terms of overlooking from the approved 2 no. dwellinghouse which were to be constructed at 22 Basils Road. Moreover, the wall would also act as a screen to protect the amenities of the future occupiers of the development at 22 Basils Road.
- 3.2 The applicant has since demolished the wall which was to be retained as part of planning permission 19/00287/FP. This is because the applicant's structural engineer considered the wall not to be structurally safe. Taking this into consideration, the applicant is looking to replace the two-storey wall with a 1.8m high close board timber fence.
- 3.3 Taking the aforementioned into consideration, this application before the Council seeks planning permission to vary condition 4 (Boundary Treatments) attached to planning permission reference number 19/00287/FP. For reference, this condition states the following:

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

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

## **4. PUBLIC REPRESENTATIONS**

4.1 This planning application has been publicised by way of a site notice and neighbouring properties have been notified about the application via a letter. Two objections have been received from 35 Grove Road and 24 Basils Road.

4.2 A summary of the objections which have been raised are as follows:

- Planning permission was granted for the original external wall of the building to remain in-situ.
- All exterior walls have now been demolished in contravention of planning application 19/00287/FP.
- The brick wall should re-built for privacy purposes.
- Plans show the erection of a six-foot fence for the boundary, as the level of the plot is now 2 foot lower than the garden of 35 Grove Road, the fence will only be 4 foot in height. This is not acceptable and contrary to approved drawing RL/3663/22-11.
- It is recommended the rear boundary wall is built in line with the remaining brick work and if put in place / aligns with the roof of the garage at 35 Grove Road, no objection to the planning application.
- Consideration of an 8-foot fence could potentially overcome concerns raised.

4.3 Comments were also received in support of the application from 20 Basils Road. A summary of the comments raised are set out below:

- Concern over the period of time it is taking to replace the boundary walls, in order to not delay these works, support the application subject to appropriate support to existing brick wall on the South West corner.

4.4 This is not a verbatim copy of the comments which have been received. A full copy of these comments can be viewed on the Council's website.

## **5. CONSULTATIONS**

5.1 No relevant consultations.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the Development Plan**

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

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

### **6.2 Central Government Advice**

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals

which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

### **6.3 Planning Practice Guidance**

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

### **6.4 Stevenage Borough Local Plan 2011-2031 (adopted May 2019)**

SP8 - Good Design;  
GD1 - High Quality Design;

### **6.5 Supplementary Planning Documents**

Stevenage Design Guide Supplementary Planning Document 2023.

## **7. APPRAISAL**

7.1.1 The main issues for consideration in the determination of this application are the impact on the appearance of the area and impact upon residential amenities.

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

### **7.2 Impact on the appearance of the area**

7.2.1 In terms of design, paragraph 126 of the NPPF (2021) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 130 of the NPPF (2021) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout, and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 134 of the NPPF (2021) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.

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

- 7.2.3 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town's built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.2.4 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
  - hard and soft landscape;
  - technical infrastructure – transport, utilities, services such as drainage; and
  - social infrastructure – social, commercial, leisure uses and activities.
- 7.2.5 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
  - the form and scale of buildings;
  - their appearance;
  - landscape;
  - materials; and
  - their detailing.
- 7.2.6 The Guide further iterates that all developments are made up of these components put together in a particular way. As such, the choices made in the design process contribute towards achieving the ten characteristics and shape the character of a place. For reference, these ten characteristics are as follows:-
- Context – enhances the surroundings;
  - Identity – attractive and distinctive;
  - Built form – a coherent pattern of built form;
  - Movement – accessible and easy to move around;
  - Nature – enhanced and optimised;
  - Public spaces – safe, social and inclusive;
  - Uses – mixed and integrated;
  - Homes and buildings – functional, healthy and sustainable;
  - Resources – efficient and resilient;
  - Lifespan – made to last.
- 7.2.7 Paragraph 40 of the National Design Guide states that well-designed places are:
- Based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
  - Integrated into their surroundings so they relate well to them;
  - Influenced by and influence their context positively; and
  - Responsive to local history, culture and heritage.
- 7.2.8 The Council's Design Guide SPD 2023 generally reflects the guidance set out in the National Design Guide with respect to good design.

7.2.9 The proposal comprised the erection of a 1.8m high close board timber fence to replace the recently demolished two-storey wall. This proposed boundary treatment is deemed to be, from a visual perspective, acceptable within a residential setting. This is because it reflects a traditional domestic boundary fence and would also replicate similar boundary treatments which have been constructed in this residential area of Stevenage. Therefore, the proposal is deemed to be acceptable in terms of its impact on the character and appearance of the area.

### 7.3 Impact upon residential amenities

7.3.1 Criterion L. of Policy GD1 of the adopted Local Plan (2019) stipulates that proposals have regard to the Stevenage Design Guide Supplementary Planning Document (SPD) and any other appropriate guidance. Turning to the Design Guide SPD (2023), paragraph U.22 (page 38) of the guide states and quote “The following minimum distances should be achieved...”

No of Storeys	Type of Separation	Min. distance (metres)
Between existing and new 2 storey or a mix of 1 and 2 storey dwellings	Back to Back	25m
	Back to Side	15m
Between new 2 storeys or a mix of 1 and 2 storey	Back to Back	20m
	Back to side	12m
Over 2 storeys between existing and new dwellings	Back to Back	35m
	Back to Side	25m
Between new dwellings over 2 storeys in height	Back to Back	30m
	Back to Side	20m

7.3.2 The above requirements are also set out in the adopted Local Plan (2019) and are similar to the separation distance requirements detailed under the superseded Design Guide SPD (2009). Taking these separation distance requirements into consideration, and as identified under planning permission 19/00287/FP, there would only be 18m between the properties, with the depth of the rear garden of 33 Grove Road being only 6m.

7.3.3 Given the aforementioned, and, as part of the development scheme under the 2019 permission, it was intended to retain the rear wall of the existing commercial building at its current height of 4.8m. This was to ensure there would be no worsening of the overlooking of the rear of these properties or their gardens. Equally, this would help to ensure that the rear gardens of the new properties would not be overlooked. A condition (condition 4) was imposed requiring the details of the boundary treatments to be submitted for approval. This would ensure that the rear wall is retained to an appropriate height and standard or is replaced accordingly if necessary, following a structural assessment. This would also allow the details of the treatment of the gardens of the properties either side of the new dwellings to be assessed.

7.3.4 However, as set out in paragraph 3.2 of this report, this wall was demolished due to safety concerns being raised by the applicants engineer. Whilst these concerns are noted, the applicant did not make contact with the Council as Local Planning Authority to raise this issue and negotiate a solution to ensure that appropriate measures are put in place to protect the amenities of numbers 33 and 35 Grove Road as well as the future occupiers of the development. As a consequence, due to the removal of this wall combined with the fact there is a substandard separation distance between the dwelling houses which are under construction and the aforementioned properties, this would result in an unacceptable impact on the level of privacy currently enjoyed by both the occupiers of the properties on Grove

Road. Moreover, this would also result in an unacceptable level of overlooking to the future occupiers of this development.

- 7.3.5 In order to compensate for the removal of the wall, the applicant is looking to erect a 1.8m high boundary fence. This fence is not deemed to be of a sufficient height to overcome the privacy issues which have been identified above. Therefore, if this application was to be approved, there would not be suitable mitigation measures in place to deal with the privacy issues identified.
- 7.3.6 It can, therefore, be deduced that the demolition of the two-storey wall which was to be retained under planning permission 19/00287/FP results in an unacceptable loss of privacy to the occupiers of numbers 33 and 35 Grove Road which cannot be suitably mitigated against through the erection of a 1.8m high timber fence. In addition, the future occupiers of the development would be unacceptably overlooked resulting in a poor living environment for future occupiers of the development. The proposal is therefore contrary to Policy GD1 of the Local Plan (2019), the Council's Design Guide SPD (2023), the NPPF (2021) and PPG.

## **8. CONCLUSIONS**

- 8.1 In summary, the demolition of the two-storey wall which was to be retained under planning permission 19/00287/FP results in an unacceptable loss of privacy to the occupiers of numbers 33 and 35 Grove Road which cannot be suitably mitigated against through the erection of a 1.8m high timber fence. In addition, the future occupiers of the development would be unacceptably overlooked resulting in a poor living environment for future occupiers of the development. Therefore, it is recommended that planning permission be refused.

## **9. RECOMMENDATIONS**

- 9.1 That Planning permission be REFUSED subject to the following reasons:
- 1 The demolition of the two-storey wall which was to be retained under planning permission 19/00287/FP results in an unacceptable loss of privacy to the occupiers of numbers 33 and 35 Grove Road which cannot be suitably mitigated against through the erection of a 1.8m high timber fence. In addition, the future occupiers of the development would be unacceptably overlooked resulting in a poor living environment for future occupiers of the development. Therefore, the development is contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 – 2031 (adopted May 2019), the Council's Design Guide SPD (2023), the National Planning Policy Framework (2021) and Planning Practice Guidance.

### **Pro-active Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **10 FURTHER CONSIDERATIONS**

- 10.1 Having recommended refusal of the planning application, a decision needs to be made as to whether the Council should undertake enforcement action against the breach of planning control which has occurred in this instance.

- 10.2 As set out previously in this report, it is considered that following the removal of the wall, this will result in an unacceptable loss to the privacy of the occupiers of 33 and 35 Grove Road. In addition, due to the substandard separation distances, the privacy of future occupiers of the development would be eroded due to the loss of the wall in question. As a consequence, the proposed boundary fence is deemed to be insufficient to overcome these privacy issues.
- 10.3 Given the aforementioned comments, should the Committee agree with the recommendations set out in section 9 of this report to refuse planning permission, authorisation is sought to take enforcement action to secure the construction of a replacement wall at a similar height to the wall which has been demolished and in the same position at land known as 22 Basils Road. It is considered that a period of six months or prior to the first occupation of the dwelling houses as approved under 19/00287/FP, whichever is the earliest, is in accordance with National Planning Policy Framework (2021) and Planning Practice Guidance. This is because at this current time, the development as constructed to date is in breach of conditions attached to planning permission 19/00287/FP.

## **11 FURTHER RECOMMENDATION**

- 11.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation, subject to the Borough Solicitor being satisfied as to the evidence requiring the replacement of a boundary at land known as 22 Basils Road. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- 11.2 That, subject to the Borough Solicitor being satisfied with the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- 11.3 That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

## **12 REMEDY REQUIRED**

- 12.1 Within Six months of the date of refusal of planning permission or prior to first occupation of the dwellinghouses, whichever is the earliest, a replacement wall at a similar height and position to the one which has been demolished at land known as 22 Basils Road shall be erected and permanently retained so that the development is in accordance with the conditions set out under planning permission 19/00287/FP on land known as 22 Basils Road.

## **13. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Council’s Design Guide SPD 2023.
4. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance.



**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:** 15<sup>th</sup> February 2023

## **IMPORTANT INFORMATION - DELEGATED DECISIONS**

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

The Assistant Director of Planning and Regulation has issued decisions in respect of the following applications in accordance with his delegated authority:-

1. Application No : 22/00343/FP  
Date Received : 13.04.22  
Location : 11 Manor View Stevenage Herts SG2 8PD  
Proposal : Two storey rear extension and single storey front extension to facilitate conversion of existing 4 bedroom house into 4 No. 1 bedroom flats  
Date of Decision : 30.01.23  
Decision : **Planning Permission is GRANTED**
  
2. Application No : 22/00443/FPH  
Date Received : 11.05.22  
Location : 27 Greydells Road Stevenage Herts SG1 3NL  
Proposal : Single storey side extension  
Date of Decision : 26.01.23  
Decision : **Planning Permission is GRANTED**

3. Application No : 22/00767/FP  
Date Received : 20.08.22  
Location : 105 And 107 Ingleside Drive Stevenage Herts SG1 4RY  
Proposal : First floor side extensions, part single-storey, part 2.5 storey rear extensions, raising of the roof with the installation of roof lights and single storey front extension to numbers 105 and 107 Ingleside Drive  
Date of Decision : 23.01.23  
Decision : **Planning Permission is GRANTED**
4. Application No : 22/00870/FP  
Date Received : 30.09.22  
Location : Bunyan Baptist Church Basils Road Stevenage Herts  
Proposal : Remove existing leaded single glazed windows, retaining stone mullions, reglazing using slim aluminium frames with obscure double glazed units with lead feature separation strips externally and internally  
Date of Decision : 12.01.23  
Decision : **Planning Permission is GRANTED**
5. Application No : 22/00882/COND  
Date Received : 05.10.22  
Location : 42 Sandown Road Stevenage Herts SG1 5SF  
Proposal : Discharge of Condition 3 (Materials) Condition 6 (Construction Management Plan) Condition 9 (Climate Change Agreement) and Condition 10 (Boundary Treatments) attached to planning permission reference number 21/01244/FP  
Date of Decision : 20.01.23  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

6. Application No : 22/00917/FP  
Date Received : 14.10.22  
Location : 2 Lower Sean Stevenage Herts SG2 9XN  
Proposal : Change of use of public amenity land to private residential land; single-storey infill extension to porch area, erection of two storey side extension and single-storey rear extension.  
Date of Decision : 29.12.22  
Decision : **Planning Permission is GRANTED**
7. Application No : 22/00945/FPH  
Date Received : 24.10.22  
Location : 141 Bude Crescent Stevenage Herts SG1 2QS  
Proposal : Replacement of existing porch with single-storey front extension.  
Date of Decision : 17.01.23  
Decision : **Planning Permission is GRANTED**
8. Application No : 22/00946/COND  
Date Received : 25.10.22  
Location : Station Car Park North Lytton Way Stevenage Herts  
Proposal : Discharge of condition 5 (reflective surfaces) attached to planning permission reference number 22/00120/NMA (Amended description)  
Date of Decision : 23.01.23  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

9. Application No : 22/00970/FPH  
Date Received : 04.11.22  
Location : 144 Scarborough Avenue Stevenage Herts SG1 2HL  
Proposal : Erection of two storey rear extension.  
Date of Decision : 12.01.23  
Decision : **Planning Permission is GRANTED**
10. Application No : 22/00982/FP  
Date Received : 07.11.22  
Location : 14 North Road Stevenage Herts SG1 4AL  
Proposal : Demolition of the existing residential property followed by the construction of 7no. new dwellings (5 houses and 2 apartments), alterations to existing access, soft landscaping, amenity areas, car parking, cycle and refuse storage.  
Date of Decision : 26.01.23  
Decision : **Planning Permission is GRANTED**
11. Application No : 22/00985/FPH  
Date Received : 08.11.22  
Location : 20 East Close Stevenage Herts SG1 1PP  
Proposal : Single storey side extension  
Date of Decision : 16.01.23  
Decision : **Planning Permission is GRANTED**
12. Application No : 22/00987/FPH  
Date Received : 08.11.22  
Location : 54 Grace Way Stevenage Herts SG1 5AD  
Proposal : Single storey front and rear extensions  
Date of Decision : 22.12.22  
Decision : **Planning Permission is GRANTED**

13. Application No : 22/00988/TPTPO  
Date Received : 09.11.22  
Location : 80 Downlands Stevenage Herts SG2 7BJ  
Proposal : Cut back overhanging branches by 30% to 1 no. Oak tree protected by TPO Order 31.  
Date of Decision : 03.01.23  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

14. Application No : 22/01001/FPH  
Date Received : 09.11.22  
Location : 67 Siddons Road Stevenage Herts SG2 0PW  
Proposal : Proposed raising of the ridge height to the main roof of the existing dwellinghouse and enlargement of existing rear dormer window.  
Date of Decision : 29.12.22  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The enlarged flat roof rear dormer window, by virtue of its design, scale and massing, would be over dominant and detrimental to the architectural form of the original dwelling, to the detriment of the visual amenities of the area. Additionally, the proposal does not follow the guidance for roof extensions as set out in the Stevenage Design Guide 2009 and is therefore contrary to Chapter 6 of the Council's Design Guide SPD (2009), Policies GD1 and SP8 of the Stevenage Borough Local Plan (2019), the National Planning Policy Framework (2021) and associated National Planning Policy Guidance (2014).

The raised ridge line of the existing dwelling would be detrimental to the architectural form of the terrace within which the dwelling forms part, to the detriment of the visual amenities of the area, contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan (2019), the National Planning Policy Framework (2021) and associated National Planning Policy Guidance (2014).

15. Application No : 22/01004/CLPD  
Date Received : 10.11.22  
Location : 55 Minehead Way Stevenage Herts SG1 2HY  
Proposal : Certificate of lawfulness for proposed alteration of existing garage roof to pitched roof  
Date of Decision : 03.01.23  
Decision : **Certificate of Lawfulness is APPROVED**
16. Application No : 22/01008/FPH  
Date Received : 11.11.22  
Location : 16 Hillcrest Stevenage Herts SG1 1PN  
Proposal : Single storey front extension.  
Date of Decision : 09.01.23  
Decision : **Planning Permission is GRANTED**

17. Application No : 22/01017/FP  
Date Received : 14.11.22  
Location : 5 Oakfields Stevenage Herts SG2 8NB  
Proposal : Single-storey front extension, part single-storey, part two-storey side extension to create 1 no. one bedroom dwelling.  
Date of Decision : 24.01.23  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

By virtue of its location within a private residential garden, the proposed dwelling would not constitute development on previously developed land as defined by the National Planning Policy Framework (2021) and is unacceptable in principle. The proposal is therefore contrary to the National Planning Policy Framework (2021) and Policy HO5 of the Stevenage Borough Local Plan 2011 to 2031 (2019).

By virtue of the siting of the private amenity space away from the proposed dwelling and its size falling below the required minimum size specified in Chapter 5 of the Stevenage Design Guide Supplementary Planning Document (2009), the proposed development would fail to provide a suitable standard of outdoor amenity space and accommodation for the future occupiers of the site and would lead to unsatisfactory living conditions for them. The proposed development is therefore contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011-2031 (2019), the Council's Design Guide Supplementary Planning Document (2009), the National Planning Policy Framework (2021) and the National Planning Practice Guidance.

18. Application No : 22/01019/FP  
Date Received : 14.11.22  
Location : Unit 4A Roaring Meg Retail Park London Road Stevenage  
Proposal : Installation of external plant.  
Date of Decision : 03.01.23  
Decision : **Planning Permission is GRANTED**

19. Application No : 22/01021/FPH  
Date Received : 15.11.22  
Location : 103 Jackdaw Close Stevenage Herts SG2 9DB  
Proposal : First floor rear extension and addition of side facing bay window to first floor  
Date of Decision : 09.01.23  
Decision : **Planning Permission is GRANTED**
20. Application No : 22/01026/TPCA  
Date Received : 16.11.22  
Location : Alleyne's School House 1 High Street Stevenage Herts  
Proposal : Crown lift 5.4m, cut back overhang to property, Deadwood and Crown Clean 1no. Sycamore Tree (T1) and Fell Tree and Grind Stump to 1no. Sycamore Tree (T2)  
Date of Decision : 28.12.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**



21. Application No : 22/01028/FPH  
Date Received : 16.11.22  
Location : 105 Shephall View Stevenage Herts SG1 1RP  
Proposal : Two story side extension  
Date of Decision : 12.01.23  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposal fails to demonstrate that adequate provision for car parking can be provided on site in accordance with the Council's standards set out in the Parking Provision Supplementary Document January 2020 for a 4 bedroom property. The proposal would, therefore be likely to result in on-street parking to the detriment of highway safety and neighbour amenity, contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Car Parking Standards SPD (2020), the National Planning Policy Framework (2021) and Planning Practice Guidance.

The proposed development fails to demonstrate whether it would avoid damaging any of the nearby trees belonging to Fairlands Valley Park that may have their root systems located within the application site and as a result it is also contrary to Policy NH5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the National Planning Policy Framework (2021) and Planning Practice Guidance.

22. Application No : 22/01034/FPH  
Date Received : 17.11.22  
Location : 6 Grayling Way Stevenage Herts SG1 4FR  
Proposal : Partial demolition of existing garage and erection of a part single, part 2.5 storey rear extension, first floor side extension incorporating a car port at ground floor, and alterations including relocation of existing air conditioning units.  
Date of Decision : 20.01.23  
Decision : **Planning Permission is GRANTED**

23. Application No : 22/01038/FPH  
Date Received : 19.11.22  
Location : 26 Kymswell Road Stevenage Herts SG2 9JX  
Proposal : Single storey rear extension and installation of front and rear Brise Soleil  
Date of Decision : 16.01.23  
Decision : **Planning Permission is GRANTED**
24. Application No : 22/01040/FPH  
Date Received : 21.11.22  
Location : 201 Chertsey Rise Stevenage Herts SG2 9JF  
Proposal : Retention of alterations to front garden providing access, bin storage and cycle storage with no vehicular access  
Date of Decision : 03.01.23  
Decision : **Planning Permission is GRANTED**
25. Application No : 22/01047/FPH  
Date Received : 22.11.22  
Location : 20 Goddard End Stevenage Herts SG2 7ER  
Proposal : Demolition of existing garage and erection of proposed two-storey side and front extension.  
Date of Decision : 11.01.23  
Decision : **Planning Permission is GRANTED**

26. Application No : 22/01049/CLPU  
Date Received : 23.11.22  
Location : 4 Bowling Green Stevenage Herts SG1 3BH  
Proposal : Lawful Development Certificate (proposed) to run an Art Gallery and Picture framing service from the dwellinghouse (Use Class C3a)  
Date of Decision : 12.01.23  
Decision : **Certificate of Lawfulness is APPROVED**
27. Application No : 22/01050/FPH  
Date Received : 24.11.22  
Location : 14 Hazelmere Road Stevenage Herts SG2 8RX  
Proposal : Single storey front extension  
Date of Decision : 17.01.23  
Decision : **Planning Permission is GRANTED**
28. Application No : 22/01053/TPTPO  
Date Received : 25.11.22  
Location : 1 Chestnut Walk Stevenage Herts SG1 4DD  
Proposal : Reduce by 30% to previous pruning points due to excessive shading to 2 No: Sycamore trees T15 and T16 protected by TPO 85  
Date of Decision : 17.01.23  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
29. Application No : 22/01054/TPCA  
Date Received : 25.11.22  
Location : 3 Ireton Court High Street Stevenage Herts  
Proposal : Fell 1 No: Silver Birch (T1) and Fell 1No: Contorted Willow (T2)  
Date of Decision : 03.01.23  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

30. Application No : 22/01057/FP  
Date Received : 28.11.22  
Location : Garages 6-11 The Oundle Stevenage Herts  
Proposal : Demolition of 6no. garages and replacement with 6no. garages  
Date of Decision : 20.01.23  
Decision : **Planning Permission is GRANTED**

31. Application No : 22/01059/FPH  
Date Received : 29.11.22  
Location : 102 Holly Leys Stevenage Herts SG2 8HY  
Proposal : Demolition of existing conservatory and side extension and construction of two storey side extension to form an annexe.  
Date of Decision : 24.01.23  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposal fails to demonstrate that adequate provision for car parking can be provided on site in accordance with the Council's standards set out in the Parking Provision Supplementary Document (2020). The proposal would, therefore be likely to result in on-street parking to the detriment of highway safety and neighbour amenity, contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Car Parking Standards SPD (2020), the National Planning Policy Framework (2021) and Planning Practice Guidance.

The siting of the proposed annexe in relating to the side elevation of No.100 Holly Leys would result in an unacceptable outlook for the future occupiers of the annexe, having a harmful and overbearing impact on the front habitable room windows. The development is, therefore, contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), National Planning Policy Framework (2021) and the Planning Practice Guidance.

32. Application No : 22/01060/LB  
Date Received : 29.11.22  
Location : Chells Manor Chells Lane Stevenage Herts  
Proposal : Removal of modern staircase and installation of lift  
Date of Decision : 18.01.23  
Decision : **Listed Building Consent is GRANTED**
33. Application No : 22/01061/AD  
Date Received : 29.11.22  
Location : The Church Of Jesus Christ Of Latter Day Saints Buckthorn Avenue Stevenage Herts  
Proposal : Replace existing double-sided internally illuminated Bus Shelter advertising displays with a Single digital Bus Shelter advertising display.  
Date of Decision : 23.01.23  
Decision : **Advertisement Consent is GRANTED**
34. Application No : 22/01063/LB  
Date Received : 30.11.22  
Location : Chells Manor House Chells Lane Stevenage Herts  
Proposal : Listed building consent for internal alterations.  
Date of Decision : 18.01.23  
Decision : **Listed Building Consent is GRANTED**
35. Application No : 22/01064/TPCA  
Date Received : 30.11.22  
Location : Falcon House Primett Road Stevenage Herts  
Proposal : Fell to ground level Cherry Tree (Prunus) and grind stump 6 inches below ground level.  
Date of Decision : 04.01.23  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

36. Application No : 22/01065/TPPTPO  
Date Received : 01.12.22  
Location : 32 Meadow Way Stevenage Herts SG1 1QD  
Proposal : Crown reduction by up 4.5 meters, dead wooding and removal of lowest branch overhanging No.32 of council owned Oak tree (T1) protected by TPO124  
Date of Decision : 03.01.23  
Decision : **REFUSE WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
- For the following reason(s):  
The reduction of the Oak tree (T1) by up to 4.5m, would be overly excessive and would not benefit the long-term health of the tree and would have a detrimental effect on its contribution to the amenity of the surrounding area. Consequently, the proposed works would be likely to have a detrimental impact on the visual amenities of the area and, as such, the proposal does not accord with the advice in the Tree Preservation Orders: A Guide to the Law and Good Practice Addendum (2009), the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the advice contained in the National Planning Policy Framework and the Planning Practice Guidance
37. Application No : 22/01067/TPCA  
Date Received : 01.12.22  
Location : 7 Nycolles Wood Stevenage Herts SG1 4GR  
Proposal : T1 - Poplar Tree - Reduce by 40% due to excessive shading.  
Date of Decision : 05.01.23  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
38. Application No : 22/01069/AD  
Date Received : 01.12.22  
Location : Unit 11A Roaring Meg Retail Park London Road Stevenage  
Proposal : 2 no. internally illuminated replacement fascia signs, vinyl graphics to main entrance, 3 no. vinyl advertisements on totem signs.  
Date of Decision : 24.01.23  
Decision : **Advertisement Consent is GRANTED**

39. Application No : 22/01074/FPH  
Date Received : 05.12.22  
Location : 53 Wetherby Close Stevenage Herts SG1 5RX  
Proposal : Proposed rear dormer window and associated roof alterations.  
Date of Decision : 27.01.23  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposal fails to demonstrate that adequate provision for car parking can be provided on site in accordance with the Council's standards set out in the Parking Provision Supplementary Document January 2020 for a 4 bedroom property. The proposal would therefore be likely to result in on-street parking to the detriment of highway safety and neighbour amenity, contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Car Parking Standards SPD (2020), the National Planning Policy Framework (2021) and Planning Practice Guidance (2014).

The proposed rear dormer window and associated roof alterations, by virtue of its design, scale and massing, would be over dominant and detrimental to the architectural form of the original dwelling, to the detriment of the visual amenities of the area. Additionally, the proposal does not follow the guidance for roof extensions as set out in the Stevenage Design Guide 2009 and is therefore contrary to Chapter 6 of the Council's Design Guide SPD (2009), Policies GD1 and SP8 of the Stevenage Borough Local Plan (2019), the National Planning Policy Framework (2021) and associated National Planning Policy Guidance.

40. Application No : 22/01078/PATELE  
Date Received : 05.12.22  
Location : Land Adjacent To Oaks Cross And Manor View Junction  
Stevenage Herts SG2 8PD  
Proposal : Installation of 20m high monopole with associated antennas and ancillary works.  
Date of Decision : 11.01.23  
Decision : **Prior Approval is REQUIRED and GIVEN**

41. Application No : 22/01081/FPH  
Date Received : 06.12.22  
Location : 27 Kilner Close Stevenage Herts SG1 5AZ  
Proposal : Conversion of garage to habitable accommodation, part two storey, part first floor side extension, front porch and erection of outbuilding in rear garden  
Date of Decision : 27.01.23  
Decision : **Planning Permission is GRANTED**
42. Application No : 22/01082/TPTPO  
Date Received : 06.12.22  
Location : 1 Champion Court Stevenage Herts SG1 3EY  
Proposal : Reduction of 1no. Lawson Cypress (T13) protected by TPO 80 to provide at least 1.2m clearance from building  
Date of Decision : 11.01.23  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
43. Application No : 22/01083/FPH  
Date Received : 06.12.22  
Location : 4 Grenville Way Stevenage Herts SG2 8XZ  
Proposal : Demolition of conservatory and erection of single storey rear extension.  
Date of Decision : 24.01.23  
Decision : **Planning Permission is GRANTED**
44. Application No : 22/01085/FPH  
Date Received : 07.12.22  
Location : 36 Milestone Close Stevenage Herts SG2 9RR  
Proposal : Demolition of existing shed and erection of single storey side extension  
Date of Decision : 31.01.23  
Decision : **Planning Permission is GRANTED**



45. Application No : 22/01087/AD  
Date Received : 07.12.22  
Location : 6 Whitworth Road Stevenage Herts SG1 4QS  
Proposal : 1no. Illuminated Maxus Fascia Sign, 1no. Illuminated dealers fascia sign and 1no. free standing double sided pylon sign  
Date of Decision : 26.01.23  
Decision : **Advertisement Consent is GRANTED**
46. Application No : 22/01088/FPH  
Date Received : 08.12.22  
Location : 1 Chalkdown Stevenage Herts SG2 7BG  
Proposal : Erection of single storey rear extension, single storey side extension and front porch (AMENDED DESCRIPTION).  
Date of Decision : 01.02.23  
Decision : **Planning Permission is GRANTED**
47. Application No : 22/01109/COND  
Date Received : 19.12.22  
Location : 12 High Street Stevenage Herts SG1 3EJ  
Proposal : Discharge of Condition 03 (Schedule of Materials) attached to planning permission 22/00696/LB  
Date of Decision : 31.01.23  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

48. Application No : 22/01117/CONSUL  
Date Received : 20.12.22  
Location : Plot 5 - Land East Of Stevenage (EOS1) Gresley Way  
Stevenage Herts  
Proposal : Reserved matters relating to approval of Layout, Access, Scale, Appearance and Landscaping for the erection 1no Self-Build Dwelling (Plot 5) under planning approval 3/19/0118/OUT (Hybrid planning application: (i) Planning permission for construction of the spine road, site accesses, drainage infrastructure and ancillary works and (ii) Outline planning for the erection of up to 618 homes, primary and pre-school, up to 1 no. 80 bed care home and up to 50 assisted living homes (C2 use), neighbourhood hub comprising shops (up to 658 sqm of A1-A5 uses), community facilities (up to 400 sqm of D1 use), Travelling Showpeople site, public open space, landscaping, drainage infrastructure, all associated and ancillary development)  
Date of Decision : 06.01.23  
Decision : **This Council Raises NO OBJECTION to the Development Proposed**
49. Application No : 22/01127/FPH  
Date Received : 24.12.22  
Location : 15 Glenwood Close Stevenage Herts SG2 9QT  
Proposal : Single storey front and side extension and conversion of existing garage  
Date of Decision : 03.02.23  
Decision : **Planning Permission is GRANTED**

50. Application No : 22/01131/NMA  
Date Received : 30.12.22  
Location : 15 The Pastures Stevenage Herts SG2 7DF  
Proposal : Non material amendment to outline planning permission 22/00751/FPH for the insertion of window to first floor in side elevation  
Date of Decision : 24.01.23  
Decision : **Non Material Amendment AGREED**

51. Application No : 23/00065/CLPD  
Date Received : 20.01.23  
Location : 4 Wensum Road Stevenage Herts SG1 3XX  
Proposal : Certificate of lawfulness (Proposed) for a loft conversion with rear dormer, 1 no. roof light and erection of front porch.  
Date of Decision : 30.01.23  
Decision : **Certificate of Lawfulness is REFUSED**

For the following reason(s);  
On the basis of the information submitted, the height of the proposed front porch would exceed 3m high and the floor area when measured externally would exceed 3sqm. Therefore, the development would fail to accord with Schedule 2, Part 1, Class D (b) and (c) of the Town and Country Planning (General Permitted Development) (England) Order 2015, and therefore, requires planning permission.

## **BACKGROUND PAPERS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:** Wednesday 15 February 2023

## **INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS**

Author – Linda Sparrow 01438 242242

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242242

### **1. APPEALS RECEIVED**

1.1 22/00471/FP, 48 Made Feld. Appeal against refusal of planning permission for a two-storey side extension, single-storey front extension, part single-storey, part two-storey rear extension, rear dormer window, 2 no. front dormer windows, 2 no. roof lights to facilitate enlargement of existing property and to create 2 no. 1 bedroom flats, associated parking and ancillary works.

### **2. DECISIONS AWAITED**

2.1 21/01152/ENF. 68 Basils Road. Appeal against the serving of an enforcement notice to remove the first floor of the two storey rear extension which was refused under planning permission reference number 21/01256/FPH.

2.2 21/01256/FPH. 68 Basils Road. Appeal against the refusal of planning permission for the retention of a part two storey, part single storey rear extension.

2.3 21/01101/FP, 303 Ripon Road. Appeal against refusal of planning permission for the conversion of 1 no. 4 bedroom dwelling to 3 no. studios, single storey front and rear extensions and conversion of garage including the change of use from public amenity land to residential use and associated parking.

2.4 21/00717/ENFAPL, 134 Marymead Drive. Appeal against the serving of an Enforcement Notice relating to the unauthorised erection of an outbuilding and front extension.

2.5 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.

2.6 22/00307/ENF. Car park to side of 8 Aintree Way. Appeal against the serving of an enforcement notice to remove the structure built around the car parking space and return the communal parking spaces to their original condition.

### **3. DECISIONS RECEIVED**

3.1 None.

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