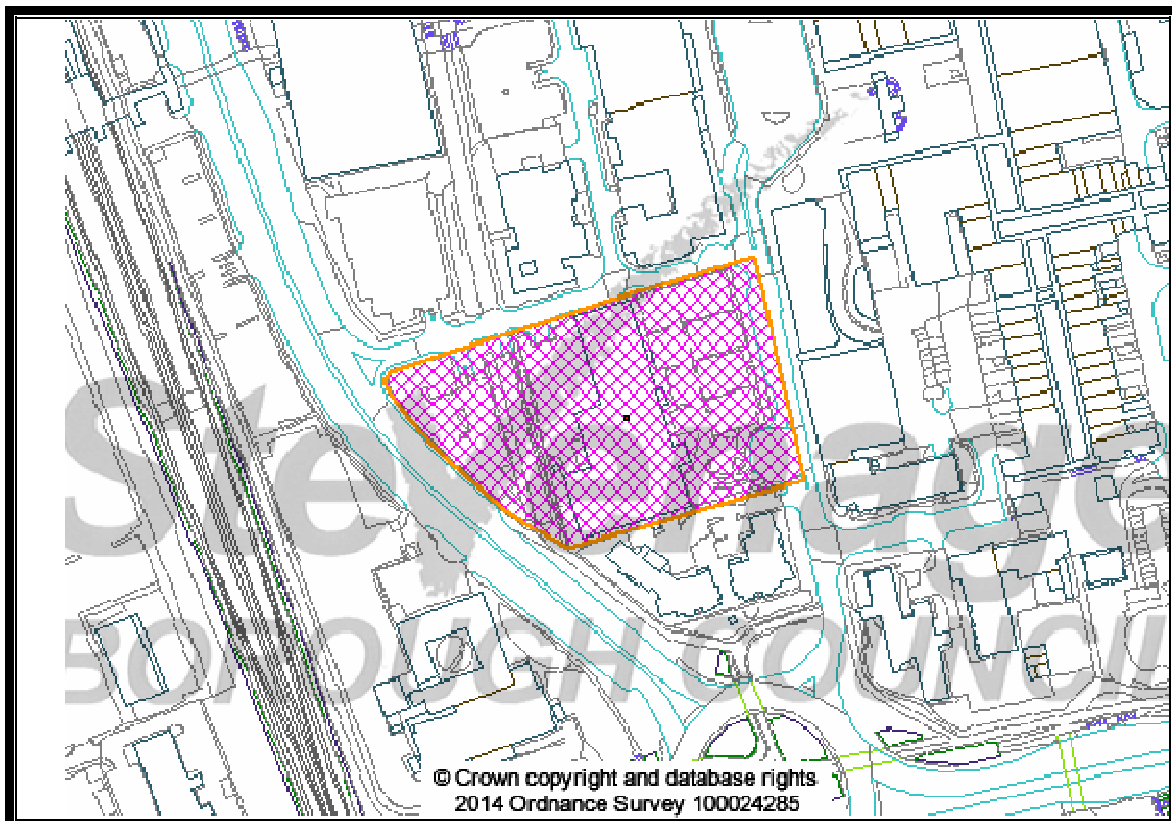


<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Appendix 1</b>
<b>Date:</b>	<b>18 August 2015</b>	
<b>Author:</b>	<b>Dave Rusling</b>	01438 242270
<b>Lead Officer:</b>	<b>Paul Pinkney</b>	01438 242257
<b>Contact Officer:</b>	<b>Dave Rusling</b>	01438 242270

Application No :	14/00559/OPM
Location :	Matalan, Danestrete, Stevenage
Proposal :	Application for outline permission for residential development of up to 526 residential apartments and commercial units Class A1 (retail) A2 (professional and financial) A3 (restaurant) and A4 (drinking establishments) and A5 (hot food take away) with associated access, parking and landscaping following demolition of existing buildings.
Drawing Nos.:	1305 01, 02, 03, 04, 05 06 and illustrative elevations.
Applicant :	Mr Richard Cardash
Date Valid:	22 October 2014
Recommendation :	GRANT OUTLINE PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site comprises the existing Matalan retail store, its associated car park and the two Council owned car parks to the west. The site is located on the west side of Danestrete, bordered by Danesgate to the north and Lytton Way to the west. The site adjoins the Council Offices and Magistrates' Court to the north all separated by Danesgate. To the west on the opposite side of Lytton Way is the Police Station. To the south, the site adjoins the McCarthy and Stone elderly people's accommodation. To the east, on the opposite side of Danestrete, is the Plaza development which contains a number of leisure/food and drink units. To the south of this is the Holiday Inn hotel.
- 1.2 The site is located close to the Town Square and Bus Station (approximately 60-100m away) and is located to the south east of the Rail Station, approximately some 180m away, separated by Lytton Way. Access to the Matalan part of the site is taken from a single access point via a mini roundabout off Danestrete. The current building at the site has a floor area of approximately 3000 sqm and the associated parking area caters for 100 vehicles. The existing Council owned surface level car park accommodates 76 vehicles. Between it and the Matalan building is a smaller Council owned car park for staff which accommodates approximately 20 cars. These car parks are accessed from Danesgate via Lytton Way.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Permission granted on the Matalan site under ref 2/0358/92FP in June 1993 for 3 no. retail units, service yard, car parking and landscaping.
- 2.2 Application submitted under ref 03/00006/FP and subsequently withdrawn in April 2004 for removal of condition 9 of planning permission reference number 2/0358/92FP to enable building to be used as a single retail.
- 2.3 Outline application submitted under ref 06/00598/OP in October 2006 for residential development of up to 354 residential apartments and commercial units Class A1 (retail) A2 (professional and financial) A3 (restaurant) and D1 (crèche) with associated access, parking and landscaping following demolition of existing buildings. Pending consideration.
- 2.4 Application for outline permission submitted under ref 08/00076/OP for residential development of up to 354 residential apartments and commercial units Class A1 (retail) A2 (professional and financial) A3 (restaurant) and D1 (crèche) with associated access, parking and landscaping following demolition of existing buildings. (Duplicate application to 06/00598/OP). Application not proceeded with.
- 2.5 Outline application submitted under ref 07/00810/OP for a comprehensive redevelopment for a mix of uses to include the full range of retail uses (Class A1, A2, A3, A4 and A5), housing (Class C3), hotel (Class C1), leisure (Class D2), civic facilities including library and museum (Class D1), council offices (Class B1), voluntary services (Class D1), health facility (Class D1), magistrates court, replacement bus station, together with ancillary and associated developments, pedestrian and cycle circulation and open space, car parking, vehicular access, servicing facilities, highway works, plant and machinery, landscaping and enabling works. Demolition of existing buildings and structures, the closure and alteration of highways and cycleways and the internal and external alteration and change of use of buildings to be retained, engineering works and construction of new buildings and structures. The application site comprises land bounded by Six Hills Way, Lytton Way, Swingate, The Forum, Westgate Centre, Queensway, The Quadrant, Southgate, Eastgate & Part St Georges Way, Marshgate & Part St. Georges Way, Part Monkswood Way and part of London Road. This application has a resolution to grant but planning permission has not been issued.

### **3. THE CURRENT APPLICATION**

- 3.1 The proposal seeks outline planning permission for the demolition of the existing Matalan retail store and for the redevelopment of the site, including the associated car park and the adjoining Council owned car parks to the west, to provide up to 526 (181 one bed and 345 two bed flats) residential apartments and associated retail floorspace. The application has been submitted in order to establish the principle of development at the site and, therefore, all details are reserved for future approval.
- 3.2 The submitted illustrative plans identify how the site could be laid out and offers guidance on how a detailed application might be designed at the site. The design principle incorporates two main blocks, one an inverted L-shaped fronting the north east part of Danesgate and Danestrete and the other an inverted V-shaped building fronting onto the north west part of Danesgate and returning onto Lytton Way.
- 3.3 The plan indicates that car parking for 109 cars along with bin and cycle storage and servicing of the development would be provided on the lower ground floor. A retail element would be provided at ground floor level and would have frontages onto Danestrete and Danesgate. Additional retail floorspace would be provided on the level above, which would also incorporate some residential accommodation and amenity space for the residential occupiers. Above this element there would be further residential accommodation. The general massing of the blocks is indicated as six storeys with emphasis placed at the north east and north west corners, which could rise to 13 storeys to act as focal points into the town centre and when viewed from Lytton Way. However, being mindful of the proximity of the McCarthy and Stone development, (Pinetree Court), located to the south of the application site, it is indicated that the scale of the development would be reduced at the southern edge of the site in order to minimise any impact upon the occupiers of this development. The new development would be significantly larger in both footprint and height than that of the existing building.
- 3.4 Vehicular access to the site would be taken from Danestrete by a single access point in the same location as the current access to the Matalan site. The existing roundabout would be removed and the road made good and the pavement would be extended along Danestrete. This elevation has been shown set back which would enable the footpath to be opened up in the future if required. Pedestrian access is proposed from a number of locations on Danestrete and Danesgate. The existing cycleway which currently runs through the eastern Council owned car park would need to be relocated to facilitate the development. It is intended that this would be provided along the site frontage onto Lytton Way linking to Danesgate.
- 3.5 In terms of the possible appearance of the new development, illustrations have been provided which give an idea of the type of design and materials which could be introduced. In particular, a contemporary design using projected and recessed elements and a mixture of brickwork, blockwork and render could be used to break up the appearance of the apartments, coupled with the use of balconies which would provide articulation to the buildings. The introduction of retail units fronting onto Danestrete and Danesgate would offer an active frontage along these thoroughfares to the town centre. This illustrative information demonstrates that at the detailed stage a high quality development could be created.

### **4. PUBLIC REPRESENTATIONS**

- 4.1 The application has been publicised by way of neighbour letters to adjacent occupiers, posting of site notices and a press notice. In response two petitions from residents and a letter from Peverel Management on behalf of the landlord and residents of Pinewood Court have been received objecting to the application for the following reasons:-

#### 4.2 Petition signed by 41 residents of Pinetree One Community Group:-

- Noise and activity from the proposed flats in a currently quiet neighbourhood
- Considering the age of the residents and their associated disabilities the increased traffic would cause additional distress.
- It is difficult at present when crossing Danestrete to go into the Town Centre with the existing traffic level. This would be worsened by the new building and the additional number of cars using the existing main road.
- Residents consider the location is better suited to the retail part of the development with its own car parking.
- There appear to be plenty of empty buildings in and around the Town Centre that could be converted into residential apartments.

#### 4.3 Petition signed by 50 residents of Pinetree Court 2:-

- Overdevelopment of Site.
- Inadequacy of car parking.
- Access to the site in general including proximity to bus station and access for emergency vehicles.
- Height of building – overdominant to surrounding area.
- Noise from hot food take away and restaurant.
- Increased volume of traffic coupled with buses using the bus station.
- Light problems to existing apartments
- Privacy of existing apartments
- Security of existing property and residents.
- No family parking available locally for visitors.
- Safety of elderly resident pedestrians crossing busy road.
- Proposed communal area will provide an area for congregation of undesirable elements.
- As the application is in outline form none of the above can be guaranteed until full details are submitted.
- Request that the Council reject the proposal; investigate other uses for the land; consider a retail outlet only or consider limited flats to a single level as exists currently in the town centre.
- Request that the Council fully consult with local residents on any future proposals.

#### 4.4 Objections have been received from the occupiers of 253 Canterbury Way and 66 Round Mead.

- Did not see any publicity for the application. The Council should review the way it publicises planning applications.
- Loss of prime town centre retail space forever is unacceptable.
- The development will remove essential car parking space for town centre users which is already in short supply.
- The provision of in excess of 500 flats occupied by more than one person will put pressure on the existing facilities such as medical services, social provision, leisure facilities, car parking.
- Due to proximity to the bus station and a busy roundabout the development would have an unacceptable impact on public transport users and car users.
- The development is likely to be sold to developers for buy to let who have little regard for ongoing upkeep and appearance.
- This development is far too intensive for its location.
- The Council should consider using empty office blocks for housing with the ground floor rented out to retailers or restaurants. This is a better way of regenerating the town centre than demolition and rebuilding.
- The development is directly adjacent to a small development of age restricted units which will cause unacceptable noise, disturbance and traffic

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council as Highway Authority**

- 5.1.1 Have considered the transport assessment submitted with the application and consider that the proposal including proposed alterations to the highway would not have a significant impact on the town centre or adjacent highway. However, they do recommend the imposition of conditions requiring the submission of a travel plan and details of the routing of construction vehicles to be agreed.

### **5.2 Herts Fire and Rescue Service**

- 5.2.1 Access for a fire appliance should be within 45m of all points within each dwelling. If this cannot be met a fire main should be provided. Consideration should be given to providing a domestic sprinkler system into each dwelling. All areas required for fire appliance access should be capable of taking the weight of 18 Tonnes. A Fire Hydrant must be provided within 90m of the entrance point to the blocks of flats. Finally, reserve comment on the building regulations until such time the application is successful.

### **5.3 Hertfordshire Constabulary**

- 5.3.1 Note that the application is in outline form and there is insufficient detail included to be able to comment fully. Makes comment on mistakes within the design and access statement. Given the aforementioned the Police Design Service is not in a position to either support or object to the application.

## **5.4 Environmental Health**

5.4.1 Raise no objection to the proposal subject to the imposition of conditions.

## **5.5 Environment Agency**

5.5.1 Have reviewed the submitted Flood Risk Assessment (FRA) and following receipt of further information from the applicant are raising no objection subject to the imposition of a condition dealing with the detail of the surface water drainage for the site.

## **5.6 Thames Water**

5.6.1 Make comment in respect of surface water drainage that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or suitable sewer. Request that a condition be imposed on any grant of permission to deal with foul water drainage.

## **5.7 County Archaeologist**

5.7.1 Has assessed the archaeological assessment submitted with the application and raises no objection to the proposal subject to the imposition of conditions.

# **6. RELEVANT PLANNING POLICIES**

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

6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014)
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007)
- The Stevenage District Plan Second Review 2004.

The former Stevenage Draft Core Strategy and Development Management Policies were withdrawn on 1st February 2012. However, the Site Specific Policies Plan, the Old Town Area Action Plan and the Gunnels Wood Area Action Plan have all been approved locally by the Council's executive as material considerations in the determination of planning applications and continue to be used for Development Management purposes. Additionally, the Council's Interim Planning Policy Statement adopted in April 2012 is a material consideration in the determination of planning applications registered on or after the 18 April 2012.

6.1.2 Where a Development Plan Document has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.

6.1.3 In considering the policy implications of any development proposal the Local Planning Authority will assess each case on its individual merits, however where there may be a conflict between policies in the existing Development Plan and policies in any emerging Development Plan Document, the adopted Development Plan policies currently continue to have greater weight.

## **6.2 Central Government Advice**

- 6.2.1 In March 2012 the National Planning Policy Framework (NPPF) was published and in doing so it replaced many documents including all Planning Policy Guidance Notes and Planning Policy Statements. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 215 of the NPPF applies which states that only due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF advice in the National Planning Practice Guidance (March 2014) also needs to be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified

## **6.3 Adopted District Plan**

TW1 Sustainable Development  
TW8 Environmental Safeguards  
TW9 Quality in Design  
TW10 Crime Prevention  
TW11 Planning Requirements  
H7 Assessment of Windfall Residential Sites  
H8 Density of Development  
H14 Benefits of Affordability  
T6 Design Standards  
T13 Cycleways  
T14 Pedestrians  
T15 Car Parking Strategy  
T16 Loss of Residential Car Parking  
TR1 Town Centre  
EN13 New Trees in Developments  
EN27 Noise Pollution  
L15 Outdoor Sports Provision in Residential Developments  
L16 Children's Play Space Provision

## **6.4 Supplementary Planning Guidance/Documents**

Stevenage Design Guide 2009  
Parking Provision Supplementary Planning Document January 2012.

## **6.5 Interim Planning Policy Statement for Stevenage (April 2012)**

IP01 Sustainable Development Principles  
IP02 Planning Requirements

IP06	Housing Mix
IP08	Affordable Housing Thresholds
IP11	Flood Risk and Drainage

## **7. APPRAISAL**

7.1 The main issues for consideration in the determination of this application are the acceptability of the proposed development in land use policy terms; its compliance with the Council's policies for housing developments; the impact of the proposal upon the character and appearance of the locality; the impact on the amenities of neighbouring properties; the suitability of the proposed residential environment; the impact of the scheme on the surrounding highway network and the adequacy of the proposed parking provision.

### **7.2 Land Use Policy Issues**

7.2.1 The relevant policy in the adopted local plan is policy TR1. This sets out the types of uses that are considered acceptable in the town centre. Within the town centre policy area permission will be granted for retailing (use classes A1, A2 and A3), office development (use class B1a), housing (use class C3) and leisure, cultural, community and social uses (classes C1, D1 and D2). The policy also states that proposals should enhance the town centre through high quality design and townscape.

7.2.2 As a matter of principle it is clear that an application of this nature can broadly fulfil the objectives of government guidance, as described in the NPPF and accord with policy TR1 of the adopted local plan. This is a major mixed use redevelopment scheme comprising retail and residential components and it is properly proposed to be located in the town centre of an existing urban area, where there are established public transport facilities. Given this, it is considered that the proposals are capable of delivering sustainable development. The inclusion of housing within the scheme, accords fully with the principles of the NPPF. The residential accommodation will be provided on upper storeys. Furthermore, it is accepted that Stevenage Town Centre is in decline and the Council has long been aspiring to encourage new development to bring about its regeneration, including retail, commercial and housing uses. By focussing these major generators of travel demand in an existing centre with public transport opportunities and relative ease of access by non-car modes, the right conditions are also created for more sustainable travel choices to be made, in accordance with the advice in the NPPF.

7.2.3 The proposal would result in the loss of an existing retail unit and its associated car parking. Whilst policy TR4 of the adopted plan seeks to safeguard existing retail floorspace in the town centre, the site lies outside of the designated primary retail frontage. Notwithstanding this, the introduction of a residential led scheme incorporating a retail element at ground floor introducing active frontages closer to the existing retail area would be an appropriate use and would offer the opportunity to enhance the character and street scene of this part of the town centre. Furthermore, this would accord with the advice in the NPPF which recognises that residential led development can play an important role in ensuring the vitality of centres.

### **7.3 Compliance with the Council's Housing policies**

7.3.1 Having established the above, it is necessary to assess the proposal in terms of the Council's housing policies. Policy H7 sets out the criteria for windfall residential sites. With respect to these criteria, the site qualifies as previously developed land; there would be no loss of structural open space, environmental features or community facilities; there is easy access to the facilities of the town centre; the bus station and the rail station. The site would also have good access to the town-wide network of footpath/cycleways. The other criterion relating to the impact of the development on surrounding properties will be addressed later



in this report. The proposal would also accord with the advice contained within the NPPF which encourages the effective use of land that has been previously developed.

- 7.3.2 The development proposed here would be of a high density, equating to approximately 390 dwellings per hectare. Policy H8 of the adopted Plan states that the density of all residential development will respect the characteristics of the site and the character and amenity of the surrounding area. Generally, the density of new housing is expected to be within the range of 30-50 dwellings per hectare, but higher densities will be encouraged in developments within the town and neighbourhood centres and other locations well served by passenger transport. This issue of public transport has been addressed above with regard to the criteria for assessing windfall residential sites. The high density of the proposed scheme results from the development consisting entirely of smaller (one and two bed) units. The impact of the proposed scheme on the character and appearance of the locality is considered elsewhere in this report. Whilst the application density is well in excess of that stated in the adopted plan, given its location and proximity to town centre facilities and public transport facilities and non-car modes of transport, it is considered that a density of this level could be accommodated in this town centre location.
- 7.3.3 Additionally, the proposal needs to be assessed against the guidance in the NPPF. The NPPF states at paragraph 49 that “housing applications should be considered in the context of the presumption in favour of sustainable development” and that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.” Although the development is a mixed retail and residential proposal it is heavily weighted towards the residential element. Taking this into account, the site is considered to be in a highly sustainable location, close to public transport facilities and the shopping and other facilities available close by in the town centre.
- 7.3.4 In relation to the five year supply of deliverable housing, paragraph 47 of the NPPF states that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The most up to date housing supply figures indicate that the Council is unable to provide a 5 year supply of deliverable housing. The fact that the Council is unable to meet its requirement to provide a 5 year supply of housing is thus a material consideration in the assessment of this application.
- 7.3.5 In assessing the housing mix, the application would accord with Policy IP06 of the Council’s Interim Planning Policy Statement (IPPS) as the introduction of 1 and 2 bedroom units would address an acknowledged shortage of small units in the borough. With regard to the mix of tenure, Policy IP08 of the IPPS requires that on sites of 25 dwellings or more, 40% will be required to be affordable, which would equate to 210 units within the development.
- 7.3.6 Paragraph 173 of the NPPF states that “pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking”. It continues to state “to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.” In essence the viability of a scheme can be a material consideration in the determination of a planning application.
- 7.3.7 In this instance the applicant has provided a detailed financial viability assessment which demonstrates that the proposal would not be viable if the full requirement for on-site affordable housing were to be sought. This appraisal has been independently assessed by

the Council's own viability consultant who has concurred with this view. In this instance, the viability appraisal indicates that a reduced provision of only 21 social rented units can be provided (4.6%) and this has been negotiated with the applicant and would be secured by way of a S106 legal agreement. This approach is in accordance with the NPPF as it has been clearly demonstrated that the scheme would not be viable with the usual full requirement of affordable housing provision.

7.3.8 Financial contributions are also required in accordance with the Hertfordshire County Council tool kit. The applicant has agreed to provide contributions toward Primary and Nursery Education, Childcare and Library facilities. They have also agreed to provide contributions to SBC toward improvements to outdoor open space and children's play provision which would be calculated on the mix of residential units. These would also be secured by way of a S106 legal agreement.

#### **7.4 Impact upon the Character and appearance of the Area**

7.4.1 As indicated above, Policy TR1 of the Adopted Plan suggests that proposals should enhance the town centre through high quality design and townscape. This is augmented by the advice contained in policy TW9 of the plan which refers to quality in design and requires developments to meet, amongst other things, a high standard of design in terms of the form of built development; elevation treatment; materials; integration with the urban fabric of the town and surrounding countryside and relationship between buildings and open space.

7.4.2 As set out in section 3 above, the application has been submitted in outline form only with all matters reserved. However, to support the submission the applicant has provided indicative layout plans and elevations as well as computer generated images of how the proposal may look following redevelopment. The plans indicate the footprint of the development following the boundaries of Danestrete, Danesgate and Lytton Way. An element of the southern elevation would face toward Pinetree Court, although a large element of this frontage has been left open. Vehicular access is proposed from Danestrete via a single access point in the same location as the current access to the Matalan site. This would serve an undercroft car parking area and a servicing area for the development. Retail units would be situated along the frontage onto Danestrete and along part of the Danesgate frontage facing toward the Council Offices. Along the remainder of Danesgate and Lytton Way at ground floor level would be a podium enclosing the car parking and private garden area for the flats. From the first floor and above would be the residential accommodation. This would face onto Danestrete, Danesgate, Lytton Way and partially toward Pinetree Court. As well as landscaping on the upper ground floor to serve the residential element, at first floor level there is a garden area proposed to the west of the apartments facing onto Danestrete.

7.4.3 Indicative elevations have been submitted to identify how the appearance of the development may look and offer an indication of the various heights. Two distinct right angle blocks are proposed which are intended to create strong street corners. It is proposed that there would be two focal elements of the building at the corner of Danestrete and Danesgate and the corner of Danesgate and Lytton Way. Each could be up to 13 storeys in height with the Danestrete and Danesgate frontage containing the retail elements at the ground floor with storage above and from the first floors upwards would be the residential accommodation. At the Corner of Danesgate and Lytton Way the ground floor would comprise a podium behind which would be the car park, service areas and garden areas for the flats with residential on the floors above. Between these two elements on Danesgate the height would reduce to 6/7 storeys. Similarly, on the Lytton Way and Danestrete frontages as the development moves southwards the height reduces to 6 storeys to reflect the height of the existing buildings. Finally, the element adjoining Pinetree

Court to the south would be reduced in height to 5/6 storeys in order to respect the height of that development and also the residential amenities of the occupiers.

- 7.4.4 Turning to the appearance of the building, the illustrative plans, as well as indicating differences in heights also identify articulation with recessed areas, balconies and stairwells breaking up the elevations. Differing materials ranging from brickwork and render at the lower levels, to colour cladding and timber boarding at the higher levels, coupled with glazing, indicates that a high quality development could be accommodated at the site. The footprint of the building has been designed such that it could be set back from Danestrete offering the opportunity for the footpath to be opened up in the future if necessary. Similarly, the elevation facing toward Lytton Way has been set back to enable a footpath and the re-routed cycleway to be created along this western part of the site.
- 7.4.5 In summary, whilst it is accepted that the scheme is in outline form only, it is considered that the submitted illustrative plans and elevations have demonstrated that a high quality development could be provided here which would provide a statement building with gateway features onto Danestrete and Lytton Way. Furthermore, it would provide an attractive residential environment in a highly sustainable location.

## **7.5 Impact upon Neighbouring Amenities**

- 7.5.1 As set out previously, as the application is in outline form only indicative layout plans and illustrative elevations have been provided to accompany the application. Consequently, other than the principle of the development being assessed and an indication of how the massing of the development could be accommodated on the site, there is limited detail to be able to assess the impact on adjoining properties. Consequently, matters such as privacy, daylight and sunlight, relationship between properties and the residential amenity that would be created for future occupiers would all need to be assessed at the detailed/reserved matters stage.
- 7.5.2 Notwithstanding the aforementioned, the illustrative plans and elevations do give an indication of how the development could be provided at the site and identifies the higher elements being created in locations away from the existing McCarthy and Stone residential units and closer to the existing commercial buildings, namely the Council Offices and the Plaza. Thought has been given to the layout ensuring that it reduces in height as it moves toward the residential units to the south. Whilst 5/6 stories here may be acceptable here, this could only be properly assessed at the detailed stage when the precise location of the buildings would be known along with the separation between these premises and the accommodation proposed and location of the rooms.
- 7.5.3 With regard to the amenity to be created for the new occupants, the units would be located in a sustainable location close to the facilities that the town centre has to offer and close to public transport facilities. Whilst the units would be close to other commercial premises it is not unusual for residential accommodation to be located close to other non-residential premises. Furthermore, whilst the relationship between the new and existing properties can be assessed at the reserved matters stage, the occupiers of the proposed residential units would be fully aware of the environment into which they would be moving prior to choosing to occupy the premises. As illustrated in the submission, it would be possible to provide some landscaped amenity areas within the development for future occupiers and similarly the properties could be designed to mitigate against noise, particularly from Lytton Way.
- 7.5.4 In view of the aforementioned, it is considered that there is no sustainable objection to the outline proposals in terms of harm to neighbouring amenities or the ability to design a scheme which could provide an acceptable residential environment for future occupiers.

## **7.6 Impact on highway Network**

- 7.6.1 The applicant has submitted a transport assessment (TA) to enable an assessment to be made of the impact of the proposed scheme on the existing highway network and the acceptability of the proposed access arrangements based on the proposed parking levels. These matters have been considered by the County Council as highway authority. The TA has provided an assessment of the expected traffic generation from the development and a comparison with the existing trip generation from the retail store. This has indicated that the site will result in a significant reduction in peak pm traffic flows (-67) and a slight increase in the am peak time (+3). This has demonstrated that the likely net change in traffic resulting from the proposal will be negligible and will have an imperceptible impact on the operation of the highway network, even taking into account the proposed alterations to the access to the site.
- 7.6.2 In terms of public transport, the site is within a highly sustainable location within easy walking distance of the bus and rail stations and close to nearby cycleways and pedestrian routes to the town centre. The new access arrangements to the site would allow buses to travel through the town centre without the hindrance of the existing roundabout. Furthermore, with the development being within the heart of the town centre it is close to all the commercial, recreational and social facilities which that has to offer. Although the proposal would involve the relocation of the existing cycle way which runs through part of the site, HCC have assessed this as part of the proposal and consider this to be acceptable subject to the alteration being the subject of a technical safety audit.
- 7.6.3 Hertfordshire County Council as Highway Authority has considered that the proposal would not significantly change the traffic generation over and above the present scale of the site, and as a consequence would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the imposition of conditions, including the submission of a commercial and residential travel plan.

## **7.7 Car Parking**

- 7.7.1 In assessing car parking at the premises, there are presently 108 parking spaces serving the retail store and a further 76 spaces in the Council owned public car park and 20 spaces in the adjoining Council owned private car park used by employees. Whilst the car parking spaces for the retail unit will no longer be required, the loss of the spaces in the two Council owned car parks would need to be re-provided in accordance with policy T16 of the adopted local plan. In view of this, the applicant has been in contact with the Council's car park manager in order to ascertain whether this loss can be absorbed within existing town centre car parks owned and operated by SBC. Whilst the car parks at Daneshill, Swingate and the Leisure Centre are well used, it has been confirmed that the parking availability in the St Georges Multi Storey Car Park is capable of offering enough spaces to cope with the displaced spaces from the two Council owned car parks.
- 7.7.2 With regard to the parking to serve the new development, a total of 109 spaces are to be provided. Based on the Council's adopted car parking standards the requirement for 181 one bed and 345 two bed properties would be 699 spaces. However, in this highly sustainable location the adopted standards allow for a reduction to 25% of the standard, which equates to 175 spaces. Notwithstanding this, these reduced standards provide the basis for negotiation dependant on the individual circumstances of the application and car free residential developments are advocated in locations which have high accessibility by non-car modes and are within easy walking distance of shops and services.
- 7.7.3 Having assessed the proposed parking provision, whilst there is a shortfall of 64 spaces, given the central location and the fact the site is highly accessible in relation to the town's bus and rail stations, which are within close walking distance, the parking proposed with the development is considered to be acceptable. With

regard to cycle provision, 1 space per unit would be required. Whilst the locations of these are not identified there would be opportunity to provide these within the development and this can be secured by way of an appropriately worded condition. Finally, the commercial element of the proposal will rely on town centre public car parks as do the majority of the retail premises in the town centre. The proposal, therefore, provides appropriate parking to serve the development.

## **7.8 Other Considerations**

- 7.8.1 The applicant has submitted a Flood Risk Assessment to determine the flood risks to the site and to consider the off-site flood risk that may arise due to the development of the site. The site is in Flood Zone 1 which is an area with a low probability of flooding for tidal or fluvial water course. Additionally, surface water run-off would be collected and attenuated within the site. Accordingly, the site is at a low risk of flooding from all sources and the development would not increase off-site flood risk. This has been accepted by the Environment Agency who has no objection to the proposal subject to the imposition of a condition.
- 7.8.2 With regard to the comments of the fire Authority, it has been demonstrated that there is suitable access to the perimeter of the site to meet their requirements. With regard for the need for sprinkler systems, these would be controlled at the building regulations stage. Finally, matters to deal with Archaeology and contamination/noise attenuation can be dealt with by condition.

## **8. CONCLUSIONS**

- 8.1 The proposal complies with the Council's land use policies and would not harm either the visual amenities/character and appearance of the locality or the amenities and operating conditions of neighbouring premises. In fact a proposal of this nature could enhance this part of the town centre. Furthermore, the development would not adversely affect the operation of the local highway network and the proposed parking facilities at the site are sufficient to cater for the development. Similarly, the loss of the existing parking within the existing Council owned car parks can easily be accommodated in alternative Council owned car parks. Accordingly, it is recommended that outline planning permission be granted.

## **9. RECOMMENDATION**

- 9.1 That outline planning permission be GRANTED subject to the applicant having first entered into and completed a s106 agreement to secure/provide financial contributions towards:-
- To secure the provision of affordable housing;
  - Primary and nursery education, childcare provision and library services to serve the development;
  - The provision of a fire hydrants;
  - Monetary contributions towards outdoor sports provision and children's play space.

The detail of which would be delegated to the Head of Planning, Regeneration and Transport and the Head of Legal Services or their successors and subject to the following conditions/reasons:

1. The approval of the details of the means of access, layout, scale, appearance and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of any part of the development.  
**REASON:-** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
**REASON:-** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
**REASON:-** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. Within three months of occupation of the development hereby permitted the applicant shall submit both a commercial and residential Travel Plan with the object of reducing the number of trips to the development by private car which shall be first be approved by the Local Planning Authority. The Travel Plans shall thereafter be implemented in accordance with the approved details.  
**REASON:-** To promote sustainable transport measures to the development in accordance with the National Planning Policy Framework.
5. Construction of the approved development shall not commence until a Construction Traffic 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 Traffic Management Plan shall include construction vehicle numbers/routing, and shall be carried out as approved.  
**REASON:-** To minimise the impact of construction vehicles and to maintain the amenity of the local area.
6. No tree shown retained on the approved plans 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.
7. Before any development commences, including any site clearance or demolition works, any trees on the site which may be affected by the development shall be protected by fencing or other means of enclosure in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority. Such protection as may be agreed shall be inspected and approved by the Local Planning Authority prior to the commencement of the work and maintained until the conclusion of all site and building operations.  
**REASON:-**To ensure that the retained tree(s) are not damaged or otherwise adversely affected during site operations.
8. Within the areas to be fenced off in accordance with condition 7, there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.  
**REASON:-** To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.
9. The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA), dated 02 October 2014 and letter dated 26 March 2015 from David Stimpson

has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA and details of who will be responsible for future maintenance of the surface water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**REASON:-** To prevent the increased risk of flooding and to improve and protect water quality, habitat and amenity.

10. 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 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays.

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

11. Before development commences details of wheel cleaning facilities to be provided on site during site preparation and construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed on site before the development commences, including any site clearance or demolition works, and shall be retained in working order until the completion of development and all vehicles leaving the site during this period shall use these facilities.

**REASON:-** To minimise the amount of mud and soil originating from the site being deposited on the highway, in the interests of highway safety and visual amenity.

12. Prior to the commencement of development, details of the arrangements for the siting of any construction compound, storage of materials within the site and for the parking of vehicles associated with the development shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved.

**REASON:-** In the interests of highway safety and local amenity.

13. No demolition/development hereby permitted shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording.
2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation.
3. The programme for post investigation assessment.
4. Provision to be made for analysis of the site investigation and recording.
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
6. Provision to be made for archive deposition of the analysis and records of the site investigation.
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

**REASON:-** To ensure the preservation of potential remains of the site following archaeological investigation.

14. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

a survey of the extent, scale and nature of contamination;

- (i) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

**REASON:** - To prevent harm to human health and pollution of the water environment.

15. If contamination is found as set out in condition 14, no development shall take place until 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 historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a 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 ensure the remediation of contaminated land is satisfactory to prevent harm to human health and to prevent the pollution of the water environment.

16. Prior to the commencement of work on the site, the applicant shall submit a scheme of dust control measures which shall be approved in writing by the Local Planning Authority. This shall be carried out and adhered to throughout the construction period. Dust and airborne particulates from operations on site shall be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust.

**REASON:-** To protect the amenities of adjoining land users.

17. Prior to the commencement of any works on site, a survey shall be carried out to identify the presence of any asbestos on site. Any asbestos that is found must be removed using recognised safe methods and carried out by a licensed contractor. The correct enforcing authority must be notified of these removal works at least 14 days prior to removal works taking place.

**REASON:-** To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure development can be carried out safely with unacceptable risks to workers, neighbours and other off site receptors.

18. Prior to the commencement of demolition and construction works a detailed Demolition and Construction Method Statement shall be submitted to and approved in writing by the Environmental Health Department. The Method Statement shall detail and advise of the measures in accordance with the best practicable means to be used to minimise construction noise and vibration likely to affect adjacent residential premises. The approved Statement shall be adhered to throughout the construction period.

**REASON:-** To protect the amenities of adjoining land users.

19. A methodology for the screening or enclosure of plant and machinery to be used during the construction period shall be submitted to and approved by the Local Planning authority before works are commenced. The siting of plant and machinery shall be away from noise sensitive areas wherever possible. Vehicles and machines in intermittent use shall be shut down in the intervening periods between work.

**REASON:-** To protect the amenities of adjoining land users.

20. Before the development commences, a report should be carried out by a competent acoustic consultant and submitted to the local planning authority for approval, which assesses (1) the likely noise impacts from the development and (2) the scheme for protecting the proposed residential properties from road traffic noise from the adjoining roads. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and



baseline data, and be sent out so that Environmental Health can fully audit the report and critically analyse the contents and recommendations.

**REASON:-** To safeguard the amenities of future occupiers of the residential units.

### **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 Framework (paragraphs 186 and 187).

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Design Guide SPD 2009, Car Parking Standards SPD 2012 and Interim Planning Policy Statement SPD 2012.
4. Central Government advice contained in the National Planning Policy Framework March 2012 and National Planning Policy Guidance 2014.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.