

The Meeting: Planning and Development Agenda Item:
Committee

Date: 20 October 2020

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Application Nos: 20/00060/FP

Location: Swingate Car Park, Swingate, Stevenage.

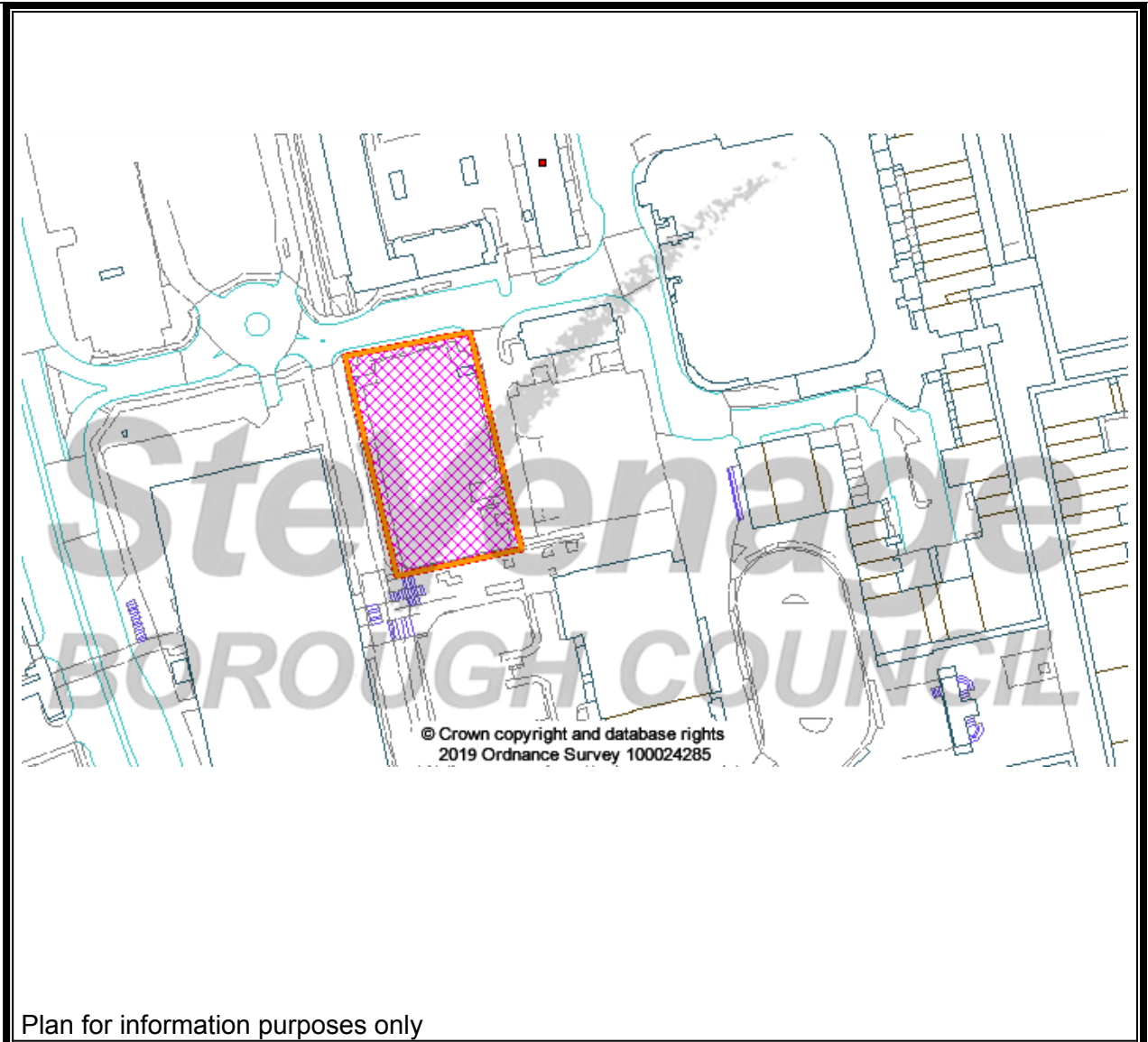
Proposal: Reconfiguration of parking spaces and access road.

Drawing Nos. AA6999 – 2500 A; 70051063-TP-SK-044_001 E; 70051063-TP-SK-044_002 E; 70051063-TP-SK-044_003 D; 70051063-TP-SK-044-TR1.

Applicant: Mace Developments (Stevenage) Ltd.

Date Valid: 27 January 2020.

Recommendation: GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 The application site is located on the western side of Stevenage Town Centre and comprises a public surface car park operated by Stevenage Borough Council. The site is bordered by Swingate to the north and east and the ramped access up to the Arts and Leisure building to the south. To the west of the site lies the old London Road which runs along the eastern flank of the Arts and Leisure building. The car park itself is set up from the old London Road and Swingate to the north due to the sloping topography of the area. Between the application site and the old London Road is a row of mature trees and established vegetation.
- 1.2 In terms of the surrounding area, to the north beyond Swingate lies Tesco superstore and Skyline development. To the east is the second public car park on Swingate which also incorporates the office building known as Swingate House. To the south and south-east beyond the ramp lies additional surface parking and the Magistrates Court along with Mecca Bingo and Stevenage Borough Council offices. To the west lies the Arts and Leisure Building and beyond this is the A602 Lytton Way and Stevenage train station.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 2/0350/91 sought permission for the re-location of the information cabin on south-west corner of Swingate Car Park. This application was granted planning permission in December 1991.
- 2.2 Planning application 04/00610/FP sought permission to change the use of part of the carriageway to car park and part of the pedestrian thoroughfare to a vehicular link. This application was withdrawn.
- 2.3 Planning application 07/00810/OP sought outline permission for a comprehensive redevelopment for a mix of uses to include a full range of retail uses (Class A1, A2, A3, A3 and A5), housing (Class C3), hotel (Class C1), leisure (Class D2), offices (Class B1), voluntary services (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 of buildings being retained, engineering works and construction of new buildings and structures. This permission has a resolution to grant subject to the completion of a S.106 agreement. However, the legal agreement was never completed as the applicant has withdrawn their interest in delivering this scheme. As such, this planning proposal is deemed to be moribund as it is unlikely it will be delivered in the future.
- 2.4 Planning application 19/00743/FPM seeks outline planning permission for the demolition of existing buildings on the site and the mixed use redevelopment of Plots A-K including new retail and food and beverage uses (A1-A5), leisure (D2), office (B1), community (D1) and residential (C3). New buildings to comprise residential accommodation (Class C3), retail floorspace Class (A1/A2/A3/A4/A5 floorspace), leisure floorspace (D2), office floorspace (Class B1), Public Services Hub (Class D1/B1/A1/A3), primary school (D1), plant and storage, servicing, new vehicle and pedestrian accesses and circulation, new public amenity space, new and amended car parking, new landscaping and public realm and associated works. Full details (access, appearance, landscaping, layout and scale) are submitted for Plots A and K and all matters reserved for Plots B to J. This application is pending consideration.

3. THE CURRENT APPLICATION

3.1 The proposed development seeks planning permission for the reconfiguration of existing parking spaces and the access road serving Swingate West Car Park (Long-stay Car Park F). The existing car park currently provides 100 spaces and would be reduced to 85 spaces. This is due to the Swingate carriageway being increased in width to 5.5m throughout with a continuous kerb alignment. As a result, the western kerb of Swingate has been relocated 700mm further west. The new entrance to the reconfigured car park would comprise of barriers, as is the current situation, along with the re-provision of pay stations. In terms of Swingate itself, the spur road serving the car park would also comprise the provision of the following:-

- 3 no. blue badge bays;
- 1 no. loading bay; and
- 2 no. parking bays.

3.2 The justification for the reconfiguration of the car park and carriageway is because Swingate East Car Park (Long-stay Car Park J) and the associated Swingate House offices form part of the wider regeneration project (known as SG1) detailed under planning application 19/00743/FPM. This part of the regeneration scheme as outlined in the Masterplan accompanying the aforementioned application would be for residential development (identified as Plot A). Part of this proposal requires the Swingate spur road which serves these car parks to be altered in order to deliver the residential development.

3.3 Given the above, this application comes before the Planning and Development Committee as it is interlinked with planning application 19/00743/FPM.

4. PUBLIC REPRESENTATIONS

4.1 Following notification of the application through the erection of site notices, no comments or representations have been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

5.1.1 The County Council has noted the amended reconfiguration of the Swingate carriageway which has now increased to 5.5m in width throughout. This results in a continuous kerb alignment which has resulted in the edge of the kerb of Swingate being relocated 700mm further west. It is understood this will be subject to detailed design and the necessary highway technical approval.

5.1.2 It has been noted that the proposed landscaping between the parking bays will be low-level planters or small trees to ensure sufficient vehicle inter-visibility is provided. This will be subject to a Stage One Road Safety Audit as part of the highways approvals for the proposed Swingate improved carriageway works.

5.1.3 The County Council as Highway Authority has considered that the proposal would not significantly increase the traffic generation of the vehicle movement to the development or the operational arrangement of the adjacent car park. In addition, it has been considered that the proposal would not affect the safety and operation of the adjoining highway. Consequently, there are no objections on highways grounds.

5.2 Council's Arboricultural Officer

- 5.2.1 There are no objections to the removal of Lime Trees T1 and T3 as these are not considered to be substantially important enough for the site. With respect to the Pine Tree (T16) in the raised planter, it is preferred to see this tree retained as it is an important feature in its location. However, as a compromise to the path amendment issue, it is suggested that the planter is modified (wall moved southwards by 300mm) whilst the tree is kept in-situ.
- 5.2.2 In order to compensate for the inevitable root disturbance, it is suggested a 20-30% crown reduction to lower the tree's centre of gravity, combined with killing off any Ivy. It is suggested an Arboriculturalist is present at the time of the excavations. Since neither the tree reduction nor planter modifications would otherwise be needed if it weren't for the application, it is suggested the cost of this operation is borne by the applicant.
- 5.2.3 If, at any point it is felt that the planter modification with the tree in situ is not viable, then it is agreed that the Pine tree is removed and replaced in the same spot, with an instant size tree (16-18cm +) of a suitable species.
- 5.2.4 The only concern would be the western boundary, and more specifically the roots of existing trees should any excavation take place in their root protection areas (RPAs). However, it is understood that the existing surfacing would be kept and no excavations are planned in this area. If they were, then an Arboriculturalist should be present to ensure the trees' stability and health is not compromised.

5.3 Council's Car Parks Manager

- 5.3.1 No comment.

5.4 Council's Engineering Section

- 5.4.1 The Engineering Section is satisfied that the proposed layout, bay sizes and aisle widths are appropriate and workable and are an efficient use of the available space. Approval should be granted with a condition that subsequent detail design elements including drainage, lighting and barrier, ramp and footways be approved by the Council.
- 5.4.2 Turning to the comments raised by the Council's Arboricultural Manager, the Engineers have reviewed these and are also content with the removal of the 2 trees within the boundaries of the car park to allow reconfiguration of the spaces. In terms of the conifer tree's brick pit surround, this has been agreed to be reduced together with a corresponding tree reduction to restore a minimum path along the southern footway of Swingate on the approach to the roundabout.

5.5 Council's Environmental Health Section

- 5.5.1 The Council's Environmental Health Section has advised that the porta-cabin toilets within the car park are generally used by Taxi Drivers. However, it can be confirmed there is very little use of these, but they are located relatively close to the Danestrete rank opposite the Westgate carpark.
- 5.5.2 The best solution would be to enable access to toilets being provided at the new bus station. This being next door to the theatre and will be across the road from the station rank. This has far more use than Danestrete.

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 February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF, albeit with some revisions to policy. 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, with which Members are fully familiar, is a material consideration 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 2019)

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 SP6: Sustainable Transport;
Policy SP8: Good Design;
Policy EC1: Allocated sites for employment development;
Policy TC1: Town Centre;
Policy TC4: Station Gateway Major Opportunity Area
Policy TC5: Central Core Major Opportunity Area;
Policy IT5: Parking and Access;
Policy IT8: Public parking provision;
Policy GD1: High Quality Design;
Policy NH5: Trees and woodland;

6.5 Supplementary Planning Documents

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

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.

APPRAISAL

- 7.1 The main issues for consideration in the determination of the application are its acceptability in land use policy terms, impact on visual amenity, impact on residential amenity, parking provision, means of access and highway safety and trees and landscaping.

7.2 Acceptability in Land Use Policy

- 7.2.1 Policy SP2 of the adopted Stevenage Borough Local Plan 2011-2031 (2019) provides that planning permission will be granted where proposals demonstrate, how amongst other matters they will:

- Regenerate areas of the town that are under performing;
- Make good use of land and maximise opportunities for brownfield redevelopment in the town;
- Improve quality of life and make sure that residents share in the benefits of regeneration;
- Promote journeys by bus;
- Make high quality buildings and spaces that respect and improve their surroundings; and
- Support facilities that encourage people to live, work and spend leisure time in Stevenage.

- 7.2.2 Looking at the site itself in terms of its allocation, this is located in Stevenage Town Centre as identified under Policy TC1 of the adopted Local Plan (2019). More specifically, the site is designated as falling within the Station Gateway Major Opportunity Area (MOA) under Policy TC4 and Central Core MOA under Policy TC5 of the Local Plan (2019) (these policies reflect the objectives of Policy SP4). Dealing firstly with Policy TC4, this seeks the provision of the following:-

- An extended and regenerated train station;
- New bus station;
- High density residential development;
- New multi-storey or basement car parking;
- New office floorspace;
- New shops, restaurants and cafes.

- 7.2.3 Policy TC5 identifies the delivery of high density residential, new retail, bar, restaurant and café floorspace, multi-storey or basement parking, office floorspace, leisure, cultural and civic spaces (including a replacement theatre and museum) and signature public spaces. Policy EC1 (Allocated sites for employment development) (which reflects the objectives of Policy SP3) of the Local Plan (2019) sets out a number sites and areas which are allocated for employment development. Under this policy, the site is identified under EC1/5 (Stevenage Central) for the provision of 35,000m² of office floor space.

- 7.2.4 The proposed development seeks to reconfigure the existing surface car park in order to help facilitate the redevelopment of Swingate House and the public car park as detailed under planning application 19/00743/FPM. As such, the proposal would not

prejudice the ability to redevelop this site as part of the wider policy objective in terms of regenerating the town centre. In addition, the scheme would allow the existing public car park to continue to operate until such time an application is made to redevelop this site in the future. Therefore, it is considered that the principle of the development is acceptable in this instance.

7.3 Impact on Visual Amenity

- 7.3.1 In terms of design, Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1: High quality design 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.
- 7.3.2 The Council's Design Guide SPD (2009) sets out that a high quality environment is essential for providing a good quality of life for residents. A well-designed and managed space not only provides a visually attractive environment, but can also help to ensure that a place is easy to move around and within, is safe and secure, and is useful for all members of the community.
- 7.3.3 Paragraph 127 of the National Planning Policy Framework (NPPF) 2019 stipulates that planning decisions should ensure development functions 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 development 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 130 of the NPPF states that "permission should be refused for development of poor design that fails to make available opportunities for improving the character and quality of an area and the way it functions". In terms of aspects of what constitutes good design is detailed in the National Design Guide (2019) introduced by the Government and as such, is deemed to be a material consideration.
- 7.3.4 The existing surface car park, which is operated by the Council, has an area of approximately 2,682 sq.m. It is predominantly constructed from tarmac and concrete paving for the pedestrian areas with the car park punctuated by a number of trees. At the north-eastern end of the car park lies a portable building (which is currently a WC for taxi drivers). At the northern end of the car park there is a low level retaining wall due to the changes in land levels. There are also ramped and stepped access points into the car park due to the level changes in the topography. The car park is also bordered by concrete posts and metal railings along Swingate, which runs along the eastern boundary. The car park is accessed via a metal barrier system and adjacent to the access are the pay machines. Along the western edge of the site is a row of trees which run parallel with the old London Road.
- 7.3.5 The proposed car park, whilst reduced in size, would be constructed (where required) in similar materials to those used in the existing car park. The scheme would also have a new ramped and stepped access at the north-eastern end which would involve the removal of the portable building. This is in order to provide additional parking spaces as well create safe access to the car park for pedestrians and those who may be disabled. There would also be a similar access arrangement for vehicles with the barriers being relocated onto a new island. The pay machine would also be re-located to the south-eastern edge of the car park. The scheme would also involve the removal of the existing retaining wall and construction of a new retaining wall. This would allow for a widened un-segregated footpath at the northern end of the site.

- 7.3.6 Given the aforementioned, the proposed development works would not substantively alter the overall design and appearance of the existing car park. As such, the development proposal would not have a detrimental impact on the visual amenities of the wider street scene.

7.4 Impact on residential amenity

- 7.4.1 The nearest residential properties to the development are located 21m to north at Skyline. Given this, the proposal could potentially have an impact on the amenities of the occupiers in this residential development. However, the proposed development merely seeks to re-configure the existing public car park and would continue to operate as such once works are completed. Consequently, the proposed operation of the re-configured public car park would be no different than the current situation.
- 7.4.2 Notwithstanding the above, there is potential that construction noise, when works take place, could impact on the amenities of nearby residents. Therefore, if planning permission were to be granted, it is recommended a condition is imposed to restrict the hours of construction where noise is audible at the boundary. With this condition in place, it would restrict the hours in which noisy construction activities can take place on-site.

7.5 Parking Provision

- 7.5.1 Policy IT5 of the Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. Policy IT8 of the same document relates to public parking facilities. This policy sets out that planning permission resulting in the loss of existing 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.
- 7.5.2 In relation to the loss of the public car parking facility, a study was undertaken to assess the overall need for car parking facilities across the town centre. The existing car park currently has 100 car parking spaces. In terms of the overall town centre (including Stevenage Leisure Park), there are 4,125 spaces of which 1,208 spaces are located in the Leisure Park. However, whilst the parking in the Leisure Park is free and there are no time restrictions, users are charged a fine if they leave the Leisure Park site (Only available for users of the Leisure Park). This is in order to prevent the car park being used by rail commuters and/or visitors to the rest of the town centre.
- 7.5.3 Turning to the existing car parking in the town centre, these are either Long Stay or Short Stay spaces. In terms of the Long Stay car parking, these are predominantly located at the Railway Station and the western part of the town centre. However, St George's Way Multi-Storey Car Park (MSCP) is the largest capacity Short Stay car park with 900 spaces. The analysis undertaken by the applicant identifies that the occupancy of the Long Stay car parks are the highest on Thursday during usual working hours when all the car parks are full and this drops to just over half full on Saturday. The occupancy of the short stay car parks is the highest on Saturdays. The main occupancy of the long stay car parks are by commuters, whilst the short stay car parks tend to be used by people shopping in the town or for leisure activities.
- 7.5.4 The car park which is the subject of this application, prior to Covid-19, is full for the longest time during the week with 100% occupancy between 8am to 1pm on Thursday as it will include commuters during the day and leisure users in the evening. This

means the car park is used by people who work in the town or use the train station during the week as it is within walking distance to both the train station and town centre. On Saturday, there is 100% occupancy peak between 7pm and 8pm as the car park will be used by a mixture of shoppers and leisure users.

- 7.5.5 Looking at the wider regeneration of the town centre, the SG1 Planning Application (19/00743/FPM), if granted planning permission by the Council, would involve the closure of Swingate East (81 parking spaces) and Southgate (211 parking spaces) car parks, with Southgate Car Park identified as the site for a proposed Primary School. The Local Plan (2019) also identifies Marshgate Car Park (156 spaces) as a Major Opportunity Area (Policy TC7) for redevelopment. In addition, the Council granted planning permission (14/00559/OPM) for the redevelopment of the Matalan Site which also includes Danesgate Car Park. This would result in a further reduction of 178 spaces (101 spaces at Matalan and 77 spaces at Danesgate). Furthermore, the Council granted planning permission for the bus interchange (Planning application 20/00135/FPM) which has resulted in the loss of 90 car parking spaces. As such, if all this development comes forward, there would be a significant reduction in available parking within the town centre.
- 7.5.6 Taking the above into consideration and following an analysis of all the car parks, the Car Parking Assessment undertaken by the applicant identifies that, as a worst case scenario, for both days (Thursdays and Saturday), there is spare capacity in St George's Way MSCP which can accommodate all of the cars from the closed car parks (including the Leisure Centre car park). After the proposed transfer, the St George's Way car park will still have almost 100 vacant parking spaces on Thursday and almost 250 vacant spaces on Saturday. In addition, during the weekday, there is plenty of capacity in Westgate and The Forum which both have a similar charging regime to St George's Way. As such, whilst some car parks will be lost, including the 15 spaces which are to be lost by this proposal, there is still capacity within the retained car parks to absorb the displaced spaces.
- 7.5.7 Turning back to the proposal itself, as per the Council's Car Parking Manager comments raised in planning application 19/00743/FPM for SG1 and planning permission 20/00135/FPM for the bus interchange, they confirmed that there is sufficient capacity in the St Georges Way MSCP to accommodate any parking which is displaced by the proposed development. Therefore, it can be concluded that, allowing for the loss of 15 parking spaces as a result of the current proposal, there would still be sufficient public car parking provision to serve the town centre in this instance.

7.6 Means of access and highway safety

- 7.6.1 The proposed development seeks to utilise the existing access off Swingate carriageway. The access itself would be reconfigured in conjunction with the redesigned carriageway which forms part of planning application 19/00743/FPM. The access would however, be similar to the existing arrangement i.e. one way in and one way out. The new access into the car park would be approximately 6.60m in width with a bell mouth width of approximately 11.60m. It would also have a centralised island with 2 no. chip coin electronic barriers. In terms of the parking bays themselves, these would all measure 2.4m by 4.8m in accordance with Department for Transport (DfT) Manual for Streets and the Council's Car Parking SPD (2012).
- 7.6.2 With regards to Swingate, this would have an increased width to 5.5m resulting in the western kerb moving 700mm to the west. This would allow for the provision of a new loading bay, 3 no. blue badge bays and 2 no. standard bays/E-car club bays (to be secured under planning application 19/00743/FPM). The proposal would also comprise the relocation of the ramps and stepped access to the car park. These would now be located at the north-eastern end of the car park. The scheme would also comprise an

un-segregated (not segregated between pedestrians and cyclists) footway following the removal of the existing wall and ramp.

- 7.6.3 Following consultation with Hertfordshire County Council (HCC) as Highways Authority, they have considered that the amended scheme has addressed their original concerns. Their original concerns mainly related to the relocated ramp access and retaining wall (including the one utilised around the Pine Tree) and the effect this could have on pedestrian safety. Furthermore, they originally had concerns with respect to the horizontal alignment of the carriageway combined with the proposed planting of trees near the parking bays on Swingate and the potential safety issues these had on the highway.
- 7.6.4 The applicant, in response to the concerns raised by the Highways Authority, confirmed that they intend to maintain the same type of low level wall currently retaining the car park. In addition, the ramped access has been designed to create a safe access into the car park in combination with an un-segregated pedestrian footway. In terms of the road alignment, Swingate carriageway has been increased to a width of 5.5m with a continuous kerb alignment moving the kerb 700mm to the west. With respect to landscaping, these would be low level planters or small trees to ensure sufficient vehicle inter-visibility, details of which can be secured by condition. Taking these into consideration, HCC as Highways Authority does not consider the proposed development would prejudice the safety and operation of the highway. However, this would be subject to the applicant undertaking a Road Safety Audit.
- 7.6.5 With respect to the retaining wall around the Pine Tree, whilst the applicant advises they do not intend to modify the existing low level retaining wall, the Council's Engineers have recommended this wall should be modified. The justification for this is to improve pedestrian safety when crossing Swingate near the junction with old London Road. Given this, a condition is recommended requiring the applicant to provide details of how the retaining wall around the Pine can be modified in order to improve pedestrian safety. This approach is agreed by the Council's Arboricultural Manager as they consider the roots of the tree would be able to withstand any alterations to the retaining wall (planter). However, they recommend a 20% to 30% crown reduction along with ivy removal in order to help to facilitate any works to the retaining wall as well as ensure the tree remains vigorous and healthy due to its amenity value.
- 7.6.6 Turning to the overall operation of the car park, the re-configured parking bays have been designed and positioned to allow sufficient space for a vehicle to safely manoeuvre within the car park. This would mean vehicles can safely exit the car park in a forward gear as demonstrated in tracked path analysis submitted with this application. Given this, the Council's Engineering Section do not have any concerns with the proposed development. However, they do recommend the detailed design of the car park and Swingate will need to be secured via condition. This is to ensure the re-configured car park, Swingate and associated highway works are constructed to highways specifications to ensure they do not prejudice the safety pedestrians and road users.

7.7 Trees and landscaping

- 7.7.1 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. Paragraph 175 of the NPPF (2019) states that when determining planning applications local planning authorities should apply the principle, in respect of veteran and ancient trees, that if a development results in the loss or deterioration of irreplaceable habitats it should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 7.7.2 The applicant's Arboricultural Impact Assessment sets out that the application site and the land which borders it comprises of 20 individual trees of which seven are Category A (high quality), eight are category B (moderate quality) and five are category C (low quality) trees. The proposed development would result in the removal of two trees, 1 no. category B tree and 1 no. category C tree, both of which are Lime trees. One of the trees is to be removed (T1) due to the proposed reconfiguration of the site entrance and carriageway. In terms of the second tree (T3), this is to be removed due to its declining condition and damage sustained to a major limb.
- 7.7.3 The proposed development would seek to retain the existing trees on the western edge, including the large Oak tree which is located centrally within the existing car park. In order to protect the trees during construction, the Assessment recommends the use of Root Protection Area barriers in accordance with British Standards.
- 7.7.4 Following consultation with the Council's Arboricultural Manager, the proposed removal of the trees is considered to be acceptable. In addition, the proposed protective measures are also deemed to be acceptable as detailed in the applicant's Arboricultural Impact Assessment. Therefore, if planning permission is granted, it is recommended a condition be imposed requiring the tree protection measures to be in place before and during the construction phases of development.
- 7.7.5 In terms of replacement trees, there is not sufficient space within the application site to plant trees without affecting the number of parking spaces being proposed. However, the proposed development outlined in planning application 19/00743/FPM for the wider regeneration of the town centre comprises a detailed masterplan outlining a landscaping strategy. This sets out in detail how additional landscape features, such as trees can be planted across the masterplan area. This strategy would compensate for any trees being lost under this proposal as well those being removed as part of the aforementioned application. However, some small amount of planting is recommended for Swingate and details of this planting can be secured via condition.
- 7.7.6 With regards to the impact on the Pine tree (T16) which is located at the north-western end of the site, this is considered in detail in paragraph 7.6.5 of this report as well as being addressed by recommended condition 9. However, for reference, the proposed works to this tree would help to facilitate improvements to pedestrian safety in relation to the crossing on Swingate.

7.8 Other matters

Community Infrastructure Levy

- 7.8.1 The proposed development is not seeking to create any new floorspace. As such, there will be no CIL obligations for this development.

Equalities Impact

- 7.8.2 Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.8.3 Officers have taken this into account in the assessment of this application and the Committee must be mindful of this duty *inter alia* when determining all applications. The consultation process has served to notify all relevant adjoining parties likely to be impacted by the development. However, additional regard has been given to any potential impact upon the protected characteristics outlined in the Equalities Act 2010 Section 149 and the provisions contained therein. It is considered that due regard has been given to the impact of the scheme on all groups with the protected characteristics schedule.

7.8.4 The proposed development does not seek to remove any existing disabled parking provision on this part of the town. In addition, whilst forming part of planning application 19/00743/FPM, the combined schemes would deliver 3 no. blue badge bays on Swingate. Moreover, it seeks to provide a new ramped access up to the car park for persons who are disabled and the scheme would continue to provide parking for the wider public who visit the town centre. As such, the scheme from an equalities perspective is deemed to be acceptable in this instance.

Porta cabin WC

7.8.5 In terms to the existing porta-cabins, it is noted that these facilities were provided for Taxi Drivers. Given the proposal seeks to reconfigure the existing car park, these facilities would need to be removed in order to allow space to construct the new access ramp. Following consultation with the Council's Environmental Health Section who also deal with licensing, they advise that these facilities see very little use. As such, they have not raised concerns about their removal. Notwithstanding, as a solution the taxi drivers, as recommended by Environmental Health, could potentially use the toilet facilities which will be provided in the new bus interchange building. This facility is also closer to the taxi drivers who run from the train station itself.

7.8.6 In addition to the above, until they are removed and the bus interchange is in operation, there are toilet facilities within the town centre as well which could also be used by the taxi drivers. Therefore, it is considered that there are alternative facilities in which drivers can use once the porta-cabins have been removed.

8 CONCLUSIONS

8.1 In principle, the proposed development is acceptable as it would not prejudice the future delivery of the wider regeneration of Stevenage Town Centre. Furthermore, the proposal would not have a detrimental impact on the visual amenities of the street scene, and, subject to condition, the amenities of nearby residential properties. Moreover, there would still be sufficient car parking within the town centre to absorb any loss of spaces as a result of this development. In addition, the scheme would not prejudice the safety and operation of the highway network. It is also considered, that subject to appropriate conditions, any trees to be retained can be protected and appropriate planting can be secured as part of this development.

8.2 Given the above, it is considered that the proposed development would accord with the policies contained in the adopted Local Plan (2019), the Council's Design Guide SPD (2009), the Council's Parking Standards SPD (2012), the NPPF (2019) and NPPG (2014).

9 RECOMMENDATIONS

9.1 That this application be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, unless otherwise agreed in writing, by the Local Planning Authority:

AA6999 – 2500 A; 70051063-TP-SK-044_001 E; 70051063-TP-SK-044_002 E; 70051063-TP-SK-044_003 D; 70051063-TP-SK-044-TR1.

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 Prior to the commencement of development the scheme for the protection of the existing trees (other than those which are to be removed and have been approved as part of this permission) shall be implemented in accordance with the details specified in the Arboricultural Impact Assessment (Prepared by RPS, document reference:- JSL3203_771 revision 1.0, dated 21st January 2020) and shall be retained during the construction phase of the development. Within the fenced off areas, 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 prevent any trees which are to be retained from being damaged, destroyed or uprooted during the construction phase of development.

- 4 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

REASON:- Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).

- 5 No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 08:00 hours to 18:00 hours Mondays to Fridays, 08:30 hours to 13.00 hours on Saturdays and shall not operate on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.

REASON:- To ensure the construction works associated with this development do not prejudice the amenities of occupiers of nearby premises due to noise pollution.

- 6 The car parking spaces shall be surfaced and fully marked out as detailed in drawing number 70051063-TP-SK-044_002 Rev E prior to the first operation of the car parking area hereby permitted, unless otherwise agreed in writing with the Local Planning Authority. The car parking spaces shall thereafter be used solely for the parking of motor vehicles and shall not be used for any other purposes, unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To ensure there is sufficient off-street parking to service Stevenage Town Centre.

7. Prior to the first use of the development hereby permitted, vehicular and pedestrian access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number 70051063-TP-SK-044_002 Rev E, unless otherwise agreed in writing with the Local Planning Authority. Any other access(es) or egresses shall be permanently closed, unless otherwise agreed in writing with the Local Planning Authority, and the footway and highway verge shall be reinstated in accordance with a detailed scheme to be agreed in writing by the Local Planning Authority, concurrently with the bringing into use of the new access.

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

8. Prior to the first use of the development hereby permitted, a detailed landscaping scheme (including details of vehicle inter-visibility splays for the proposed parking bays on Swingate) shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out no later than during the first planting season when the development hereby permitted is ready for operation. All soft landscaping features shall be maintained for 5 years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

REASON:- To ensure that the appearance of the development is satisfactory and to ensure the planting scheme does not prejudice highway safety.

9. If the Pine Tree (T16) is to be retained, then prior to the first use of the development hereby permitted, details to modify the Pine tree's (T16) planter shall be submitted to and approved in writing. The crown of the Pine Tree (T16) shall be reduced by 20% to 30% with the works to the planter undertaken in accordance with the approved details and overseen by a qualified Arboriculturalist.

If the Pine Tree (T16) has to be removed in order to improve pedestrian safety, then details of a replacement tree (including any planter details) shall be submitted to and approved in writing by the Local Planning Authority. This replacement tree shall be planted in the first available planting season prior to the first use of the development hereby permitted. The replacement tree shall be maintained for a period of 5 years and if the tree is removed, dies, is severely damaged or becomes seriously diseased within 5 years of planting it shall be replaced with a tree of a similar size and species to the one originally required.

REASON:- In order to improve pedestrian safety at the junction of London Road with Swingate.

10. Prior to the commencement of development hereby permitted, details of car park markings, arrows, footways and ramp access, barrier entrance, drainage, lighting and all other associated highways (including street furniture) works shall be submitted to and approved in writing by the Local Planning Authority. The detailed design of the development shall be implemented in accordance with the approved details.

REASON:- So that vehicles may enter and leave the site with minimum interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians including people with disabilities.

Pro-active statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the

requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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 – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
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 2019 and Planning Policy Guidance March 2014.