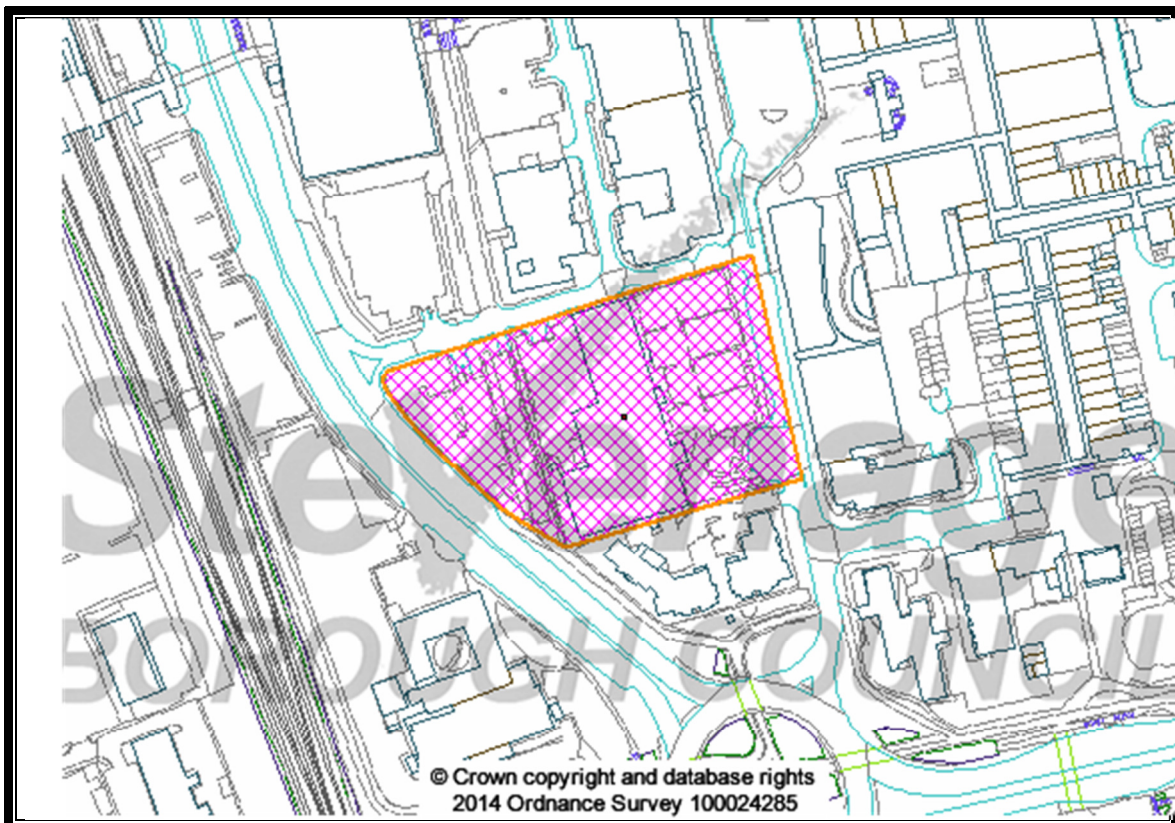


Meeting: Planning and Development Committee **Agenda Item:** 3
Date: 15 September 2015
Author: Dave Rusling 01438 242270
Lead Officer: Zayd Al-Jawad 01438 242257
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Application No : 14/00559/OPM
Location : Matalan, Danestrete, Stevenage
Proposal : Application 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 01A, 02, 03, 04, 05 06 and illustrative elevations.
Applicant : Mr Richard Cardash
Date Valid: 22 October 2014
Recommendation : GRANT OUTLINE PLANNING PERMISSION



1. INTRODUCTION

- 1.1 This application was previously reported to the meeting of the Planning and Development Committee held on 18 August. The application was deferred by the Committee in order to allow officers to provide further clarity on how the affordable housing provision was arrived at and how the proposal would relate to the wider regeneration proposals for the town centre. Additionally, the Committee required further clarification on the car parking proposals to serve the new residential units and requested that the officers review the height, numbers, scale and style of the development.
- 1.2 The purpose of this report is to provide further information in respect of the issues raised above. As concern regarding these issues was the reason for deferring the application, this report only deals with those aspects of the proposal. The previous report to the Committee is attached as an appendix to this item which deals with the other aspects of the proposal which the Committee considered to be acceptable.

2. PUBLIC REPRESENTATIONS

- 2.1 A further letter has been received since the last meeting from the occupier of 48 Pinetree Court raising concerns about parking for care workers. At present they are forced to park in the Matalan site as there is not enough parking at Pinetree Court and concerns are raised that once building works start they would have to pay to park elsewhere at considerable inconvenience carrying their care requisites. Request that part of the Matalan site be assigned for essential visitors to Pinetree Court.

3. APPRAISAL

- 3.1 The application before the Committee is the same as that which was considered at the last meeting held in August, which seeks outline permission with all matters reserved. However, the sections below deal specifically with the areas of concern raised by the Committee in deferring the application.
- 3.2 Affordable Housing
 - 3.2.1 As set out in the previous report, 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. However, 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.
 - 3.2.2 In this instance the applicant has provided a detailed financial viability assessment which indicates that the proposal would not be viable if the full requirement for on-site affordable housing were to be sought. The Borough Council appointed an independent consultant to undertake a review of the viability of the proposals to determine if it could provide the necessary affordable housing and remain financially viable. This process involves critically examining the costs and income assumptions that have been made by the applicants’ consultants. Initially they reported that no affordable housing could be provided. If any

affordable homes (whether for rent or shared ownership) were included, they argued the scheme would not be viable.

3.2.3 Following the review by the consultant appointed by the Council this resulted in three main conclusions:

- The applicant had discounted the potential for off-plan sales. It was considered that in line with many developers who aim to achieve sales before units have been completed (known as off-plan), the location of the Matalan site did have potential for such sales;
- This would have the impact of reducing the development period, which was considered very long at over 10 years. The Council's consultant considered that a shorter development timeframe closer to 6 years could be achieved. This would have an influence on the cash flow, bringing in income earlier and hence improving viability;
- The developer had excluded any income that could be achieved from selling parking spaces with the flats.

3.2.4 In assessing the financial viability appraisal, the Council's consultant also took account of the value that had been attributed to the Council's car parks, land which formed part of the development.

3.2.5 In summary, the compound effect of these changes led to the conclusion by the Council's consultant that the scheme could afford to provide 24 affordable homes, 12 one bed and 12 two bed flats which equated to 4.6%. Having put this to the applicant he has accepted the findings of this independent assessment and has agreed to provide the 24 social rented units which would be secured by way of a S106 agreement. Whilst clearly this is significantly below what the Council would ideally wish, this viability assessment 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.

3.3 Relationship with the wider Town Centre Regeneration

3.3.1 The background to the current aspirations for the regeneration of the town centre is that on the 24 July 2015 the Executive Committee of Stevenage Borough Council:

- adopted the Stevenage Central Framework as the basis for the development of planning policy; and,
- adopted the Framework as a blueprint for the regeneration of the town centre and the wider central area, as identified spatially in the framework.

3.3.2 The timetable for the emerging Local Plan is established in the Stevenage Local Development Scheme (LDS) (August, 2014). Through the process set out in the LDS, planning policy for the town centre will be developed - this is yet to occur. The Stevenage Central Framework (an evidenced-based document adopted by the Council as policy) is relevant to this application, but at present has little material weight.

3.3.3 With regard to this application, it is clear that the proposal is in line with the principles and the spirit of the adopted Stevenage Central Framework. The proposal is a mixed-use, high density scheme within the town centre. It seeks to increase the number and type of homes within the town centre and includes commercial town centre uses. The proposal site is included in the Stevenage Central Framework as the Major Opportunity Area (MOA) 1: Southgate Park. The form of development, which is currently before this Committee, has been included in the proposed layout of MOA 1 on page 51 of the Framework. It is clearly demonstrated that this proposal can be delivered in accordance to the spatial objectives of

the framework. Moreover the framework establishes that the proposal: ‘...demonstrates clear development interest in this MOA and both establishes and tests potential development parameters for the rest of the area (Stevenage Central Framework, 2015)’.

3.3.4 This application is, therefore, considered to be in accordance with the Stevenage Central Framework, would enable the development of a site within the town centre and supports the regeneration policy of the Council.

3.4 Car Parking

3.4.1 With regard to the level of car parking to serve the residential units, the applicant has taken on board the comments of the Committee and whilst he considers the site to be in a highly sustainable location has, nevertheless, provided further indicative plans which identify the number of car parking spaces which could be provided at the site increased from 109 to 175. As set out in the previous report to the Committee, in this sustainable town centre location, the Council’s adopted parking standards allow for a reduction to 25% of the maximum provision, although in such a sustainable location arguably less could be considered acceptable. In this instance, the provision of 175 spaces would equate to the provision of 25% of the maximum standard. In view of this, it has been demonstrated that the level of car parking to serve the new development could accord fully with the Council’s adopted standards.

3.5 Design and scale of development

3.5.1 Having raised the concerns of the Committee with the applicant, his architect has confirmed that the quantum of development is required in order for the scheme to be viable to construct. With regard to the design and appearance, whilst the proposal is in outline form with all matters reserved, the architect advises that the proposed images were an indicator of how the quantum of flats on these two sites could sit within the site and does not necessarily constitute the final design. The indicative design shows two 13 storey towers, one relating to the corner of the town square and the other relating to the corner of Lytton Way. To put this in context, the Council Offices opposite sit at 7 storeys and Southgate House is a 16 storey office building which is located nearby. The view of the applicant and architect is that where the site sits within the town centre, it needs a landmark building/feature and with detailed planning this can be delivered sympathetically within the site’s context.

3.5.2 Furthermore, the applicant’s architect has confirmed that the design has been given careful thought as the height was given to the corners of the site with less impact. On parts of the site which have more of an impact on its neighbours, for instance Pinetree Court, the massing has been significantly reduced. With the retail offering on ground floor, this has been indicated at the strongest street frontages and at this early stage, any occupier could show an interest. He noted that at the last meeting take-aways were mentioned, and advises that this is one of many possible uses, others such as a convenience store, banks, coffee shops and retail shops could be introduced and all add to the local community. It is also confirmed that the design and layout of the flats have been carefully considered as they enhance streetscapes, with the communal amenity space being south facing. Furthermore, none of the buildings shadow or overlook Pinetree Court. The nearest block to Pinetree Court with windows is over 30m away.

3.5.3 With regard to the context of the town centre, the applicant’s architect reiterates the view that the illustrative plans previously submitted represent an appropriate design solution in accommodating the number of units at the site, whilst integrating the proposal into the wider town centre townscape and identifying how “gateway” buildings could be provided at strategic locations within the site. In view of this, the illustrative details and the proposed number of units remain as before.

- 3.5.4 In summary on this issue, whilst the applicant is aware of the previous concerns of the Committee regarding the appearance and number of units proposed, the aforementioned comments make it clear that the indicative layout and quantum of development proposed is there preferred option and, as such, these details remain as previously submitted.

4. CONCLUSIONS

- 4.1 As set out in the previous report, the proposal complies with the Council's land use policies and is not considered to harm either the visual amenities/character and appearance of the locality or the amenities and operating conditions of neighbouring premises. The development is in accordance with the Stevenage Central Framework and would enable the development of a site within the town centre and supports the regeneration policy of the Council. Additionally, the development would not adversely affect the operation of the local highway network and the proposed parking facilities at the site have been revised and increased and would accord with the Council's adopted parking standards. Similarly, the loss of the existing parking within the existing Council owned car parks can be accommodated in alternative Council owned town centre car parks. Finally, at the last meeting it was requested whether the possibility of a pedestrian crossing on Danestrete in the vicinity of the application site and the nearby Pinetree Court development could be considered. In view of this, an additional condition has been added to the recommendation in order to deal with this aspect. Accordingly, having considered the reasons for deferring the application previously and the additional information provided, it is again recommended that outline planning permission be granted.

5. RECOMMENDATION

- 5.1 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 and Engineering 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.

21. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of a pedestrian access across Danestrete in the vicinity of the application site, the feasibility of which shall have been the subject of a highway safety audit. If the pedestrian access is to be provided it shall be carried out in accordance with the approved details

REASON:- In the interests of pedestrian and highway safety for users of the development and the adjoining highway.

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).

6 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.