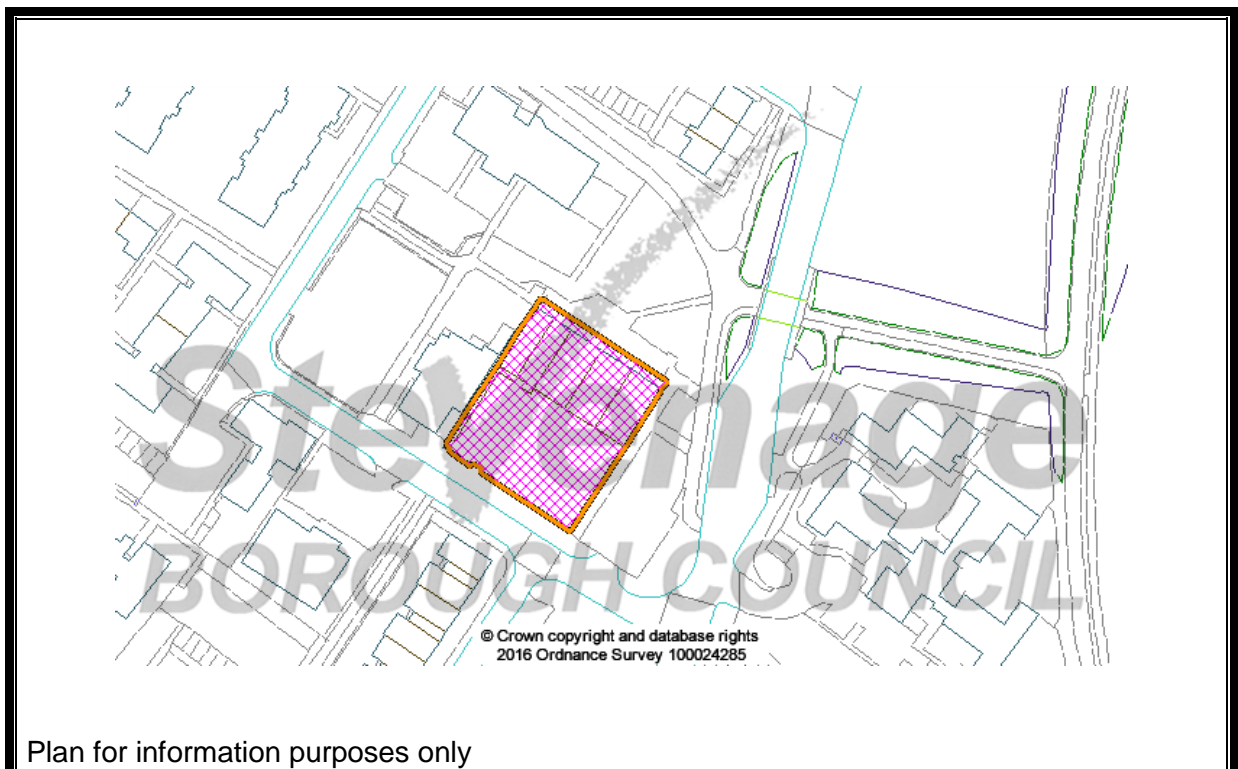


Meeting:	Planning and Development Committee	Agenda Item:
Date:	4 November 2020	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	20/00483/FPM
Location:	Symonds Green Neighbourhood Centre, Filey Close, Stevenage.
Proposal:	Variation of conditions 1 (Approved Plans), 12 (Car Parking Provision), 13 (Cycle Parking Provision), 17 (Business Retention), 18 (Restriction on Retail) and 19 (Restriction on Retail) attached to planning permission reference number 16/00395/FPM.
Drawing Nos.:	2252 BR 300 S; 2252 BR 310 J; 2252 BR 311 H.
Applicant:	Mr Nash Karbani
Date Valid:	1 September 2020
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located off Filey Close which is a spur road off of Scarborough Avenue and is currently occupied by the Symonds Green Neighbourhood Centre. The Neighbourhood Centre, in which planning permission 16/00395/FPM is currently being implemented, comprises an extension on the upper floors comprising of 26 apartments. The external elevation of the extension is finished in grey rain screen cladding. The fenestration detailing comprises the creation of new windows and doors with grey polyester powder coated (ppc) aluminium frames. At ground floor level, parts of the building (which are still under construction) have been altered to create new retail units with associated shop frontages being installed. The building at this level has also been reclad in clay stock facing bricks. The first floor part of the building has been rendered with new stone detail banding.
- 1.2 However, on the principal (northern/front) elevation, works have not yet commenced and it is this part of the building which is the main subject of this planning application. The premises which currently occupy the ground floor level consists the following:-
- MD Chemist;
 - The Co-operative food;
 - Mandarin House; and
 - King Pizza and Kebab.
- 1.3 The shop fronts associated with the premises consist of aluminium frame glazed windows and doors with low level stall risers and simplistic signage. To the north of the application site is the Symonds Green Community Centre and to the south is the public highway (File Close) beyond which is a three-storey block of flats and the Symonds Green Doctors Surgery. To the west, attached to the building, is the Tom Tiddlers public house which lies adjacent to a surface car park. Beyond this area is a three-storey block of flats. To the east of the site is a surface car park which currently serves the neighbourhood centre and community centre. Beyond this surface car park is Scarborough Avenue and an underpass which connects to the cycle track on Gunnels Wood Road.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 2/0087/69 was an outline application for residential development on land to the east side of Symonds Green Lane. Permission was refused in July 1969.
- 2.2 Planning application 2/0230/70 sought permission for the creation of a residential development in Symonds Green for Stevenage Development Corporation. Permission was granted in July 1971.
- 2.3 Planning application 2/0189/78 sought permission for the change of use from shop to shop for the sale of hot food. Permission was granted in April 1979.
- 2.4 Planning application 2/0332/84 sought permission for the conversion of the ground floor shop into three separate retail shops (within Class I of the Town and Country Planning (Use Classes) Order 1972). Permission was granted in December 1984.
- 2.5 Planning application 2/0125/86 sought permission for a new shop front on the north-east corner of the building. Permission was granted in May 1986.
- 2.6 Planning application 2/0020/87 sought permission for the conversion of part of the building to provide a housing estate office with a meeting room and two small commercial units for light industrial or storage purposes. Permission was granted in February 1987.
- 2.7 Planning application 2/0209/95 sought permission for a shop front alteration. Permission was granted in August 1995.

- 2.8 Planning application 00/00472/FP sought permission for the change of use from shop (Class A1) to use for takeaway and delivery pizza sales (Class A3) and extraction and ventilation ducting on side elevation. Permission was granted in March 2001.
- 2.9 Planning application 03/00483/FP sought permission for a variation of condition 00/00472/FP to allow for the sale of kebabs, burgers and chips. Permission was granted in December 2003.
- 2.10 Planning application 04/00186/FP sought permission for the retention of a roller shutter to the main entrance of the neighbourhood centre. Permission was granted in July 2004.
- 2.11 Planning application 04/00336/FP sought permission for the installation of auto sliding doors to aid disabled and elderly access into the Co-op store. Permission was granted in September 2004.
- 2.12 Planning application 16/00146/FP sought permission for the change of use from Use Class B1, B8 (Light industrial and storage) to A1 (Hairdressers). Permission was granted in April 2016.
- 2.13 Planning application 16/00395/FPM sought permission for the demolition of 4 no. residential units and refurbishment and external alterations of neighbourhood centre, change of use of existing A1 (shop), B1/B8 (Former Council Estate Office, Business and Storage), D1 (Community Centre) and ancillary Community Cafe to create 3 no. units comprising 2no. Class A1 (shop) and 1no. Class B1 (business) at ground floor level, construction of one additional floor to create 12 no. one bedroom apartments and 10 no. two bedroom flats. Permission was granted in May 2018. This is the application which is being varied under this planning application.
- 2.14 Discharge of condition application 19/00314/COND sought to discharge conditions 3 (materials), 4 (Dust Control), 5 (Construction Method Statement), 6 (Screening of Plant), 7 (Asbestos) and 11 (Strategic Waste Management Plan) attached to planning permission 16/00395/FPM. The conditions were discharged in September 2019.
- 2.15 Discharge of condition application 19/00441/COND sought to discharge condition 8 (Drainage Scheme) attached to planning permission reference 16/00395/FPM. This condition was discharged in August 2019.
- 2.16 Discharge of condition application 19/00533/COND sought to discharge condition 9 (Thames Water) attached to planning permission reference 16/00395/FPM. This condition was discharged in October 2019.

3. THE CURRENT APPLICATION

- 3.1 This application seeks to vary conditions 1 (Approved Plans), 12 (Car Parking Provision), 13 (Cycle Parking Provision), 17 (Business Retention) as well as conditions 18 and 19 (Restriction on Retail). For reference, these conditions state the following:-

Condition 1 (Approved Plans)

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

DP100A; DP302F; DP303B; DP300H; DP301G; DP310C; DP311C; DP320A; DP321A.

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

Condition 12 (Car Parking Provision)

Prior to the first occupation of the dwellings hereby permitted the approved car parking area shall be marked, surfaced and constructed in accordance with the details identified on drawing DP 300 H and shall be permanently retained in that form thereafter.

REASON:- To ensure sufficient parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.

Condition 13 (Cycle Parking Provision)

Prior to the first occupation of the dwellings hereby permitted the approved secure cycle parking area shall be constructed in accordance with the details identified on drawing DP 300 H and shall be permanently retained in that form thereafter.

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

Condition 17 (Business Retention)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit#1(B1 Use) as shown on drawing number DP 300 H shall only be used as Use Class B1 (Business) and for no other purpose (including any purpose in Class B on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing B1 (business) class development is adequately reprovided within the neighbourhood centre.

Condition 18 (Restriction on Retail)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit #2 as shown on drawing number DP 300 H shall only be used as Class A1 (Convenience) and for no other purpose (including any purpose in Class A on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- In order to protect the vitality and viability of Stevenage Town Centre.

Condition 18 (Restriction on Retail)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit #3 as shown on drawing number DP 300 H shall only be used as Class A1 (shop) and for no other purpose (including any purpose in Class A on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing class A1 (shop) use is adequately re-provided within the neighbourhood centre.

- 3.2 Following the commencement of works on the development site, the existing tenants have raised concerns that the approved shop frontages, external building treatment and replacement of the canopies when they were to be installed, would have had a detrimental impact on their ability to continue to operate. Therefore, the applicant has agreed to amend the approved scheme to allow the existing retail tenants to install their own 'individual fit-out proposals'. For reference, these would be subject to separate planning permission and

therefore, do not form part of this planning application. In addition, they will seek to retain the existing canopy above the existing shopping parade. However, the applicant would look to undertake sympathetic refurbishment works to the existing canopy.

3.3 Further to the above, in order to limit the impact on the existing businesses and to allow them the floorspace they require, the internal arrangements of the approved development at ground floor level would be amended as follows:-

- The approved 3 no. retail units on the western elevation would be subdivided into 5 no. smaller retail units;
- The internal parking area serving the development would be positioned more centrally and comprise 10 parking spaces (Increase of 2 parking spaces over the original planning permission);
- The office unit and approved cycle parking has been repositioned internally;
- The disabled parking bay has been relocated externally and positioned in close proximity to a new ramp up to the residential and retail units.

3.4 Given the above changes, the access door serving the internal parking area has been relocated centrally on the southern elevation of the building. The office unit located on the rear of the building would require the installation of windows into the southern elevation of the building. Turning to the re-configuration of the retail floorspace, this would result in changes to the approved shop frontages on the eastern elevation of the building as well. This elevation would now comprise 5 no. full height glazed store entrances

3.5 This application has been referred to the Planning and Development Committee for its decision. This is because the external appearance of the approved development under planning permission 16/00395/FPM is to be amended from that which was previously determined by the Committee.

4. PUBLIC REPRESENTATIONS

4.1 This planning application has been publicised by way of a site notices and neighbouring properties have been notified about the application via a letter. The application was also published in the local press as it is a major application. No comments or representations have been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

5.1.1 The variation of conditions are acceptable in highway terms.

5.2 The Council's Environmental Health Department

5.4.1 There are no objections to the planning application.

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

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 SP8: Good Design
 Policy EC7: Employment development on unallocated sites
 Policy HO5: Windfall Sites
 Policy HC1: District, local and neighbourhood centres
 Policy HC2: Local shops
 Policy IT5: Parking and Access
 Policy IT8: Public parking provision
 Policy GD1: High Quality Design
 Policy FP7: Pollution
 Policy FP8: Pollution sensitive uses
 Policy NH6: General protection for open space
 Policy TC11: New convenience retail provision

6.5 Supplementary Planning Documents

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

7. APPRAISAL

7.1 When considering applications of this type, local planning authorities are entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remain relevant, so that the only issue for consideration in the determination of this application is how the variation of the condition referred to above would impact on the approved scheme and whether any additional conditions are warranted.

7.2 The main issues for consideration of this application are, therefore, the acceptability of the changes to the scheme in respect of land use policy considerations, affordable housing and Section 106 obligations, impact on the appearance of the area, impact upon residential amenities and parking.

7.2 Land Use Policy Considerations

Redevelopment of the Neighbourhood Centre

7.2.1 The site is designated as a neighbourhood centre under Policy HC1 of the Stevenage Borough Local Plan 2011 to 2031 (2019). In regards to the original planning permission itself, it sought to re-develop the Filey Close (also known as Symonds Green) Neighbourhood Centre in order to provide a mixed use development of retail, business and the creation of 22 apartments. Consequently, the requirements of Policy HC1 had to be taken into consideration. This policy stipulates that development proposals would be granted where:-

- The proposal is in keeping with the size and role of the centre;
- Neighbourhood centres should continue to provide a range of small-scale retail, health, social, leisure, cultural and/or residential uses and maintain at least one unit in Class A1 (shops);
- The proposed development does not prejudice the Council's ability to deliver a comprehensive redevelopment scheme; and
- An impact assessment has been provided, were required by Policy TC13, and it has been demonstrated that there will be no significant adverse impact.

Planning permission would be granted as an exception to the above where satisfactory on or off-site provision is made to replace a loss of uses(s) relevant to the status of the scheme.

7.2.2 The approved development under planning permission 16/00395/FPM involved the refurbishment of the existing neighbourhood centre and would retain the existing premises which includes the Co-Operative store, pharmacy and hot food take-away premises. Furthermore, the approved development also sought to provide additional retail units and a business use class unit which would help to complement the overall shopping facilities available at the neighbourhood centre. This application which is currently before the Council does not seek to alter the existing operator's premises which reside within the development. In terms of the retail and business units which are proposed, these are considered in more detail in the following sections of the report below.

Loss of employment use outside of an employment area

- 7.2.3 Policy EC7 of the adopted Local Plan (2019) states that planning permission for the loss of employment land or sites not allocated for any specific purposes would only be granted where:-
- i) There is sufficient suitable employment land available elsewhere;
 - ii) The proposals provide overriding benefits against other objectives or policies in the plan or;
 - iii) It can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant over a considerable period of time.
- 7.2.4 In regards to the first point, the adopted Local Plan identifies that future opportunities in the Borough regarding employment land are insufficient to meet identified needs. These requirements already incorporate some allowance for the loss of existing premises. Therefore, the applicant would need to demonstrate how the proposed change of use does not unnecessarily exacerbate the current issue. Moreover, the loss of the existing premises will be permitted where this issue has been taken into consideration.
- 7.2.5 Under the original planning permission, the development involved the loss of the vacant Stevenage Borough Council Offices as well as the existing Use Class B1/B8 unit which is currently operating from the neighbourhood centre. Therefore, the applicant at the time was required to demonstrate that the existing uses are no longer viable or seeks to provide replacement employment uses within the development.
- 7.2.6 As part of the approved development, the applicant sought to provide 1 no. Use Class B1 (business) premises which would accommodate some of the employment floorspace which would be lost. However, despite the lack of like-for-like replacement floorspace for the existing B-class uses located within the neighbourhood centre, the Stevenage Borough Council Estates Office has been vacant for a number of years with no alternative use ever operating from these premises since it closed. Consequently, the level of replacement B-class floorspace was considered to be acceptable at that time.
- 7.2.7 Given the above, this current application before the Council, whilst it does involve the reconfiguration of the ground floor, does still seek provide an area of business floorspace to the rear of the building. Therefore, the amended scheme would be in accordance with Policy EC7 of the adopted Local Plan (2019).

Compliance with the Council's retail policies

- 7.2.8 Under Policy SP4 of the Local Plan (2019), the Council would support the provision of up to 7,600m² of net additional convenience floorspace within the borough boundary to meet the needs of the expanding town. This would include extensions to existing centres in the retail hierarchy, then other stores in accordance with the sequential test. Policy TC11 of the same document identifies that at least 1,500m² is allocated for extensions to existing stores within the retail hierarchy outside of the town centre. However, any other stores within A1 would have to accord with the sequential test.
- 7.2.9 The previously approved development sought to provide 2 large retail units on the eastern side of the building. One of these approved units would have also been a convenience store which was considered to be acceptable by the Council at the time. However, this scheme no longer seeks to provide a convenience store and due to the reconfiguration internally, these approved retail units have been subdivided into 5 no. smaller retail units. This would allow for a greater variety of retail provision at the neighbourhood and being smaller units they would be much more attractive spaces to let out. Notwithstanding, it is

important to note this scheme does seek to retain the existing operators which are already operating from the neighbourhood centre. Therefore, these businesses would still be able to provide a service to the local community.

7.2.10 Given the above, the overall level of retail provision is considered to be acceptable in line with the Council's adopted Local Plan (2019).

7.3 Affordable housing and developer contributions

7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission will be granted for residential developments that maximise affordable housing provision. For developments on previously developed sites, 25% of the dwelling units should be affordable. In regards to the proposed development, this would equate to 5.5 units (rounded up to 6). Policy HO7 continues that "planning permission will be refused where these targets are not at least achieved unless:

a) Developers robustly demonstrate that the target cannot be achieved due to site-specific constraints resulting in higher than normal costs, which affect its viability; or

b) Meeting the requirements would demonstrably and significantly compromise other policy objectives."

7.3.2 Taking the aforementioned into consideration, the applicant under planning permission 16/00395/FPM, through negotiations with the Council's Housing Department, agreed a financial contribution of £310,000 towards the provision of affordable housing. This was deemed to be acceptable by the Council as Local Planning Authority when the previous planning application was determined.

7.3.3 In addition to affordable housing, financial contributions were also required under planning permission 16/00395/FPM in accordance with the Hertfordshire County Council tool kit and contributions to Stevenage Borough Council for commuted payments towards the improvement of nearby outdoor sports facilities and children's play space. These financial contributions are set out in the table below:-

Stevenage Borough Council	Financial Obligation
Open outdoor sport	£866.88
Children's play space	£782.64
Total	£1,649.52
Hertfordshire County Council	
Library	£1,906.00
Overall total	£3,555.52

7.3.4 Taking the above financial obligations into consideration, if Members were minded to grant this planning application, then there would be a requirement for the applicant to enter into a Deed of Variation (DoV) to the original S.106 agreement. This DoV to the original S.106 would bind the applicant to the above obligations which were originally secured by the Council. It can be confirmed that the applicant has agreed to enter into a DoV with the Council on the S.106 agreement.

7.3.5 It is important to note that we cannot re-consider any S.106 obligations (including Affordable Housing) under this planning application which is before the Council. This is because this application does not seek to alter the number of approved dwellings or change the overall approved housing mix either.

7.4 Impact on the appearance of the area

- 7.4.1 The application proposes external alterations as detailed under paragraphs 3.2 to 3.4 of the report. Dealing firstly with the proposed retention of the existing shop frontages and canopy, by retaining these features this deviates from the approved details set out under the original planning permission. These changes included the creation of modern full height glazed frontages with new modern canopies over the main entrances. The approved scheme also sought to re-clad the ground floor frontage in brick and stone detailing.
- 7.4.2 However, following discussions with the applicant, the existing business operators raised substantive concerns as to the impact these works could have on their ongoing operation. In addition, the Co-Operative are currently undertaking refurbishment works to their own premises with a separate application (19/00726/FP) which seeks planning permission for external alterations to the shop front. Therefore, the applicant has agreed that, in order to limit any further impacts on the operators, they will retain the frontage as it is and allow the operator to install their own new frontages. Furthermore, they will seek to undertake sympathetic repairs and minor cosmetic repairs to improve the remainder of the frontage.
- 7.4.3 Turning to the minor external changes to the rear and eastern elevations to the building, these would tie in with the overall modernised appearance of the building. Therefore, they would not harm the architectural integrity of the approved scheme.
- 7.4.4 Given the aforementioned assessment, it is considered that the proposed alterations to the approved scheme would not have a detrimental impact on the character and appearance of the development. Moreover, they would not harm the visual amenities of the wider street scene.

7.5 Impact upon residential amenities

- 7.5.1 With regard to the impact on neighbouring amenity, it is not considered the proposed variations to the approved scheme would have a detrimental impact on the amenities of neighbouring properties. Furthermore, the hours of construction conditions would be re-imposed to any planning permission issued. This would ensure that any nearby residents are not unduly affected by construction noise. Consequently, the Council's Environmental Health Section does not raise any concerns with the proposed amendments to the approved scheme.

7.6 Parking

- 7.6.1 Policy IT5 of the adopted Local Plan (2020) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Parking Standards SPD (2020) sets out the maximum amount of off-street parking for residential development based on the number of bedrooms. However, it is important to note that the original application was determined on the recently superseded Parking Standards SPD (2012).
- 7.6.2 The proposed development, in line with the superseded Council's Car Parking Standards, would have required 27 off-street parking spaces. However, the approved development sought to provide 22 off-street parking spaces which is a ratio of 1:1. Whilst it was agreed there was a shortfall of 5 off-street parking, it was identified that the application site is located in a sustainable location. This is because there is direct access to local facilities such as the doctor's surgery, community centre and church along with the co-operative food store, pharmacy and fast food establishments. The proposal would also comprise of additional retail and business floorspace which supports the sustainability of the development.

- 7.6.3 Further to the above, the site is well served by public footpath connections and is in close proximity to the well-established cycle network. In this regard the provision of a secure cycle facility on site for 25 spaces, which exceeded the Council's Parking Standards at the time, and was considered it would encourage a modal shift towards more sustainable forms of transport. The site is also in close proximity to a bus stop which serves bus route SB8/SB9. Therefore, the site has the accessibility characteristics of the Council's Residential Accessibility Zone 3 which are characterised as being within 400m of a local shop with good passenger transport links. The site is also a short distance from the local primary school which can be accessed by the cycle network. In this regard, the Parking Provision SPD seeks to reduce car use in areas of high accessibility by applying reductions to the standards which in zone 3, the SPD states that car parking should be between 75% to 100% of the maximum standards.
- 7.6.4 Given the above, the provision of 22 spaces which equated to 81% of the maximum then parking standard of 27 spaces, was considered to be acceptable given the development is highly sustainable with good access to public transport the cycle network and local facilities. Furthermore, there is a surface car park located to the east of west of the site which can also act as an overflow for any visitors to the residential apartments.
- 7.6.5 Turning to the existing retail and fast food units which are to be retained, the surface car park to the east and west of the site would continue to serve these units. In regards to the proposed retail units and business unit, these would also be able to utilise the existing surface car parking areas which previously served the former Council Estate Office and still serve the A1 (shop) and B1/B8 units located to the rear of the building. Therefore, it was considered at the time that sufficient off-street parking would be available to serve the non-residential element of the development.
- 7.6.6 Under the recently adopted Parking Standards SPD (2020), for the residential part of the development, the overall parking requirement for this development has not changed. Therefore, this amended scheme seeks to provide the 22 parking spaces as per the previously approved scheme. As it has already been established this level of parking is acceptable, it would not be reasonable to refuse planning permission on the number of parking spaces provided. With respect to the non-retail units, as per the previously approved scheme, these would continue to use the public parking areas.
- 7.6.7 With respect to cycle parking, under the recently adopted Car Parking SPD (2020), there would be a requirement to provide 32 cycle parking spaces. Through negotiations with the applicant, they have identified a racking system which can be installed within the development which can accommodate 32 cycle parking spaces. As such, the applicant has amended the originally submitted plans to demonstrate the necessary level of cycle parking in accordance with the Council's adopted Parking Standards. However, to ensure that there would be sufficient cycle parking to serve residents in the future, it is recommended a condition should be imposed to any permission issued. This condition will require the cycle parking to be provided in line with the details provided prior to first occupation of the dwellings.
- 7.6.8 Turning to electric vehicle parking, the Car Parking SPD (2020) now introduces a minimum requirement for electric vehicle parking. The requirements for new developments would need to abide to the following:-
- All new car parking should be designed to fulfil a Passive Electrical Vehicle Charging Point standard (providing the necessary underlying infrastructure);
 - The blend of access to charging points provided within new developments;
 - A minimum of 20% of new parking on a site to have access to an active EV charging point;
 - A flexible approach to the requirement of charging facilities as technology changes.

This is a very new policy which has been formally adopted by the Council so the scheme which is under construction does not include details of electric vehicle charging. However, the applicant has agreed to provide the necessary electric vehicle charging facilities as per the recently adopted standards. In order to secure this, it is recommended a condition is imposed requiring full details of the proposed electric vehicle charging facilities are submitted to the Council for its approval. It would then be a requirement to install the necessary facilities accordingly.

- 7.6.9 In summary, subject to conditions, it is considered that on balance, the overall level of parking provided is acceptable in this sustainable location. In addition, there would be the provision of acceptable cycle parking and electric vehicle parking facilities in accordance with the Council's Parking Standards SPD (2020). Consequently, the proposed development would accord with the requirements of Policy IT5 of the adopted Local Plan (2019).

7.7 Other matters

Community Infrastructure Levy

- 7.7.1 The proposed amendments to the approved development does not seek to increase the approve level of floorspace. Therefore, this development would not be subject to any CIL liability.

Highways impact

- 7.7.2 This application does not seek to extend or alter any existing vehicular or pedestrian access points or routes beyond what has already been approved by the Council. In addition, the amendments sought under this application will not impact on the level of traffic generation which has been established to be acceptable under the 16/00395/FPM permission. Therefore, Hertfordshire County Council as Highways Authority considers the proposed changes to the aforementioned scheme under this application to be acceptable.

8. CONCLUSIONS

- 8.1 In summary, and subject to conditions, the principle of the proposed amendments sought under this Section 73 application are acceptable. In addition, these changes would not have a detrimental impact on the character and appearance of the development or the visual amenities of the wider street scene. Furthermore, they would not impact on the amenities of neighbouring properties and there would be sufficient off-street parking, cycle parking and electric vehicle parking facilities as well.
- 8.2 Given the aforementioned, the proposed development under this Section 73 application is considered to be acceptable in line with the Council adopted Local Plan, Planning and Design Guide SPD (2009), the Council's Car Parking Standards SPD (2020), the NPPF (2012) and NPPG (2014).

9. RECOMMENDATIONS

- 9.1 That Planning permission be GRANTED subject to the applicant having first entered into and completed a deed of variation to the original S106 agreement which was secured under planning permission 16/00395/FPM. This is in order to bind this planning permission to the obligations set out in the original S.106 agreement. The detail of the deed of variation of the S106 agreement to be delegated to the Assistant Director of Planning and Regulation in conjunction with the Council's appointed solicitor and subject to the following conditions/reasons:

- 1 The development hereby permitted shall be carried out in accordance with the approved plans:
2252 BR 300 S; 2252 BR 310 J; 2252 BR 311 H.
REASON:- For the avoidance of doubt and in the interests of proper planning.
- 2 The external surface of the development hereby permitted shall be completed in accordance with the approved materials specified under discharge of condition application 19/00314/COND.
REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.
- 3 The dust control measures as detailed as submitted in the Construction Method Statement and Management Plan combined with the Air Quality Dust Risk Assessment as detailed in the discharge of condition application 19/00314/COND shall continue to be in operation during the construction phases of development. 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.
- 4 The methods specified in the submitted Construction Method Statement and Management Plan as approved under discharge of condition application 19/00314/COND to minimise construction noise and vibration shall be strictly adhered to throughout the construction period of the development.
REASON:- To protect the amenities of adjoining land users.
- 5 The method for screening and enclosure of plant and machinery to be used during the construction period as detailed in discharge of condition application 19/00314/COND shall remain in place accordingly. 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.
- 6 The final design details of the SuDS elements and the drainage network as specified in the layout plan (drawing number 9530/500 Rev 01) and Drainage Strategy Report (Prepared by Vale Consultancy, report reference 9530 dated July 2019) which was submitted under discharge of condition application 19/00411/COND shall be implemented in accordance with the approved details.
REASON:- To ensure that the site can effectively be drained and maintained during the lifetime of the development.
- 7 The development permitted by this planning permission shall be carried out in accordance with The SuDS statement dated July 2016 prepared by Shear Design and the following mitigation measures as detailed within the SuDS statement.
- 1) The surface water run-off generated by the development discharged into the ordinary watercourse must not exceed of 19 l/s during the 1 in 100 year + climate change event.
 - 2) Attenuation volume must be provided for by permeable pavements to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year event plus an allowance for climate change. An area of 150 m² will be covered by permeable pavements; as shown in the proposed drainage sketch plan 16137-SK100 included in Appendix iii of the SuDS statement.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority (LPA).

If after further detailed design and calculations the applicant proposes a reduction in the attenuation volumes to be provided in each catchment, such changes will need to be agreed with the LPA.

REASON:- To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

- 8 The Site Waste Management Plan (SWMP) as detailed in the Construction Method Statement and Management Plan which was submitted under discharge of condition application 19/00314/COND which details how waste materials generated as a result of the proposed construction methods shall be disposed of, and detail the level and type of soil to be imported (if required) to site as part of the development shall be strictly adhered too throughout the construction period.
REASON:- In order to reduce the level of waste generated during the construction of the development and to recycle all waste where possible.
- 9 Prior to the first occupation of the dwellings hereby permitted the approved car parking area shall be marked, surfaced and constructed in accordance with the details identified on drawing 2252 BR 300 S and shall be permanently retained in that form thereafter.
REASON:- To ensure sufficient parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.
- 10 Prior to the first occupation of the dwellings hereby permitted, the approved secured cycle parking area as identified on drawing 2252 BR 300 S shall be constructed in accordance with the approved details and thereafter, permanently retained in that form.
REASON:- To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.
- 11 No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays.
REASON: - To safeguard the amenities of the occupiers of neighbouring properties.
- 12 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to the first occupation of the development. Any external lighting shall be provided in accordance with the details so approved.
REASON:- In order to protect the amenities of nearby residential properties.
- 13 No waste materials generated as a result of the proposed demolition and /or construction operations shall be burned on site. All such refuse shall be disposed of by alternative methods.
REASON:- To protect the amenities of adjoining land users.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit#1(B1 Use) as shown on drawing number 2252 BR 300 S shall only be used as Use Class E (office or research and development) and for no other purpose (including any purpose in Class E on Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (As amended) or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing B1 (business) class development is adequately re-provided within the neighbourhood centre.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Units #1 to Unit #5 as shown on drawing number 2252 BR 300 S shall only be used as Use Class E (for the display or retail sale of goods, other than hot food) and for no other purpose (including any purpose in Class E on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- In order to protect the vitality and viability of Stevenage Town Centre.

- 16 Prior to the first occupation of the residential development hereby permitted details of electric vehicle charging facilities [siting, type and specification of EVCPs, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs] shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained, unless otherwise agreed in writing with the Local Planning Authority

REASON:- To ensure the development provides sufficient electric vehicle charging facilities.

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 led 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.

INFORMATIVES

Police Crime Prevention

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

Lead Local Flood Authority

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

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.

5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.