



## Appeal Decision

Inquiry held on 7 – 9, 14 and 15 June 2022

Site visit made on 17 June 2022

**by Joanna Gilbert MA (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> July 2022**

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**Appeal Ref: APP/K1935/W/20/3255692**

**Land to the west of Lytton Way, Stevenage SG1 1AG.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Hill Residential Ltd against the decision of Stevenage Borough Council.
  - The application Ref 19/00474/FPM, dated 1 August 2019, was refused by notice dated 6 March 2020.
  - The development proposed is demolition of existing office building (B1 use) and structures, and the construction of seven apartment buildings comprising 576 dwellings (C3 use) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works.
  - This decision supersedes that issued on 20 August 2021. That decision on the appeal was quashed by order of the High Court.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing office building (B1 use) and structures, and the construction of seven apartment buildings comprising 576 dwellings (C3 use) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works at Land to the west of Lytton Way, Stevenage, SG1 1AG in accordance with the terms of the application, Ref 19/00474/FPM, dated 1 August 2019, subject to the 17 conditions in the attached schedule.

### Procedural Matters

2. The previous appeal decision for this development proposal was quashed by order of the High Court on 1 December 2021 and so is required to be redetermined. My attention has been drawn to a legal judgment<sup>1</sup> with regard to consideration being given to a quashed decision as a material consideration.
3. Following the appeal's submission, the Council revised its requirements for cycle parking. The provision of revised drawings to address the Council's revised standards is dealt with by a condition, which requires the submission of plans to show compliance with the revised cycle parking standards.
4. Two amended plans 2660-LA-01 Rev E and 2660-LA-02 Rev E were submitted prior to the Inquiry opening. As they only made very minor changes to the location of parking bays and sub-stations to correct drafting errors, no prejudice would be caused to any parties by my consideration of these plans.

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<sup>1</sup> Davison v Elmbridge Borough Council [2019] EWHC 1409.

5. I have had regard to a signed and executed legal agreement which was submitted on 6 July 2022.

### **Main Issue**

6. Since the appeal was submitted and the first Inquiry took place, the main parties have reached common ground regarding infrastructure provision which formed the third reason for refusal. I have therefore addressed this as part of other matters within my decision. It is also agreed by the main parties that there would not be a negative effect on the nearby Old Town High Street Conservation Area. I have not dealt with this matter further. In contrast to the previous Inspector, I have not discussed privacy of future residents associated with distances between windows as it is not disputed by the main parties.
7. Addressing both the first and second reasons for refusal, the main issue in this appeal is therefore the effect of the proposed development on the character and appearance of the area.

### **Reasons**

#### ***Character and appearance***

##### *Policy context*

8. Chapter 12 of the National Planning Policy Framework (the Framework) deals with good design. Paragraph 126 of the Framework confirms the fundamental importance of creating high-quality, beautiful and sustainable buildings and places. Paragraph 130 of the Framework states that decisions should ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, optimise the potential of the site; and create places that are safe, inclusive and accessible. Paragraph 134 of the Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
9. The Planning Practice Guidance (PPG)<sup>2</sup> sets out the importance of well-designed places and refers to the ten characteristics of good design set out in the National Design Guide (2021) (NDG), including context, identity, built form, movement, and nature. The NDG also highlights the Framework's role in achieving high quality places and is supported by the National Model Design Code (NMDC) and its guidance notes.
10. Derived from Ebenezer Howard's Garden City movement, the New Town movement led to Stevenage being designated as the United Kingdom's first New Town in 1946. Development of the Stevenage New Town took place over the following decades. Recognising the need for regeneration of the New Town, the Stevenage Local Plan 2011 – 2031 (Local Plan) was adopted in May 2019. The Local Plan's vision includes plans to deliver transformational physical, social and economic regeneration of the New Town, twinned with housing and employment growth. It looks to maximise the use of previously developed sites in the Town Centre, the Old Town and the New Town. It designates Major

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<sup>2</sup> Paragraph: 26-001-20191001.

Opportunity Areas to deliver high-quality mixed-use schemes with the aim of delivering a step-change in the perception of the Town Centre. In looking to provide hundreds of new homes on previously developed sites, it refers to the need to provide high standards of design and sustainability.

11. The site is presently in employment use. Local Plan Policy EC7 states that planning permission for the loss of employment land on sites not allocated for any specific purpose will be granted where there is sufficient suitable employment land available elsewhere, there are overriding benefits against other objectives or policies in the Local Plan or 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. The criteria of Policy EC7 on the quantum of employment land and vacancy and marketing are met. The main parties are therefore in agreement that the loss of employment floorspace and land would be acceptable in this instance.
12. Local Plan Policy SP7 sets out housing numbers and locations, but also supports applications for housing on unallocated sites where they are in suitable locations and will not exceed environmental capacity. Although this policy is within the Council's decision, Ms Fitzpatrick confirmed in her proof of evidence that she considered the policy not to have been breached.
13. Local Plan Policy SP8 is a strategic policy which requires new development to achieve the highest standards of design and sustainability, by preserving and enhancing Stevenage's most important areas and characteristics whilst delivering substantial improvement to the image and quality of the town's built fabric; requiring significant developments to be masterplanned to ensure the delivery of high-quality schemes; setting out detailed design criteria and requiring applicants to have regard to Supplementary Planning Documents and other relevant guidance; and implementing the Government's optional Technical Standards. Both main parties agree that Policy SP8 is consistent with the Framework.
14. Furthermore, the supporting text to Policy SP8 recognises that new designs should raise the overall tone of design whilst respecting those parts of the New Town's history and general principles that still work. It notes that examples of historic and modern high-quality design and layout should be preserved whilst also influencing the future, and highlights the contribution of high-quality design of transport infrastructure to sustainability and quality of life.
15. Local Plan Policy GD1 on high quality design states that planning permission will be granted where criteria are met. Only criteria a. and e. are disputed here. These criteria respectively require that development respects and makes a positive contribution to its location and surrounds, and does not lead to an adverse impact on the amenity of future occupiers, neighbouring uses or the surrounding area. The Council's position is that criterion e. encompasses consideration of the impact of the development on the visual amenities experienced by both those visiting and living in the proposed development, as well as those experiencing the proposed development from outside. Both main parties agree that Policy GD1 is consistent with the Framework.
16. The Stevenage Design Guide Supplementary Planning Document (2009) (Design Guide) provides standards for the design and layout of development within Stevenage's urban area and sets out a number of principles of 'best practice' design. It notes that a feature of the town's development was the

relatively low density of housing, resulting from the aim to provide an 'open town', following the Garden City movement's principles. This involved high levels of open space, an extensive network of green corridors and wide roads. However, it goes on to note that due to the town's growth requirements and the need to provide a substantial number of homes, where appropriate, densities will need to be raised in order to meet targets for new homes. It is highlighted that this will need to be carefully balanced with the need to retain open space as a key original feature of the town.

17. It also recognises at page 28 of the Design Guide that the relationship of taller buildings to their neighbours is of particular importance and prefers buildings to 'step up' or gradually increase from one height to another. It asserts that Stevenage is dissimilar to traditional towns in the way that, with the exception of a few developments, building heights do not increase substantially as development gets closer to the town centre or other nodal activity points. It continues that this has created a lack of landmark developments and high density buildings. It advises that buildings of greater heights should be encouraged at nodal points, and in easily accessible locations and confirms that in these circumstances a gradual increase in building heights will not be required.
18. The Stevenage Central Town Centre Framework (June 2015) seeks to address the town centre's spatial extent and refers to the need for a gravitational shift westwards from the current and historic town centre core. It also puts the railway station at the heart of Stevenage Central and promotes high-density development around and integral to the railway station, with high-quality public realm of streets and squares.

#### *Existing site and its context*

19. The defined town centre on the adopted Policies Map (2019) skirts the site's edge, includes office development at the end of Ditchmore Lane and is bounded by A1155 Fairlands Way, St Georges Way, and A602 Lytton Way, with the inclusion of the railway station and the retail park west of the railway station.
20. Situated north-west of and immediately outside Stevenage's defined town centre and north of the railway station and the newly relocated bus station, the site comprises an existing office building, car parking, and surrounding treed and vegetated banked areas. The height of the banked site and the ground floor of the existing building aligns more strongly with adjoining roads than with the lower level pedestrian and cycle routes running along the site's eastern boundary. The site adjoins Trinity Road and a roundabout to the north, Lytton Way to the east, Fairlands Way and a roundabout to the south, and the railway line and Chequers Bridge Road to the west.
21. Vehicular access to the existing car park is fairly central within the site and is from Lytton Way. Via the site's sloping banked edges, routes connect into the extensive pedestrian and cycle network. Pedestrians and cyclists travelling to the town centre use the underpass to Gates Way or travel towards the railway station and cross Lytton Way nearer the town centre.
22. Beyond Trinity Road, flatted 7-storey blocks at Monument Court and a petrol station lie to the north. To the west and beyond the railway line, the site faces flatted development at Kilby Road, where the tallest part of the flats reaches 10 storeys adjacent to Fairlands Way. There are also lower residential properties

on Watson Road, Fairview Road and Brick Kiln Road. To the south, a multi-storey car park of approximately 6 storeys is under construction on the railway station car park. To the east, the site faces offices, hotel and residential accommodation on the other side of Lytton Way.

23. The main parties agree that the site is located in the Edge of Town Centre townscape character area (TCA 3) as defined in the appellant's Townscape and Visual Impact Appraisal (July 2020) (TVIA). TCA 3 comprises a mixed use area of a varied scale, materials, and architecture, which provides a transition between Stevenage's Old and New Towns and the residential areas beyond. It is dominated by the strong road layout, with pedestrian and cycle routes connected by underpasses under the road network. Tree planting, landscaping and grassed verges contribute positively to TCA 3's character. Neighbouring TCA 1 in the TVIA covers the town centre and is noted to have buildings of 3 to 4 storeys rising to occasional taller buildings of up to 18 storeys.
24. In addition to the existing tall buildings at Monument Court and Kilby Road outside the town centre and the car park building under construction, there is an 8 storey building at Kings Road. Numerous tall buildings are located in the defined town centre. At Silam Road, Harrow Court and Brent Court are 18-storey point blocks set in the Town Centre Gardens, while there are further individual blocks ranging from 7 to 16 storeys at Cuttys Lane, the Holiday Inn, Southgate House, Towers Road, Danestrete, the Council offices and the Ibis hotel. Tall buildings have planning permission at Matalan on Danestrete. Although they had not obtained planning permission at the time of the Inquiry, the Council has also resolved to grant planning permission for a part 9, part 13 storey building at 11 The Forum and for tall buildings at SG1.
25. Although the New Town masterplan for Stevenage allocated this site for wholesale/industrial purposes, it remained vacant until the 1980s when the existing building was built. As Mr Coleman<sup>3</sup> notes, the building is "very well detailed and assembled and the atrium entrance is particularly impressive both spatially and in its rich use of materials."
26. Possessing a citadel-like quality due to its height, architecture and position on a banked island site separated from neighbouring sites by roads, the existing building is undoubtedly striking with extensive use of blue glass across two wings connected by a glazed atrium. Indeed, interested parties have commented on its importance individually, and as part of the wider townscape of central Stevenage, and about any scope for sustainable re-use. Unlike interested parties, neither main party considers the building to be worthy of heritage designation, either locally or nationally. Notwithstanding its vacant and somewhat derelict appearance, the existing building is a fine building of its time and I concur with the previous Inspector that it is architecturally one of the more distinguished buildings in Stevenage.
27. However, it is undisputed between the main parties that there is no demand for the existing building for employment use. This appears to result from the attenuated layout and associated inefficiency of its office spaces, but also from its very quality. While the loss of the existing building would be unfortunate, in the absence of any realistic commercial and practical interest in the existing building's re-use, it appears inescapable. Nevertheless, the existing building contributes positively to the character and appearance of the area.

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<sup>3</sup> Paragraph 2.5.1, Proof of Evidence of Mr Coleman



*The proposed buildings*

28. The proposed development would comprehensively redevelop the entire site and would introduce 7 blocks of 576 flats. While one block (Block 7) would be located towards the railway line, the other 6 blocks would curve from north (Block 1) to south (Block 6) along the site's eastern perimeter.
29. All the blocks are essentially similar in floorplan, but some are combined in pairs to make larger blocks. The tallest wayfinding or identity blocks would be located at the site's northern and southern ends, while the pavilion blocks (Type B Blocks 2 and 5) would be lower and some would adjoin both the wayfinding blocks and the central gateway blocks (Type A Blocks 1, 3, 4, and 6). The gateway blocks would be taller than the pavilion block elements and would directly abut the existing vehicular access from Lytton Way and the arrival square. The design concept sees the taller wayfinding and gateway blocks as having a more vertical emphasis and being of a lighter colour, while the pavilion blocks would have a more horizontal emphasis and would be of darker brick. Separate pavilion blocks 2 and 5 would have a central set-back of a different brick to denote each block's central entrance. Sitting at a lower height than most of the frontage blocks, Block 7 would use the contrasting form of the Type A blocks but would employ the brick colours from the Type B blocks. The blocks would range between 6 and 16 storeys in height.
30. The number of tall buildings proposed is a matter of concern for the Council. Indeed, Mr Colligan confirmed in his evidence that he considered the site to be suitable for a single tall building, but more would be unlikely. There are existing tall buildings in central Stevenage as set out above. A number of the taller buildings are some distance apart and the tallest buildings at Harrow Court and Brent Court are set in extensive landscaping. However, not all tall buildings are set in such extensive landscaping and not all lie within the defined town centre, with Monument Court and Kilby Road being somewhat shorter, out of town centre examples proximate to the site.
31. Given the Council's stated aims to regenerate the New Town, the recent permissions for the nearby multi-storey car park and Matalan, and the planning applications (with resolution to grant) for other tall buildings, Stevenage is likely to see the development of a number of taller buildings. The concept of tall buildings in this location is not harmful per se. This is because the proposed development is not only close to existing and proposed tall buildings within and outside the town centre, but also lies on an island site surrounded by roads, parkways and the railway and is therefore separated from other lower buildings. In the absence of specific policy preventing the provision of a group of tall buildings, of greater concern is whether the proposal is of sufficient design quality and appropriate effect on the character and appearance of the area to be consistent with relevant local and national policies.
32. Turning to matters of the building form and layout, height, proportions, materials and architectural detail of the proposed development, I have not applied the golden ratio or section exercise undertaken by the previous Inspector as I have based my findings on my judgment of the whole composition in its context.
33. The proposed development takes similar building forms and repeats them across the site in a generally outward-facing manner. With the exception of Block 7 which would sit to the rear of the site facing the arrival square, the

design approach to the eastern perimeter is approximately mirrored on either side of the central vehicular access to the site.

34. The NMDC guidance notes refer to a choice of symmetry or conscious asymmetry. Mr Colligan highlighted this axial symmetry as being inappropriate and problematic, with references to its use in bombastic displays of wealth and power. In my view, this is disproportionate to the potential effect of the proposed development's layout. While I concur with Mr Colligan that Block 7 is not significant in itself, the use of axial symmetry is a convenient way of addressing the existing and retained vehicular access and the lengthy perimeter of a relatively narrow site. Though the retention of the existing vehicular access has been criticised from a design perspective, this appears sensible in terms of use of resources.
35. The repetition of forms across the site would provide consistency, with similar floorplans used in pairs or in T-shapes. Unlike nearby tall buildings, the building forms employed would be uncomplicated, using a rectangular floorplan and consistent materials to emphasise their simplicity. While the taller blocks made up of both a wayfinding/gateway and pavilion component (Blocks 1, 3, 4 and 6) would undoubtedly be both tall and wide, I find their proportions would not be unpleasing. The separate pavilion blocks would be more subtly designed and more successful in their proportions due to their articulation, but this would not render the taller blocks unsuccessful. The height and respective massing of the blocks would vary across the site, with the tallest blocks at the north and south and at the vehicular access. They would be separated from one another by landscaped areas which would help in breaking them up and in linking them to their landscaped surroundings, while the palette of different brick colours would be effective in differentiating the blocks from one another and articulating the larger blocks along the site's eastern perimeter.
36. In terms of the differentiation in heights, this would reduce the potentially fortress-like qualities of a group of taller buildings. However, the form of the topmost parts of the proposed buildings would be more stepped than swooping. Notwithstanding this, I consider that their simplicity at height would be likely to stand the test of time more effectively than some more complex structures with more detailed roof treatments and see no particular necessity in any variation in treatments of the tallest Blocks 1 and 6.
37. The architectural detailing and materials have been carefully considered with the use of a simple range of brick colours across the different blocks, providing some variety. There would be unity of design approach across the proposed development, with bronze coloured fenestration and rainwater goods and contrasting repeated stripes of brick banding at ground floor level across the buildings. This would create visual interest and some articulation along with the use of two different types of balcony, with either coloured metal panels or glazing. The metal panels would be perforated in the shape of a repeated and stylised Pasque flower. The pavilion blocks 2 and 5 would also have stretcher courses in a different brick colour on central elements of each block. Windows would be relatively generous, well-proportioned and consistent across floors, with some variation for wider windows where balconies would be located in a staggered pattern on alternate floors.
38. Furthermore, in respect of active frontages, while there would not be as many flats at ground floor level as on upper floors, there would be activity from

comings and goings to undercroft car parking, cycle parking and the flats themselves. Given the likely number of residents, there would be likely to be activity on site on a frequent basis. Additionally, those flats which would be at ground floor level would overlook the banked landscaping and the pedestrian and cycle network, thereby providing some surveillance.

39. Taken together, the building form and layout, height, proportions, active frontages, materials and architectural detail of the proposed development would be successful within the site. While the proposed development would not have the flair of the existing building, I cannot emphasise enough the importance of ensuring that high quality materials can be secured by condition. Working on the basis that this would be the case, I consider that the proposed development's detailing and materials would be high-quality.

*The effect on townscape and views*

40. The TVIA assessed the proposed development from a number of locations in and around central Stevenage and has been carried out in accordance with the relevant guidance. Viewpoints were agreed with Council officers. I have referred to relevant viewpoints (RV) in this decision.
41. Amongst the parks and green spaces that penetrate the urban area, King George V Recreation Ground and Millennium Gardens are east of the site and beyond the High Street and Ditchmore Lane. From RV7 on the recreation ground, the existing building can be seen along with the tallest part of the Kilby Road flats and the Platform flats off Gates Way, though they are largely screened by trees and a supermarket on the edge of the open, grassed recreation ground. When on the recreation ground, it is also possible to see Harrow Court and Brent Court and other buildings within the Town Centre to the south. Millennium Gardens is located on the recreation ground's north-western corner and forms a more intimate open space surrounded by hedging and with ornamental planting. From RV8 within Millennium Gardens, only the topmost portion of the existing building's atrium can be glimpsed above other buildings. From RV9 at the junction of nearby Gates Way, the existing building is very visible.
42. In contrast to the existing situation, the proposed development would be highly visible in RV7 and RV8. At RV9, the existing lower-scale built form would be replaced by views of the gateway blocks and block 7 beyond. While the proposed buildings would vary in height and distance from these three viewpoints, the cluster of tall buildings proposed would undoubtedly draw the eye. This would result from both the overall height of the proposed buildings and from their grouping as a densely concentrated crescent.
43. While I agree with the previous Inspector that drawing attention is not in itself harmful, the proposed development's design quality and articulation would not be as visible at RV7. While one would still see detailed articulation of the proposed development and gaps between the buildings at RV8 and RV9, in more distant views such as RV7 that detailed articulation, different colouring of buildings, and any changes in light and shadow between buildings would no longer be seen to an effective extent. Furthermore, a number of the gaps between blocks would be less noticeable at this distance. This distance and lack of visible detail would reduce the proposed development to a rather uncompromising view of a group of large blocks without relief. However, 11 The Forum, if built, would also be highly visible in these views as another large



block. Although the proposed development would be imposing, it would not be the only imposing building or group of buildings to be seen from the recreation ground. I therefore find the view across the recreation ground would be only moderately adversely affected.

44. There is no dispute that Stevenage's existing architecture varies in quality. Despite its buildings, one of Stevenage's key characteristics is of parkways or green corridors, consisting of main roads, cycling and pedestrian routes lined by mature trees and grassed verges or banks. These form part of the New Town's original grid structure. The verdant qualities of the spaces bounding the transport routes both soften the effect of different buildings on the wider townscape and unify spaces. As one travels down parkways, one sees buildings framed by and emerging from vegetation at different points.
45. In terms of parkway and road viewpoints, the longer views south and west along Fairlands Way at RV1, RV10 and RV11 would change with the proposed development in place, as would views closer at hand at RV16 at the pedestrian overbridge crossing Fairlands Way. Both existing and proposed developments would be seen from these vantage points moving down Fairlands Way towards the site. On travelling down Fairlands Way, other taller buildings such as Harrow Court come into view. Views from RV12 at Town Centre Gardens adjacent to Fairlands Way would be more limited and would include new development in the town centre as well as a view of the northern half of the proposed development. Once in the proximity of the site at RV16 at the pedestrian overbridge at Lytton Way, the proposed development would be much more evident than the existing building. When on Lytton Way, both existing and proposed developments would be seen from the railway bridge to the town centre (RV15) and from nearby vantage points. As for the view from parks, there would be a moderate adverse effect in the longer views at RV1, R10, R11, and R15 as the proposed development would appear more clustered, homogenous and lacking in articulation.
46. RV18 east along Fairlands Way would also see change with the proposed development in place and some adverse effect stemming from the clustering of buildings and likely level of visibility of articulation. This would be despite existing trees and the Kilby Road flats' presence. Meanwhile, RV19 at Chequers Bridge Road would be less affected due to the limited visibility of buildings.
47. As with the effect on the recreation ground, there would be a moderate adverse effect on parkway and road viewpoints at RV1, RV10, RV11, RV15, and RV18, while there would be a more limited adverse effect on RV12 and RV19.
48. Moving away from parkways and parks to views within the residential areas, the northern part of the proposed development would be partially viewed above trees in RV5 along Letchmore Road, while the proposed development's southern extent would be more readily viewed from the southern end of Letchmore Road at RV6. While the buildings would certainly be evident, I find that the adverse effect on these viewpoints would be more minor than upon longer views along the parkways and across the recreation ground as the proposed development would not be visible to the same extent as from the parks and parkways.
49. In summary, I consider that the proposed development would have a moderate adverse effect on townscape and views.

*Effect on the legibility of the town centre*

50. With regard to the legibility of the town centre, it is acknowledged that the proposed development is within an accessible location, in easy walking or cycling distance to public transport, and a range of services and facilities within the UK's first pedestrianised shopping centre. As such, despite its location outside the defined town centre, it is hard to see how it would fail to comply with the principles for taller buildings set out at page 28 of the Design Guide. Anyone travelling around Stevenage on a regular basis would become familiar with the proposed development if built and would be able to orient themselves in relation to the nearby railway station and the town centre. Even if unfamiliar with Stevenage, legibility does not appear to be particularly difficult within and around the town centre, with signage and routes easily directing pedestrians travelling from the railway station to the town centre and to key services and facilities within the town.
51. My attention has been drawn to examples of taller buildings such as the station area at CB1, the Byker Wall, and Parkhill flats outside city centres in Cambridge, Newcastle upon Tyne and Sheffield respectively. While Stevenage and the proposed development share only limited similarities with these cities and their buildings, I agree with the appellant that the presence of a taller building or group of taller buildings would not automatically cause someone to think that they were in the town centre when they were in or close to the site, as it would be clear that the proposed development was residential in nature.
52. With regard to the view from RV21 north-east from the B656 north of Langley, it is possible to see Stevenage over 2km away. It would be possible to see the proposed development and the Matalan and SG1 schemes, if built, from this viewpoint. However, they would make only a small change to the background view above the treeline. They would not, to my mind, alter the perception that Stevenage lies to the north-east of the viewpoint, and would not prevent appropriate wayfinding to Stevenage or its town centre.
53. In summary, the proposed development would not have an adverse effect on the legibility of the town centre.

*Landscaping and parking*

54. There is extensive tree planting, grassed banking and other landscaping surrounding the existing building, much of which would be retained and supplemented with new trees. The proposed frontage blocks would be separated by four wedges of open space on the site's eastern perimeter and the main vehicular access to the site to the arrival square. These wedges would contain mixed planting, spaces for seating, and sculptural play features. The sunken amenity garden adjacent to block 7 would have ramped access and would provide a more informal open space and children's play area, while the more formal and well-proportioned arrival square would accommodate trees and soft landscaping as well as the access route through to the residential blocks and car parking areas. Consistent with Local Plan Policy NH7, the proposed development would provide sufficient amenity space for residents.
55. Concern has been raised by the Council regarding the extent of parking within the site. Parking would be located either in undercroft areas at the bottom of blocks or in surface parking courts. Parking would adjoin the open spaces and landscaping for the site. Despite the extensive and somewhat dominant nature

of the proposed parking, this would not undermine the high quality and detailing of the proposed landscaping. Even with the level of car parking proposed within the site, the intensely developed site would have a series of active and well-connected spaces and would have a sense of openness and verdancy as a result of the juxtaposition of landscaping, parking and access routes.

56. It has also been suggested that the proposed development would have a poor relationship with the parkway landscape. However, not only would the site's distinctive banking be enhanced with a mixture of bulbs, meadow and shrubs, but the landscaped wedges between the blocks would be visible from the parkway, creating green fingers into the island site over and above the existing landscaping of the surface car park. While the landscaped wedges would be relatively narrow, they would be open to the exterior and the interior of the proposed development, allowing views in and out of the spaces. Although they would be relatively small spaces, I consider that they would be usable and would be intimate, rather than oppressively narrow and small.
57. Public access to and permeability of the site would be enhanced by the proposed development as a new pedestrian and cycle access would be introduced via Trinity Road. Furthermore, given the landscaping layout and the accessibility of open spaces, the site would be much more inviting and accessible to cross than at present. Overall, I find that the landscaping and parking would not have an adverse effect on the proposed development.

#### *Conclusion on character and appearance*

58. In conclusion, the proposed development would have a moderate harmful effect on the character and appearance of the area, stemming only from the loss of the existing building and from the proposed development's appearance in long views. The proposal would, therefore, be contrary to Local Plan Policies SP8 and GD1, Chapter 12 of the Framework, and the PPG relating to high quality design. As its only detrimental effect would be in relation to the loss of the existing building and effect on longer views, I consider that the proposed development would comply with Policy SP7 in respect of environmental capacity.

#### **Other Matters**

59. Reference has been made to the number of flatted developments coming forward. However, it is evident that such developments are generally in keeping with the Council's regeneration aspirations for the New Town. Though mention has been made to increasing density to avoid building on Green Belt land and to delivery of an arts centre in the existing building, I am required to deal with the appeal before me. Matters relating to the overall suitability of housing allocations and land being removed from the Green Belt are best addressed through a Local Plan examination.
60. While it is possible that the proposed development will house residents who commute to London or Cambridge, it is neither enforceable nor reasonable for occupation to be restricted to those working locally. It has been suggested that affordable housing should be integrated across the site, but affordable housing is often grouped for ease of management and maintenance.

61. I note comments about the challenges faced in obtaining school places and appointments at doctors' surgeries. While it would not be reasonable to expect the proposed development to address existing gaps in infrastructure, it would address its own effect on school and NHS infrastructure via planning obligations. In terms of Police and other emergency services infrastructure and effects on water pressure, there is no evidence before me to indicate that this development should contribute towards those services or that it would have a negative effect on water pressure which requires mitigation.
62. Improvements are proposed to cycling and walking routes through the proposed development and would be secured by condition and legal agreement. The matter of sewerage is also addressed by condition. With regard to parking, the parking levels on site would be adequate given the location and scope for use of sustainable modes of transport. There is no evidence before me which indicates that the proposed development would cause congestion, fly parking, and rat-running on neighbouring roads.
63. Although there may be issues with noise, anti-social behaviour, crime and lack of community cohesion locally, it has not been demonstrated that the proposed development would worsen any existing situation. Additionally, noise would be addressed by means of condition, including disruption from construction. Steps have been taken to design out crime. In relation to light to Brick Kiln Road, Monument Court, Townsend Mews and Platform, the technical assessments of sunlight and daylight indicate no material impact in these respects post-development. While a number of units would face Brick Kiln Road and Kilby Road, the distances between existing and proposed development would be such that there would not be negative effects on privacy. It has not been demonstrated that light pollution would occur as a result of the proposed development.
64. While I appreciate concerns about safety of tall buildings, the legal agreement provides a water scheme with provision and maintenance of fire hydrants and no cladding is proposed. Although there will be inevitable disruption during construction works, a condition has been applied to mitigate this and require the approval of a construction method statement to cover matters such as dust, noise, and working times. Thermal insulation would be addressed via Building Regulations. Concerns relating to property values are not planning matters.

### **Planning Obligations**

65. The relevant parties have entered into a legal agreement under section 106 of the Town and Country Planning Act 1990, which includes obligations which would come into effect if planning permission were to be granted. It also releases the parties from the legal agreement for the quashed decision.
66. I have considered the obligations in light of the three statutory tests at Regulation 122(2) of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and paragraph 57 of the Framework. These are that the obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.
67. Affordable housing and associated viability reviews are addressed by the legal agreement. Some 52 affordable housing units would be provided, with the

scope for additional provision of affordable housing on site or as a payment in lieu of provision dependent on use of review mechanisms. There is an affordable housing cap of 105 units. These figures are not disputed and originate from viability negotiations. These obligations meet the three tests.

68. The legal agreement also deals with open space management and maintenance and requires an open space specification and management plan to be submitted to and approved by the Council prior to commencement. Open space would then need to be laid out in accordance with an agreed timetable, with the amenity space adjacent to block 7 set out prior to first occupation. This obligation meets the three tests.
69. The legal agreement sets out an undisputed contribution of £1,670,732 towards the delivery of a new 2 form entry primary school in the town centre. The additional pupil yield from the proposed development and other nearby developments cannot be met by local primary schools, which have limited or no spare capacity. Furthermore, the proposed new school's location is some 0.8 miles from the site, a reasonable walking distance. The level of contribution is based on a percentage of the overall cost of delivering a new school (18%) calculated on the basis of likely child yield from the proposed development (0.36 form entry), plus a proportion of the land costs for the primary school.
70. While the previous Inspector reduced the primary education contribution to some 20% of the original figure to reflect the approach taken to the healthcare contribution, Hertfordshire County Council has provided me with additional information in support of primary education obligations<sup>4</sup>.
71. The Council's CIL was adopted in January 2020 and implemented from April 2020. It envisages at paragraph 5.1 that CIL and planning obligations will work alongside one another. The Council's Infrastructure Delivery Plan (March 2021) recognises the rising demand for primary school places in the town centre and envisages that new schools will be realised through developer contributions, including financial contributions towards off-site education provision.
72. The Council's Annual Infrastructure Funding Statement (IFS) (December 2021) confirms that the Council does not expect to fund any infrastructure with collected CIL receipts in the next calendar year, as the pot of CIL monies is not yet at a level where it is able to fund projects. Not only are the Council's CIL receipts not expected to be large enough to fully fund significant infrastructure projects, such as a new school, but there are other competing projects for CIL funding which may be prioritised by the Council. It is possible therefore that the County Council would not receive any funding from CIL toward the school.
73. In the event that CIL monies were allocated for the school, the IFS confirms that CIL monies may be used to fund an infrastructure gap if planning obligations are not able to fund the relevant infrastructure alone. This appears consistent with the advice in the PPG<sup>5</sup> which confirms that authorities can choose to pool funding from different routes to fund the same infrastructure provided that authorities set out in their infrastructure funding statements which infrastructure they expect to fund through CIL.
74. The previous Inspector found it would be necessary to pro rata the monies put forward as a planning obligation due to the possible proportion of the school's

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<sup>4</sup> RD9.1.3 Hertfordshire County Council Appeal Primary Education Contribution Supporting Statement

<sup>5</sup> PPG 23b-003-20190901: How do planning obligations relate to other contributions?



costs that would be met from CIL receipts. The evidence before me indicates that the main funding stream for the new school is planning obligations monies from the proposed development and from other residential developments coming forward in the vicinity. It is entirely consistent with the PPG and the Council's IFS that funding would be requested from CIL if a funding gap remained. I therefore find that the primary education contribution would meet the three tests.

75. The legal agreement contributes £81,538 towards new or improvements to existing doctors' surgeries at King Georges Practice Group or the Stanmore Medical Group. It is clear that there is limited capacity at local practices and that the agreed contribution is based on likely increase in households moving into the area. This obligation meets the three tests.
76. A water scheme is included in the legal agreement in accordance with BS 750 (2012), providing for operational fire hydrants prior to occupation. It is necessary for future residents' safety and meets the three tests.
77. The legal agreement also deals with travel planning and includes provision of a Travel Plan for approval by the County Council with consequent updating and review at specific points; nomination of a Travel Plan Co-ordinator; production and provision of residential travel packs, including sustainable travel vouchers; and a payment of £6,000 towards evaluation of the travel planning. Car club contributions of £22,574.33 towards provision of 2 hybrid car club cars and associated parking spaces on site and supplying the agreed contract with the car club operator to the Council are also required, while the legal agreement stipulates an agreement under section 278 of the Highway Act 1980 to deliver highways improvements for a cycle ramp and footway connection to Trinity Road. All of these provisions would encourage use of sustainable transport by future residents of the site and permeability of the site would be enhanced. I consider that these obligations meet the three tests.
78. Monitoring of the planning obligations is also necessary to ensure that they are spent appropriately and delivered. The Council's approach to monitoring is set out in the Council's Developer Contributions Supplementary Planning Document (2021). This appears proportionate and reasonable. For the proposed development, the monitoring fee would be £25,000, the upper limit of contributions sought by the Council. This meets the three tests.
79. With regard to the requirement at Schedule 9 of the legal agreement for trees and plants used in the development to be sourced from nurseries in England and Wales, whilst the aim is laudable, I am unconvinced that this is necessary in planning terms. As such, this would fail to meet the first of the tests. I therefore attach no weight to this element of the legal agreement in determining the appeal.
80. In conclusion, the legal agreement would provide the necessary mitigation required to address the impact of development. Furthermore, with the exception of the requirement in Schedule 9 for locally sourced trees and plants, it would meet the tests set out in Regulation 122(2) of the CIL Regulations and paragraph 57 of the Framework and would be consistent with Local Plan Policies SP5 and SP7, which, amongst other things, expect provision of a range of infrastructure to be secured when new development comes forward, and require at least 20% of all new homes to be affordable housing with an aspiration of up to 40% where viability permits.

## Planning Balance

81. Paragraph 74 of the Framework outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. The Local Plan was adopted in 2019.
82. The latest Housing Delivery Test (HDT) results were published in January 2022. These results indicate that the 2022 measurement for Stevenage is 79%. This measurement exceeds the advice at paragraph 11 and footnote 8 of the Framework that where the HDT indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, the policies most relevant for determining the application should be regarded as out of date and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
83. The appellant has projected HDT results for future years. The HDT measures whether planned requirements or local housing need have been met over the last 3 years, rather than projecting forward. Given the scope for adjustments to the HDT and the departure from the HDT's essentially backward-looking nature, I give this approach no weight in my decision.
84. The parties remain in dispute about whether a 5 year housing land supply can be demonstrated. The points of dispute relate to methodology and to the deliverability of a number of sites within the supply. The updated Statement of Common Ground on 5 year housing land supply (dated 1 June 2022) confirms that the main parties agree that a 20% buffer should be applied and that the base date is 1 April 2022. The appellant considers the deliverable 5 year supply in Stevenage to be 2,491, which is 2.76 years (Sedgefield) and 3.54 years (Liverpool). The Council considers its deliverable supply to be 4,126, which is 4.58 years (Sedgefield) and 5.87 years (Liverpool).
85. Nevertheless, the proposed development would deliver 576 residential units. In doing so it would support the Government's aim expressed at paragraph 60 of the Framework to significantly boost the supply of housing. Local Plan Policy SP7 refers to the need to deliver at least 7,600 homes over the plan period. Many of those homes are expected to be delivered on large strategic sites, which are proving complex to deliver and slow to come forward. There has also been a past history of under-delivery. Therefore, even if I were to endorse the Council's best case scenario on their current housing land supply, in light of the scale of development proposed and of the aforementioned local and national circumstances, I give the provision of housing substantial weight.
86. The majority of obligations in the legal agreement are intended to mitigate the effect of the development on local infrastructure. Therefore they are neutral in weight. The only exceptions to this are the obligation on trees and plants which does not meet the tests and therefore has no weight, and obligations for affordable housing and sustainable transport.
87. There are viability review mechanisms which would, if triggered, allow for affordable housing up to a cap of 105 units. However, I base my consideration

of weight on the known provision of affordable housing, that is 52 affordable housing units or some 9% of the proposed development. They would be for affordable rent, the highest priority tenure. I have been referred to other schemes which have gained planning permission or it has been resolved that planning permission should be granted. In these schemes, for one reason or another, affordable housing provision has been lower than the expected policy figure of 20%. Indeed 52 homes would equate to over 17% of the affordable housing delivered thus far in the plan period. In these circumstances of poor delivery of affordable homes and with a sizeable unmet need for such housing, I give the provision of affordable housing significant weight.

88. Given the site's sustainable location close to bus and railway stations and the town centre and the scope to encourage use of sustainable modes of transport via the improved pedestrian and cycle access to the wider network, the Travel Plan, provision of sustainable travel vouchers, electric vehicle charging, and car club vehicles on site, this would limit the need to travel by the private car and provide a genuine choice of transport modes, consistent with paragraph 105 of the Framework. Notwithstanding the importance of all these features, some are required for compliance with local policy and guidance or compliance with Building Regulations. While the Council asserts that these would be required for any high-density scheme, I find these features to be of reasonable weight.
89. In addition, the proposal would redevelop a suitable brownfield site. Consistent with paragraph 120 of the Framework, I afford this substantial weight. The Local Plan contains no specific carbon reduction requirements. The proposed development would go beyond mitigation and would provide over 60% carbon saving against Building Regulations, to which I attach significant weight. There would be biodiversity net gain of some 22.3% in habitat units and 4,790 hedgerow units when measured against DEFRA Biodiversity Metric 2.0. Furthermore, bird and bat boxes would be secured via condition. Accordingly, the proposed development would make a significant contribution to biodiversity net gain, to which I give significant weight. The economic benefits in terms of jobs and increased local expenditure can also be afforded significant weight.
90. I find that the benefits together have substantial weight.
91. Turning to adverse impacts, the proposed development would have a negative effect on the character and appearance of the area and would consequently conflict with the development plan. The level of harm would be no greater than moderate in terms of character and appearance and in terms of conflict with Local Plan Policies SP8 and GD1 for the reasons set out above. The adverse impacts would be insufficient to outweigh the benefits even if the Council can demonstrate a 5 year housing land supply.
92. In conclusion, the negative effects of the proposed development in terms of character and appearance and the conflict with the development plan as a whole are outweighed by other considerations. Therefore, despite the conflicts with Local Plan Policies SP8 and GD1, there are sufficient material considerations to indicate that planning permission should be granted in this instance.

### **Conditions**

93. The schedule of conditions was discussed during the Inquiry and the appellant gave their agreement to pre-commencement conditions after the Inquiry

closed. The conditions have been amended to reflect changes in plan and condition numbers, to remove repetition, and to improve clarity. Numbers in brackets refer to numbers in the schedule of conditions in this decision.

94. It is necessary to specify conditions confirming the time limit for development (1) and approved plans (2) to ensure certainty. Two pre-commencement conditions (3 and 4) are necessary as they should be addressed before construction works begin. The condition for a construction method statement (3) is necessary to safeguard the living conditions of local residents and to ensure highway safety. I have not included routing of vehicles as this may not be within the control of the appellant. The tree protection condition (4) is necessary to ensure that retained trees are safeguarded during construction.
95. I have imposed a condition (5) for satisfactory storage and disposal of surface water from the site, thereby reducing flood risk. It is also necessary to require a scheme for protecting the proposed dwellings from noise from road, rail and air transport sources to avoid harm to living conditions (6).
96. Conditions requiring approval of materials (7) and of a ramp for the amenity garden (10) are in the interests of visual amenity and accessibility respectively. In order to protect the living conditions of residents and preserve highway safety, a condition on external lighting has been applied (8). In seeking to mitigate climate change, a condition is necessary to deliver an energy strategy and water targets (9). In the interests of the safety of residents, a condition (11) is necessary to ensure that Secured by Design principles are met on site.
97. To encourage use of sustainable transport and provision of cycle parking consistent with the Stevenage Parking Provision and Sustainable Transport Supplementary Planning Document (October 2020), a condition (12) is necessary. A further condition (13) requires details and provision of boundary treatments and is necessary both to safeguard residents' living conditions and to prevent risk of interference with the safe movement of trains along the East Coast Main Line.
98. In order to prevent detrimental effects on local sewerage and associated flooding and pollution, a condition has been imposed to ensure that appropriate infrastructure is in place (14). Condition (15) addresses bird and bat box provision in the interests of enhancing biodiversity. I have also attached a condition on refuse and recycling storage (16) in the interests of future occupiers' living conditions. In the event that land contamination is discovered during development, a condition (17) is necessary to ensure no harm to human health and that the environment is safeguarded against pollution.

## **Conclusion**

99. For the reasons set out above, I conclude that the appeal should be allowed.

*Joanna Gilbert*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

James Neill, Counsel	Instructed by Head of Legal Services, Stevenage Borough Council
He called:	
James Chettleburgh BSc (Hons) MSc MRTPI	Stevenage Borough Council
Garry Colligan BSc (Hons) BArch RIBA MRTPI FRSA	Think Place
Gemma Fitzpatrick MSc MRTPI	Stevenage Borough Council
Sarah Martins MSc Diploma in Law	Stevenage Borough Council
Rob Walker	Trowers and Hamlin LLP

### FOR THE APPELLANT:

Robert Walton QC	Instructed by Colin Campbell, Hill Group UK Ltd
He called:	
Colin Campbell BSc (Hons) DipTP MRTPI	Head of Planning, Hill Group UK Ltd
Richard Coleman Dip Arch (Cant) ARB RIBA RIAI	Independent Architectural, Townscape and Heritage Consultant at Citydesigner
Gemma Dudley	Partner, Planning Highways & Environment, HCR Hewitsons
Joanna Ede BA (Hons) MA DipLA CMLI	Director of Townscape, Landscape and VIA Services, Turley
Justin Kelly Dip Arch Tech, BArch, Dip Arch, ARB, RIBA, RIAI, MCIAT, FCIAT	Partner, BPTW
Catherine Ritson BL(Hons) CMLI	Director, Allen Pyke Associates

## **Documents received during the Inquiry**

RID01	Appellant's Opening Statement
RID02	Council's Opening Statement
RID03	Clips of documents referred to by Mr Colligan in his evidence in chief
RID04	Stevenage Borough Council CIL Charging Schedule (Adopted April 2020)
RID05	Email dated 11 June 2022 from Mrs Wadsworth, a local resident



RID06	Updated Table A
RID07	Updated Table CC10
RID08	Updated Table CC11
RID09	Updated Statement of Common Ground for SG1
RID10	Updated Statement of Common Ground for North Stevenage
RID11	Email from the Council dated 14 June 2022 re housing sites at The Chace, Dunn Close, Oaks Cross, and Queensway
RID12	Council's Closing Submissions
RID13	Appellant's Closing Submissions

### **Documents received after the Inquiry**

RID14	Email from the Appellant dated 15 June 2022 confirming agreement to pre-commencement conditions
RID15	Email from the Council dated 15 June 2022 regarding sustainable travel vouchers
RID16	Email from Inspector to main parties dated 28 June 2022 regarding housing land supply figures
RID17	Email from the Appellant dated 28 June 2022 regarding housing land supply figures
RID18	Email from the Council dated 30 June 2022 regarding housing land supply figures
RID19	Email from the Appellant dated 4 July 2022 regarding housing land supply figures
RID20	Planning obligation under section 106 of the Town and Country Planning Act 1990 in relation to land to the West of Lytton Way, Stevenage dated and submitted 6 July 2022

### **Schedule of 17 conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Other than as required by conditions 4, 12 and 13, the development hereby permitted shall be carried out in accordance with the following approved plans:

16-019 D 050 C01, 16-019 D 051 C05, 16-019 D 060 C01, 16-019 D 100 C04, 16-019 D 101 C03, 16-019 D 102 C04, 16-019 D 111 C02, 16-019 D 112 C02, 16-019 D 113 C02, 16-019 D 114 C03, 16-019 D 115 C02, 16-019 D 151 C01, 16-019 D 152 C01, 16-019 D 153 C01, 16-019 D 154 C01, 16-019 D 200 C04, 16-019 D 201 C03, 16-019 D 202 C03, 16-019 D 203 C03,

16-019 D 204 C02, 16-019 D 251 C01, 16-019 D 252 C01, 16-019 D 253 C02, 16-019 D 254 C01, 16-019 D 300 C04, 16-019 D 301 C02, 16-019 D 302 C02, 16-019 D 311 C02, 16-019 D 312 C03, 16-019 D 314 C02, 16-019 D 351 C01, 16-019 D 352 C01, 16-019 D 353 C01, 16-019 D 354 C01, 16-019 D 400 C05, 16-019 D 401 C02, 16-019 D 402 C02, 16-019 D 411 C03, 16-019 D 412 C03, 16-019 D 413 C02, 16-019 D 451 C02, 16-019 D 452 C02, 16-019 D 453 C02, 16-019 D 454 C01, 16-019 D 500 C04, 16-019 D 501 C03, 16-019 D 502 C03, 16-019 D 503 C03, 16-019 D 504 C02, 16-019 D 551 P02, 16-019 D 552 C01, 16-019 D 553 C02, 16-019 D 554 C01, 16-019 D 600 C05, 16-019 D 601 C03, 16-019 D 602 C03, 16-019 D 611 C02, 16-019 D 612 C02, 16-019 D 613 C03, 16-019 D 614 C02, 16-019 D 651 C02, 16-019 D 652 C02, 16-019 D 653 C02, 16-019 D 654 C01, 16-019 D 700 C05, 16-019 D 701 C04, 16-019 D 702 C04, 16-019 D 706 C02, 16-019 D 707 C02, 16-019 D 708 C03, 16-019 D 709 C02, 16-019 D 751 C01, 16-019 D 752 C01, 16-019 D 753 C01, 16-019 D 754 P01; 2660-LA-01E, 2660-LA-02E, 2660-DT-01.

- 3) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority. The CMS shall provide for:
- a) a construction phasing programme;
  - b) the parking and turning areas for vehicles of site operatives and visitors, and for construction vehicles;
  - c) loading, unloading and storage of plant and materials;
  - d) siting of site offices and facilities for site operatives;
  - e) the erection and maintenance of screening and hoarding, including access arrangements around the site for pedestrians, cyclists and other road users;
  - f) siting and details of wheel washing facilities;
  - g) measures to control noise, vibration, odour, light, air quality and the emission of dust during demolition and construction;
  - h) details of any proposed piling operations, including justification for the proposed piling strategy, vibration impact assessment and proposed control and mitigation measures;
  - i) a Site Waste Management Plan for recycling/disposing of waste resulting from demolition and construction works, including hours of operation for collection of waste;
  - j) delivery, demolition and construction working hours; and
  - k) details of consultation and complaint management.

The approved CMS shall be adhered to throughout the construction period for the development.

- 4) No development, including any site clearance or demolition works, shall commence until all trees within the development site which are to be retained as identified in the Tree Protection Plan (Plan 67135-02, Appendix 4 of the Arboricultural Impact Assessment (AIA) dated 31/10/2018 reference 67135 (V2)) have been protected by fencing or other means of enclosure in

accordance with Appendices 4 and 8 of the AIA. Tree protection shall be retained in place until the conclusion of all site and building operations. Within the tree protection areas, 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.

- 5) No development apart from demolition and site preparation works shall take place until the final design of the surface water drainage schemes and their maintenance regimes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained thereafter.
- 6) Prior to commencement of works above slab level, a scheme for protecting the proposed dwellings from noise from road, rail and air transport sources shall be submitted to and approved in writing by the Local Planning Authority. Before any dwelling is occupied, all works intended to protect that dwelling which form part of the scheme shall be completed and be retained thereafter.
- 7) Prior to commencement of works above slab level, samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 8) Prior to commencement of works above slab level, details of any external lighting, including the intensity of illumination and predicted light contours, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the approved details and be retained thereafter.
- 9) Prior to commencement of works above slab level, an energy strategy to achieve 65% carbon reduction against Part L of the Building Regulations 2013 when assessed using SAP10 emission factors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained thereafter in accordance with the approved details of the energy strategy and in accordance with the water consumption targets contained within the Whitecode Design Associates Energy Strategy 10293-S-ENER-0001 Revision 5 dated 30 July 2019.
- 10) Prior to commencement of works above slab level, details of ramped access into the amenity garden to the south of block 7 shall be submitted to and approved in writing by the Local Planning Authority. The ramped access shall be carried out in accordance with the approved details prior to the first use of the amenity garden and be retained thereafter.
- 11) Prior to commencement of works above slab level, a detailed scheme of Secured by Design Section 2: Physical Security of the Home measures for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme prior to occupation of each block and be retained thereafter.

- 12) Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, no works above slab level shall take place until revised plans, including the details of any external cycle stores, showing the provision of at least 948 cycle parking spaces together with the details of their type and design have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or phase and in accordance with the approved details before first occupation of that particular block or phase of the development and be retained thereafter.
- 13) Notwithstanding condition 2, details of the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure and timing of their delivery shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping work taking place. The approved boundary treatments shall be completed in accordance with the approved details and be retained thereafter. No part of the development shall be occupied until an Armco or similar barrier has been installed in positions where vehicles may be in a position to drive or roll onto the railway.
- 14) Prior to the first occupation of any dwelling within the development, written confirmation shall be provided to the Local Planning Authority that either:-
  - (i) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
  - (ii) A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
- 15) Prior to the first occupation of any dwelling within the development, details of a scheme to provide at least 20 bird and 30 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of provision. The development shall be carried out in accordance with the approved scheme and be retained thereafter.
- 16) Prior to the first occupation of any dwelling within a block, the refuse and recycling stores for that block as shown on the approved plans shall be carried out in accordance with the approved details and be retained thereafter.
- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme, including a programme for implementation, must be submitted to the Local Planning Authority and approved in writing. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to the Local Planning Authority for approval.