

**Town & Country Planning Act 1990**

**Appeal against refusal by Stevenage Borough Council of application 19/00474/FPM for**

**Demolition of existing office building (Use Class B1) and structures, and construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works**

**at**

**Land West of Lytton Way, Stevenage**

**Appellant**

**Hill Residential Ltd**

**STATEMENT OF COMMON GROUND BETWEEN**

**HILL RESIDENTIAL LTD**

**STEVENAGE BOROUGH COUNCIL**

**9<sup>TH</sup> June 2021**

- 1 Introduction**
- 2 Planning application**
- 3 Site description**
- 4 Planning history**
- 5 Planning policy**
- 6 Matters agreed**
- 7 Matters not agreed**
- 8 Draft Heads of Terms for S106 obligation**
- 9 Draft conditions**

## 1 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been agreed by Hill Residential Ltd (“the Appellant”) and Stevenage Borough Council as the Local Planning Authority (LPA). It relates to an appeal against the LPA’s refusal to grant planning permission for application reference 19/00474/FPM – for the *Demolition of existing office building (Use Class B1) and structures, and construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works* (“the Appeal Scheme”).

## **2 Planning application**

2.01 On 1<sup>st</sup> August 2019, the Appellant submitted, via the Planning Portal, a full planning application to Stevenage Borough Council (SBC) for

*Demolition of existing office building (Use Class B1) and structures, and construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works*

on land to the west of Lytton Way Stevenage, SG1 1AG.

2.02 The application was validated on 8<sup>th</sup> August 2019 and given the reference 19/00474/FPM.

2.03 A request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for a development of 540 dwellings had been submitted to SBC on 14th November 2016. On 6th December 2016, the council issued its Screening Opinion that the potential impacts would not be considered significant and therefore that an Environmental Impact Assessment was not required.

2.04 The application was reported to the Council's Planning Committee on 3<sup>rd</sup> March 2020 with a recommendation for approval. Members resolved to refuse the application, contrary to the recommendation of officers.

2.05 The application was refused by way of notice dated 6<sup>th</sup> March 2020.

2.06 On 24<sup>th</sup> June 2020 the Appellant gave SBC and the Planning Inspectorate notice that it intended to appeal the refusal.

2.07 On 8<sup>th</sup> July 2020 the Appellant submitted this appeal.

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### 3 Site description

- 3.01 The application site measures approximately 2.75 hectares in area and is located close to the roundabout junction of Lytton Way and Fairlands Way. The site comprises a former, primarily glazed, office building known locally as the Icon, comprising five storeys of commercial space (equivalent in height to a 6/7 storey residential building).
- 3.02 The site is bordered to the west by the East Coast Main Line railway beyond which are residential properties in Kilby Road/Watson Road and to the east the site adjoins Lytton Way where the vehicular access to the site is taken from. The northern boundary of the site adjoins Trinity Road which forms an arm of a major 4 arm roundabout. The southern edge is formed by the Fairlands Way arm of another major 4-arm roundabout.
- 3.03 The existing building is a large office building (Use Class B1) constructed in the 1980s and is a prominent feature in Stevenage. The office building comprises 11,316 sqm gross internal area, 12,783 sq.m. gross external area (GEA). The building footprint is multi-angled across the site with large glazing elevations. The building features a large ground floor reception and full height atrium area. Undercroft parking exists as well as additional open parking areas interspersed with small maintained green spaces.
- 3.04 The site lies in a transitional zone on the north-western edge of the Town Centre and to the south of the Old Town, beyond the Conservation Area. The site is located beyond the Town Centre Conservation Area.
- 3.05 Stevenage railway station is located within a 10 minute walk to the south. The station provides key connections to surrounding towns and cities including Kings Cross station which is a 25 minute train journey with trains leaving every 10 minutes during peak times.
- 3.06 The office building was most recently occupied by Betfair and TalkTalk and was vacated in January 2017, following a lengthy period of under-occupancy. The site is not allocated for any specific use in the recently adopted Stevenage Borough Local Plan.
- 3.07 The central and western part of the site is largely flat although embankments on the eastern edge of the site slope gently down towards Lytton Way, whilst sloping upwards steeply towards the rail line on the western side. A network of pedestrian and cycle routes run along the eastern edge of the site and provide linkages to the railway station, the town centre and

other areas of central Stevenage. The nearest bus stops are located on Chequers Bridge Road (northbound), the A1155 Fairlands Way/ Argyle Way (westbound); and Gunnels Wood Road (eastbound).

- 3.08 The eastern edge of the application site is formed by the embankment which is vegetated by mature trees and shrubs. None of the trees at the site are subject to any statutory protection.
- 3.09 The site is situated within 1.3km of Knebworth Woods Site of Special Scientific Interest and within 880m of Six Hills Common Local Wildlife Site. The site contains a mix of habitats which have been judged to be of limited ecological value. No protected or priority species have been found at the site.
- 3.10 The site is situated within Flood Zone 1.

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## 4 Relevant Planning History

4.01 The site's planning history (as taken from the Officer's Report to Committee) is as follows:

- 2/0095/85 - Permission granted under ref in May 1985 for office development in two phases with ancillary car parking landscaping and access bridge on to Lytton Way.
- 99/00225/FP - Permission granted 16<sup>th</sup> July 1999 for new entrance lobby, new canopy and associated landscaping works adjacent to new entrance.
- 99/00493/FP - Permission granted 17<sup>th</sup> January 2000 for fire escape and elevational changes to rear of building.
- 00/00286/FP - Permission granted 28<sup>th</sup> July 2000 for alteration to Car Park to Provide Additional 37 Spaces.
- 02/00562/OP - Outline planning permission granted 5<sup>th</sup> March 2003 for a four storey building on existing car park, comprising 2,790 square metres gross floorspace, for use within Class B1 (business use).
- 14/00417/AD - Permission granted 24<sup>th</sup> September 2014 for Installation of 1no internally illuminated box sign.
- 16/200780/SCR – Screening Opinion issued 6<sup>th</sup> December 2016 for residential development of up to 540 dwellings.

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## 5 Planning policy

### *The development plan*

5.01 The adopted development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031 (SLP);
- 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).

5.02 The planning committee report listed the following SLP policies as of relevance. Policies listed in the reasons for refusal are highlighted in **bold text**:

Policy SP1: Presumption in favour of sustainable development;

Policy SP2: Sustainable development in Stevenage;

**Policy SP5: Infrastructure;**

Policy SP6: Sustainable transport;

**Policy SP7: High quality homes;**

**Policy SP8: Good design;**

Policy SP9: Healthy Communities

Policy SP11: Climate change, flooding and pollution;

Policy SP12: Green infrastructure and the natural environment;

Policy SP13: The historic environment;

Policy IT3: Infrastructure;

Policy IT4: Transport assessments and travel plans;

Policy IT5: Parking and access;

Policy IT6: Sustainable transport;

Policy IT7: New and improved links for pedestrians and cyclists;

Policy HO7: Affordable housing targets;

Policy HO8: Affordable housing tenure, mix and design;

Policy HO9: House types and sizes;

**Policy GD1: High quality design;**

Policy HC8: Sports facilities in new developments;

Policy FP1: Climate change;

Policy FP2: Flood Risk in Flood Zone 1;

Policy FP5: Contaminated land;

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Policy FP7: Pollution;  
Policy FP8: Pollution sensitive uses;  
Policy NH5: Trees and woodland;  
Policy NH7: Open space standards;  
Policy NH10: Conservation Areas;

*National planning policy*

- 5.03 The NPPF is a material consideration. The adopted local plan pre-dates the NPPF 2019. Paragraph 11 requires the development which accords with an up-to-date plan be approved without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date planning permission should be granted unless
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.04 Paragraph 38 advises that decision-taking should be approached in a positive and creative way to foster the delivery of sustainable development. It also states that decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.05 Chapter 5 of the NPPF relates to the delivery of new housing and at paragraph 59 acknowledges Government's objective of "*significantly boosting the supply of homes*".
- 5.06 Paragraph 67 requires authorities to have specific, deliverable sites for years one to five of the plan period and sites or broad locations for years 6-10, and, where possible, for years 11-15 of the plan. Maintaining land supply and delivery and the need for a five year supply is set out in paragraphs 73 to 76.
- 5.07 Chapter 7 of the NPPF refers to ensuring the vitality of town centres, acknowledging the importance of edge of centre sites having regard to accessibility and connectivity to such centres.
- 5.08 Chapter 8 of the NPPF provides guidance on healthy and safe communities confirming the importance of safe, accessible and well considered development proposals which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The

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importance of open space both in terms of protection as well as part of new development proposals is referred to in paragraphs 96 to 98.

- 5.09 The promotion of sustainable transport is set out in Chapter 9 of the NPPF. Paragraph 103 refers to significant new development being focussed in locations which can be or are existing sustainable locations – the need to limit the need to travel as well as having a genuine choice of transport modes will all assist in reducing congestion and emissions and improve air quality and public health.
- 5.10 Paragraph 108 identifies considerations for decision takers to consider in the assessment of transport impact:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.11 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.12 Paragraph 110 refers to the need to ensure that development proposals create environments that are safe, secure and accessible to all, as well as being attractive.
- 5.13 Chapter 11 relates to making effective use of land in meeting the need for homes and other uses. At paragraph 118c states that “... *planning decisions should... give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.*”
- 5.14 Paragraph 121 refers to the need to use unallocated land for new homes and to take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans. In particular, proposals to “*Use retail and employment land for homes in areas of high housing demand, provided that this would not*

*undermine key economic sectors or sites or the vitality or viability of town centres”* should be supported.

- 5.15 Paragraph 122 supports development that makes most efficient use of land having regard to different types of housing and other forms of development, the local market, the capacity of infrastructure and services, the need to maintain the areas prevailing character and setting or to promote regeneration and change as well as importantly securing well designed, attractive and healthy places. Paragraph 123 acknowledges the importance of increasing densities of residential development in locations where there is a shortage of land. It stresses the need to avoid low densities and to make optimal use of sites.
- 5.16 Chapter 12 deals with the design and layout of new developments. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 sets out criteria to ensure a framework is provided to create distinctive places with a consistent and high quality standard of design. Paragraph 128 states that Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions
- 5.17 The need to conserve and enhance the historic environment is addressed within Chapter 16 of the NPPF and at paragraph 189 confirms that local planning authorities should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail required from applicants needs to be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on the significance.

*Planning practice guidance (PPG)*

- 5.18 NPPF 2019 is supported by the PPG, which is also relevant in the determination of this appeal, particularly the sections on housing supply, employment land, design and viability.

*Other material considerations*

- 5.19 Other material consideration include:
- Parking Provision and Sustainable Transport Supplementary Planning Document October 2020

- Developer Contributions Supplementary Planning Document March 2021
- The impact of development on Biodiversity SPD March 2021
- Stevenage Design Guide Supplementary Planning Document January 2009
- Hertfordshire Planning Obligations Toolkit 2008

## 6 Agreed matters

6.01 The following matters are agreed between the Appellant and the LPA:

### *Sustainable location*

- 6.01.1 The site lies within Stevenage urban area.
- 6.01.2 The site lies in a central location within Stevenage adjoining the town centre and close to the centre of the Old Town, but outside of the defined Town Centre boundary as defined within the Local Plan (2019).
- 6.01.3 The site lies in a highly sustainable location where there is a range of opportunities to travel by non-car modes to key destinations.
- 6.01.4 The site adjoins Stevenage's cycle and pedestrian network.
- 6.01.5 The site lies close to a range of facilities, easily accessible on foot and by bicycle as shown in the Active Travel Assessment:
- Spar, Lytton Way Esso garage – 50m north
  - Aldi supermarket, Fairlands Way – 400m east
  - Tesco Extra – 600m south-east
  - Fairland pre-school and primary school – 900m north-east
  - Thomas Alleyne Secondary School – 1,400m north
  - King George GP surgery, High St – 330m east
  - Pharmacy – Tesco Extra – 600m south-east

### *Employment land*

- 6.01.6 The site's existing lawful use is as Business under Use Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 6.01.7 The building benefits from permitted development rights under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 and could change its use to Dwellinghouses (Class C3) without the need for planning permission and without any S106 planning obligations or affordable housing provision.

- 6.01.8 The site is not designated nor allocated within the adopted local plan for employment use and lies outside, but adjacent to the defined town centre.
- 6.01.9 The gross internal area of the existing building is 11,316 sq.m.
- 6.01.10 The building has been actively marketed in accordance with the requirements of policy EC7 of the local plan and it has been demonstrated that there is no demand to continue to use the building for office purposes and that there is suitable alternative employment land available elsewhere within Stevenage.
- 6.01.11 Redevelopment of the site for residential uses accords with Policy EC7 of the adopted local plan.
- 6.01.12 The *Financial Viability Assessment*, KCL, 9<sup>th</sup> September 2019 submitted with the application demonstrates that redevelopment for employment uses would not be viable.
- 6.01.13 Local Plan employment policy EC7 prevents new major employment development on sites which are not allocated and are outside defined centres.
- 6.01.14 The development accords with local and national policies on employment land.

*Residential development*

- 6.01.15 The principle of residential development accords with the development plan, in particular Local Plan policies SP7 and HO5.
- 6.01.16 Residential development would support the regeneration of Stevenage and its town centre.

*Housing delivery*

- 6.01.17 The annual average housing requirement is 380 homes per year from 2011 to 2031.

- 6.01.18 2,256 homes were delivered between 1<sup>st</sup> April 2011 and 31<sup>st</sup> March 2021, against a planned requirement for 3,800 homes. A shortfall of 1,544 homes.
- 6.01.19 A 20% buffer is appropriate for calculating 5 year supply.
- 6.01.20 The appeal site is counted by SBC as a developable site in its land supply as delivering 400 homes by 2024
- 6.01.21 Since the start of the plan period in 2011, 282 affordable homes have been delivered across the borough, an average of 31 per year.
- 6.01.22 The HDT 2020 (published January 2021) showed that over the 3 year period between 2017/18 and 2019/20, 702 homes were delivered against a requirement for 1,094
- 6.01.23 The threshold under the Housing Delivery Test 2020 at which the presumption in favour of sustainable development will apply is 75%. Stevenage achieved 64%.

#### *Transport impact*

- 6.01.24 The development would not result in a severe impact on the road network.
- 6.01.25 Safe access can be achieved for vehicles.
- 6.01.26 The development is predicted to generate a net increase in journeys undertaken by train. The additional demand by rail is likely to be spread across the many services that are available from Stevenage Railway Station and, therefore, the impact on existing train capacity is likely to be negligible.
- 6.01.27 The development accords with local and national policies on transport.

#### *Density*

- 6.01.28 At 576 homes on 2.75 Ha, the development equates to a density of 209 dph.
- 6.01.29 The Council has permitted/allocated other land nearby in central Stevenage with densities of 393 dph, 498 dph and 606 dph.

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*Visual impact assessment*

6.01.30 The Council did not request a Visual Impact Assessment as part of the documentation needed in order to assess the impact of the development.

*Heritage*

6.01.31 The Council did not refuse the planning application on heritage grounds.

6.01.32 The development accords with local and national policies on built heritage.

*Housing mix*

6.01.33 The development would be in accordance with local plan policy HO9 on housing mix.

*Parking*

6.01.34 At 274 car parking spaces (36% of the maximum permitted) the development accords with policy and the Council's *Parking Provision and Sustainable Transport SPD*, adopted October 2020.

6.01.35 The development provides for parking for disabled persons in accordance with the Council's *Parking Provision and Sustainable Transport SPD*.

6.01.36 Two of the parking bays will be reserved for self-charging hybrid car club vehicles.

6.01.37 The development makes appropriate provision for Electric Vehicle Charging Points through the provision of 28 spaces.

6.01.38 At 576 covered, lockable spaces, the development accords with standards on cycle parking provision set out in the *Parking Provision and Sustainable Transport SPD*.

6.01.39 The development accords with local and national policies on parking.

*Drainage*

6.01.40 Appropriate measures can be implemented for surface water and foul water drainage and such matters can be controlled by conditions.

6.01.41 The development accords with local and national policies on drainage and flood risk.

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*Fire*

- 6.01.42 The materials proposed meet the requirements of the building regulations for fire safety.
- 6.01.43 A fire tender of 8.6m can safely navigate the site.
- 6.01.44 Fire hydrants can be required by way of condition or s106 legal agreement.
- 6.01.45 The development accords with local and national policies on fire safety.

*Residential amenity*

- 6.01.46 There is no undue harm to the residential amenity of nearby properties.
- 6.01.47 The proposals accord with policies in the adopted local plan for minimum internal space standards and the provision of M4(2) dwellings.

*Air quality*

- 6.01.48 Air quality conditions at nearby existing receptors meet the annual mean NO<sub>2</sub> national objective of 40 µg/m<sup>3</sup> and are expected to reduce further by the first operational year of 2023. There is no adverse impact on air quality.
- 6.01.49 The development accords with local and national policies on air quality.

*Loss of light*

- 6.01.50 The nearest residential properties are over 50m away. There is no loss of light to existing properties.
- 6.01.51 The development accords with local and national policies on amenity with regard to loss of light.

*Noise*

6.01.52 The site lies in the centre of an urban area where elevated noise levels are to be expected.

6.01.53 A suitable living environment can be delivered. Draft conditions 19 and 20 require further details of noise mitigation measures to be submitted and approved.

6.01.54 The development accords with local and national policies on noise.

#### *Trees and landscaping*

6.01.55 18 trees and 5 groups within category 'B' and 28 trees, 5 groups and 3 hedges within category 'C' are in conflict with the proposed layout and are proposed to be felled, as well as a section of a further category 'B' group trees.

6.01.56 The landscaping scheme provides more than adequate mitigation for the lost trees and will result in an enhanced environment in accordance with Policy GD1.

6.01.57 The development accords with local and national policies on trees and landscaping.

#### *Ecology*

6.01.58 No designated sites are affected by the development.

6.01.59 The main building offers no ecological value.

6.01.60 Shrubs and plants on site have limited potential to support nesting birds.

6.01.61 Neither the building nor the trees on site have potential for bats.

6.01.62 The site has limited potential for foraging and commuting activity for bats.

6.01.63 There is no habitat on site that is suitable for reptiles or great crested newts.

6.01.64 The application was accompanied by a Biodiversity Net Gain Assessment using DEFRA Metric 2, MKA Ecology July 2019 which demonstrated that the proposed development will lead to an enhancement to biodiversity.

6.01.65 The development accords with local and national policies on biodiversity.

*Crime and disorder*

6.01.66 All public areas are overlooked by living rooms with active rooms on all facades.

6.01.67 The development provides safe environment.

6.01.68 If car parking by non-residents were to become a problem in future measures could be installed to control entry to the car park.

6.01.69 The development accords with local and national policies on designing out crime.

*Sustainable construction and climate change*

6.01.70 The development exceeds the requirements of development plan policies SP2, SP11 and FP1 on sustainable construction and climate change.

6.01.71 The development accords with local and national policies on climate change.

*Planning obligations and Community Infrastructure Levy*

6.01.72 Policy HO7 targets 25% of dwellings to be provided as affordable housing. HO7 Part a) requires viability to robustly demonstrate where the target cannot be achieved to be provided in a financial appraisal based on agreed costs and development values at the time of the application.

6.01.73 Policy HO8 Part a) seeks at least 70% of affordable homes to be for rent and the remainder to be agreed with the Council's Housing team.

6.01.74 Vacant Building Credit (VBC) is applicable to the calculation of the amount of affordable housing to be sought under Policy HO7.

6.01.75 Application of VBC means that the maximum amount of affordable housing which could be sought is 18.25%.

6.01.76 Community Infrastructure Levy (CIL) has been introduced since the application was determined.

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6.01.77 The site falls outside the Central Stevenage CIL Charging Zone and attracts a rate of £100 per square metre of residential floorspace.

6.01.78 In the event the appeal is allowed, the existing building will not have been occupied for six months in the preceding 3 years and accordingly the existing floorspace to be demolished will not be taken into account in calculating CIL.

6.01.79 The development would be liable for CIL of approximately £4.3m. The exact charge will be calculated at the point permission is granted.

6.01.80 The following planning obligations requested at the application stage are no longer justified as they are for infrastructure to be funded through CIL:

- Contribution toward outdoor sport and children's play space improvements
- Secondary education
- Childcare services
- Library services
- Youth services
- Replacement or enlargement of Caxton Way waste facility
- Indoor sports facilities, including maintenance contribution
- Outdoor Sport facilities – toward artificial and turf playing pitch provision
- Provision toward changing room provision

6.01.81 The following planning obligations are agreed:

- £22,754 to subsidise 2 hybrid electric vehicles for 2 years on site
- £6,000 for Travel Plan monitoring contribution
- £81,538 NHS contribution towards GP Provision

#### *Viability*

6.01.82 Financial appraisals were provided by the appellant in 2017 as part of the pre-application process and in 2019 in support of the planning application. These demonstrated that the development cannot achieve the full affordable housing target in HO7 along with the other requirements of Local Plan policies and enable a viable development.

6.01.83 3<sup>rd</sup> party reviews conducted for SBC of the submitted viability assessments submitted at the pre-application and application stages verified that the development cannot afford all of the policy requirements and deliver a viable development.

6.01.84 It is agreed that a proposed Affordable Housing contribution of 52 units would comply with Policy HO7.

## 7 Matters not agreed

7.01 The following matters are NOT agreed between the parties:

- 7.01.1 The number of years of housing supply which can be demonstrated.
- 7.01.2 The use of *Liverpool* or *Sedgefield* as the basis for calculating 5 year housing land supply.
- 7.01.3 The housing supply which can be considered deliverable within the 5 year period April 2021 to March 2026.
- 7.01.4 Whether the development by virtue of its height, design and appearance would result in an incongruous form of development which would be harmful to visual amenity and would therefore be contrary to SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011-2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design
- 7.01.5 Whether the development represents overdevelopment and would therefore be contrary to SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011-2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design.
- 7.01.6 The demand on infrastructure would not be mitigated.
- 7.01.7 Whether a contribution to Primary Education is warranted, and if so, the scale of contribution which is necessary.
- 7.01.8 Whether the development provides a high quality living environment for future residents.
- 7.01.9 Whether the development accords with local and national policies on residential amenity.

## 8 Draft conditions

8.01 Prior to the planning committee, SBC consulted Hill on proposed conditions. Set out below are the conditions which were agreed to be imposed, along with the Council's reason for each condition's imposition. In addition, HCC sought that the S106 agreement included a requirement for the provision of fire hydrants. That is included here as an additional condition (30) in the event that a S106 agreement is either not needed or not agreed.

1. The development hereby permitted shall be carried out in broadly accordance with the following approved plans: 16-019, D050C01, D051C01, D052C01, D053C02, D054C02, D060C02, D100C01, D101C02, D102C03, D111C01, D112C01, D113C01, D114C02, D115C02, D151C01, D152C01, D153C01, D154C01, D200C01, D201C02, D202C02, D203C02, D204C02, D251C01, D252C01, D253C02, D254C01, D300C01, D301C01, D302C01, D311C01, D312C02, D314C02, D351C01, D352C01, D353C01, D354C01, D400C03, D401C01, D402C01, D411C02, D412C02, D413C02, D451C02, D452,C02, D453C02, D454C01, D500C02, D501C02, D502C02, D503C02, D504C02, D551P02, D552C01, D553C02, D554C01, D600C02, D601C02, D602C02, D611C01, D612C01, D613C02, D614C02, D651C02, D652C02, D653C02, D654C01, D700C02, D701C03, D702C03, D706C01, D707C01, D708C02, D709C02, D751C01, D752C01, D753C01, D754P01, 2660-SK-04-F.

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:-** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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**REASON:-** To ensure the development has an acceptable appearance and to protect the visual amenities of the area.

4. Prior to the first occupation, a scheme of landscaping which shall include details of both hard and soft landscape works and the timings of works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

**REASON:-** To ensure the development has an acceptable appearance and to protect the visual amenities of the area. Furthermore, to ensure the landscaping scheme does not affect the operation of the adjoining railway network.

5. Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**REASON:-** To ensure a satisfactory appearance for the development.

6. No development, including any site clearance or demolition works, shall commence until all trees within the development site which are to be retained have been protected by fencing or other means of enclosure in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority. Such protection as may be agreed shall be inspected and approved by the Local Planning Authority prior to the commencement of the work and maintained until the conclusion of all site and building operations.

**REASON: -** To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.

7. Within the tree protection areas to be fenced off in accordance with condition 6, there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.

**REASON: -** To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.

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8. No removal of trees, scrubs or hedges shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless a pre-works survey of the vegetation to be removed and surrounding vegetation is undertaken immediately prior to removal by a suitable qualified Ornithologist.

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

9. 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 details so approved.

**REASON:-** In order to protect the amenities and operations of neighbouring properties and to ensure any external lighting does not prejudice highway safety.

10. Prior to the commencement of development (including site clearance) a Construction Management Plan for the construction phases shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works of construction of the development shall only be carried out in accordance with the approved statement. The Construction Management Plan shall address the following matters:-

- (i) Details of construction phasing programme (including any pre-construction enabling works);
- (ii) Hours of operations including times of deliveries and removal of waste which should avoid school pick up/drop off times;
- (iii) Demolition and construction works between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays only.
- (iv) The site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;

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- (v) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
  - (vi) Details of the provisions for temporary car parking during construction which shall be provided prior to the commencement of construction activities;
  - (vii) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
  - (viii) Screening and hoarding;
  - (ix) End of day tidying procedures;
  - (x) Construction and storage compounds (including areas designated for car parking);
  - (xi) Siting and details of wheel washing facilities;
  - (xii) Cleaning of site entrances, site tracks and the adjacent public highway;
  - (xiii) Control measures to manage noise and dust;
  - (xiv) Disposal of surplus materials;
  - (xv) Post construction restoration/reinstatement of the working areas and access to the public highway.
  - (xvi) Details of the access and highways works to accommodate construction traffic.
  - (xvii) Details of consultation and complaint management with local businesses and neighbours.
  - (xviii) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
  - (xix) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures;

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- (xx) Details of a Site Waste Management Plan (SWMP) detailing actual waste arising and how waste is managed (i.e. re-used, recycled or sent off site for treatment or disposal) and where it is sent to. Further updated should be provided throughout the life of the development at an interim of two months or sooner should the level of waste be considered significant by the developer.

**REASON:-** To minimise the impact of construction vehicles and to maintain the amenity of the local area.

11. No development apart from demolition and site preparation works shall take place until the final design of the surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system will be based on the Flood Risk Assessment prepared by PEP Civil & Structures Ltd, reference 460917-PEP-00-xx-RP-C-6201, dated September 2019. The scheme shall also include;
- (i) Confirmation of Thames Water agreement demonstrating discharge is permitted at the agreed rate of 12.0l/s.
  - (ii) Implement drainage strategy based on detention basin, permeable paving and geocellular tanks as indicated on the proposed drainage strategy drawing 469017-PEP-00-XX-DR-C-1800 Rev P04 and drawing 469017-PEP-00-XX-DR-C-1801 Rev P04
  - (iii) Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
  - (iv) Silt traps for protection for any residual tanked elements.

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

12. The development shall be carried out in accordance with the approved final design of the surface water drainage scheme.

**REASON:-** To reduce the risk of flooding to the proposed development and future occupants.

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13. Upon completion of the surface water drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to the Local Planning Authority for approval in writing. The scheme shall include;
- (i) Provision of a complete set of as built drawings for site drainage.
  - (ii) Maintenance and operational activities.
  - (iii) Arrangements for ongoing management and measures to secure the operation of the scheme throughout its lifetime.

The development shall thereafter be carried out in accordance with the approved details.

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

14. No properties shall be occupied until written confirmation has been provided 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.
  - (iii) 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.

**REASON:-** Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

15. An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing/wall must not be removed or damaged. The barrier would need to be installed at each turning area, roadway and car parking area which is located adjacent to the railway.

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**REASON:-** In order to protect infrastructure associated with the railway line managed by Network Rail.

16. 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 must be prepared in accordance with the requirements of condition 17 and submitted to the Local Planning Authority for approval. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to the Local Planning Authority for approval in accordance with condition 18.

**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in The National Planning Policy Framework.

17. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in The National Planning Policy Framework.

18. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in The National Planning Policy Framework.

19. No development above slab level shall take place until a scheme for protecting the proposed dwellings from noise arising from road & rail traffic and air transport sources has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Cass Allen Noise Impact Assessment report (Ref: RP02-16241) dated 23rd July 2019. No dwelling shall be occupied until the measures detailed within the scheme for that dwelling has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

**REASON:** To protect the amenity of future occupiers of the development hereby approved.

20. No development above slab level shall take place until a scheme for protecting the proposed dwellings from noise arising from internal plant & plant rooms, undercroft parking areas and the communal gym has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the measures within the scheme for that dwelling has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

**REASON:** To protect the amenity of future occupiers of the development hereby approved.

21. Prior to first occupation of the development hereby approved the details of the type and design of at least 576 cycle parking spaces (at least one per property) should be submitted to and approved in writing by the Local Planning Authority. Residents cycle parking should be in the form of lit, lockable and weather resistant cycle lockers or stores and be installed in accordance with the approved details. 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 in the development.

**REASON:** To ensure the provision of cycle parking spaces in line with the Council's adopted standards contained in Policy 1 and 5 of the Hertfordshire's Local Transport Plan 4 and in accordance with the Stevenage's parking standards.

22. Prior to first occupation of the development hereby approved the following pedestrian improvement works shall be undertaken:

- (i) Provision of new ramp in accordance with Appendix B of WSP Technical Note HCC003 dated 24th January 2020
- (ii) Provision of a new pedestrian access to the north as identified under Appendix C of WSP Technical Note HCC003 dated 24th January 2020.

The works shall be completed before first occupation of the new development.

**REASON:** So that all users of the development can safely walk to and from the site, in compliance with paragraphs 108 and 110 of the NPPF.

23. Prior to the occupation of the development hereby permitted, the details of the siting, type and specification of Electric Vehicle Charging Points (EVCPs) for 28 vehicles, the energy sources, a timetable for their delivery 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 and timetable and permanently maintained and retained.

**REASON:** To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

24. No part of the development hereby permitted shall be occupied prior to the implementation of the approved WSP's Residential Travel Plan Doc Ref No. 70020570-RTP-001 Dated July 2019. Those parts of the approved Travel Plans that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

**REASON:** To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

25. Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to any works above slab level. The

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approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied and thereafter permanently retained.

**REASON:-** To ensure a satisfactory standard of development in the interests of amenity

26. Prior to the first occupation, details of a scheme to provide suitable bird and 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 scheme shall be installed in accordance with approved details.

**REASON:-** To increase opportunities for wildlife in new developments.

27. Prior to the first occupation, details shall be submitted to and agreed in writing by the local planning authority of the layout of the open space/play area identified to be constructed adjacent to block 7. The scheme shall include details of the gradient/levels of the proposed play area and details of any equipment to be provided. The scheme shall be implemented in accordance with the approved details prior to the occupation of block 7 or before the occupation of 50% of the dwellings, whichever is the sooner.

**REASON:-** To ensure the provision of quality play space in the development.

28. The development shall be implemented in accordance with the above slab level measures to reduce energy and water consumption contained within the approved Whitecode Design Associates Energy Strategy 10293-S-EBER-0001 Revision 5 dated 30 July 2019

**REASON:-** To ensure the development is adaptable to climate change

29. Prior to the first occupation of the dwellings hereby permitted the approved refuse and recycle stores shall be constructed in accordance with the details submitted with this application and shall be permanently retained in the form.

**REASON:-** To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity

30. No above ground works shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

**REASON:-** To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

### Signatures



**Colin Campbell**  
**Head of Planning**  
**Hill Residential Limited**  
**For the appellant**



**Zayd Al-Jawad**  
**AD Planning & Regulation**

**Stevenage Borough Council**  
**For the Local Planning Authority**