

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, SG1 1AG

Appellant

Hill Residential Ltd

STATEMENT OF CASE

JULY 2020

- 1 Introduction**
- 2 Background**
- 3 The site and surrounding area**
- 4 Relevant Policy considerations**
- 5 Compliance with the Development Plan**
- 6 Overall planning balance**
- 7 Conditions and planning obligations**

List of Annexes

- A. Housing update – post-adoption of the Stevenage Local Plan, SBC, November 2019
- B. Housing land Supply comparison
- C. Projected Housing Delivery Test
- D. SBC Guide to Vacant Building Credit
- E. Assessment of requested planning obligations
- F. SBC Annual Monitoring Report 2018/19

1 Introduction

1.01 This appeal is made under section 78 of the Town and Country Planning Act 1990 against the refusal by Stevenage Borough Council of application 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.

1.02 The application was refused, contrary to the recommendation of officers, by way of notice dated 6th March 2020.

1.03 The decision notice includes 3 reasons for refusal (RfR):

- 1) The proposed development by virtue of its height, design and appearance would result in an incongruous form of development which would be harmful to the visual amenities of the area. The proposal would, therefore, be contrary to policies 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.
- 2) The proposal comprising 576 dwellings in 7 flatted blocks on this constrained site would result in an overdevelopment of the site which would be harmful to the character and appearance of the area. The proposal would, therefore, be contrary to policies 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.
- 3) The proposal would fail to provide the necessary mitigation required to deal with the impact that the proposed development would have on the demand on the infrastructure required to support the proposed development. The proposal would, therefore, be contrary to policy SP5 of the Stevenage Borough Local Plan 2011-2031.

1.04 The Appellant's position is that:

- 1) The proposed development is of an appropriate design, height and density given the site's location in central Stevenage; it would not be incongruent and would not harm the visual amenity of the area;
- 2) The development is appropriate to the site, responds to local context and would not represent overdevelopment;
- 3) RfR 3 is capable of resolution through entering a S106 Agreement towards necessary contributions, albeit that some of the obligations sought at the time of the application have been superseded by the introduction of CIL on 1st April 2020;
- 4) The local plan's affordable housing target for the site cannot be achieved owing to viability issues.

1.05 For the reasons set out on the appeal form an inquiry is requested.

1.06 A Statement of Common Ground (SoCG) will be submitted to the Inspectorate as soon as both parties are in agreement. A draft SoCG has been sent to the Council at the same time as submitting this appeal.

2 Background

- 2.01 The office building (Use Class B1) dates from 1989 and comprises 11,316 sqm gross internal area (GIA), 12,783 sq.m. gross external area (GEA). It was most recently occupied by Betfair and TalkTalk.
- 2.02 Hill purchased the site in January 2016 following a period of marketing to find office occupiers by local agent Brown & Lee. That marketing had commenced in June 2011. The building was vacated by Talk Talk in 2015 and Betfair in 2017 following its merger with PaddyPower and a restructuring of the business.
- 2.03 The proposal is for the demolition of the existing office building and for the erection of seven apartment buildings comprising 576 dwellings, together with associated parking, open space, landscaping and infrastructure. The development would retain the existing access to the site from Lytton Way, which would lead on to an internal road serving the site and the parking areas within the development. Six blocks would front onto Lytton Way with the seventh block being set back within the site framed by the entrance to the site and blocks 3 and 4.
- 2.04 The proposed blocks are of varying building heights, ranging from 8 stories to 16 stories.
- Blocks 1 and 6 are the two tallest buildings and are located at the northern and southern end of the site. These both range in height between 11 and 16 stories.
 - Block 2 is located to the south east of block 1 and comprises an 8 storey building.
 - Blocks 3 and 4 are located either side of the access and both have a height of between 11 and 13 stories.
 - Block 5 is located to the north of block 6 and is also an 8 storey block of flats.
 - Block 7 is located toward the rear of the site adjacent to the railway and ranges between 6 and 9 stories in height.
 - The majority of the proposed apartment blocks are served with undercroft parking and there are also areas of surface parking courts located to the rear of the blocks fronting onto Lytton Way.
- 2.05 The proposed development is to be set within open amenity areas. The site currently benefits from existing mature trees and grassed banking, particularly along Lytton Way and it is intended that the majority of this will be retained. Open spaces are provided between blocks 1 and 2, 2

and 3, 4 and 5 and 5 and 6, which provide amenity terraces for residents. These areas contain mixed planting and specimen shrubs along the building edges as well as sheltered spaces for seating. It is also proposed to provide an area of on-site open space/children's play area. It is also proposed to retain the existing trees and landscaping to the rear of the site. As well as retaining existing vegetation it is proposed to plant a significant number of new trees within the development site.

- 2.06 In order to create buildings which are attractive, weather well over time, respond to the materiality of the local context and comply with building regulations in relation to combustible materials, it is proposed that all of the buildings would be constructed out of facing brick. The taller elements will be light grey brick with the lower section consisting of the darker tones. It is proposed to use two grey tones to form striped banding at ground floor level to connect all buildings across the development and to add architectural variety at pedestrian level. Champagne coloured balconies and windows will be used to provide accented colour throughout the building and to add variety and interest to the development. Each balcony type provides the same usable area and utilises a consistent structural frame with variable panels depending on location. It is proposed to use perforated metal panels and glazed panels in the design.
- 2.07 The mix of housing across the development comprises a mixture of studio apartments, 1, 2 and 3 bed apartments.
- 20 studio apartments;
 - 249 one bed apartments;
 - 257 two bed apartments; and
 - 50 three bed apartments.
- 2.08 A total of 274 car parking spaces are proposed to serve the development, comprising
- 79 undercroft spaces,
 - 180 surface level parking spaces and
 - 15 disabled person parking bays.
- 2.09 576 cycle parking spaces are proposed to serve the development in lockable stores distributed across all of the apartment blocks.

- 2.10 At the time the application was submitted it was intended that Blocks 3, 4 and 5 would be sold to a Build to Rent (BtR) provider. That was not specified in the description of development [BtR being Use Class C3], but rather was explained in the Planning Statement. During discussions between SBC and the appellant, SBC advised that the BtR element would need to be controlled through the S106 agreement. As a consequence, Hill asked SBC to determine the application as not including an element of BtR. It is intended that the appeal be determined in same way.
- 2.11 The application was accompanied by a *Financial Viability Assessment*, KCL, 9th September 2019 which demonstrated the development could not support 25% affordable housing targeted by planning policy which adjusted to take account of Vacant Building Credit is 18.25% alongside the s106 obligations.

3 The site and surrounding area

- 3.01 An accurate review of the site context, description and surroundings is provided within the draft Statement of Common Ground and not repeated here.

4 Relevant Policy Considerations

The development plan

4.01 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)

4.02 The following SLP policies are relevant to the determination of the appeal. The policies referred to in the reasons for refusal (RfR) are highlighted in **bold**. Given the requirements of Regulation 35 of the Town and Country Planning (Development Management Procedure) Order 2015 the Appellant assumes that the Council accepts that the proposed development complies with all other relevant SLP policies

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 EC1: Allocated sites for employment development;

Policy EC7: Employment development on unallocated sites;

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;

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

- 4.03 The National Planning Policy Framework 2019 (NPPF) is a material consideration. The adopted local plan pre-dates the NPPF 2019.
- 4.04 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 sets out that there are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

-
- 4.05 Paragraph 10 sets out that a presumption in favour of sustainable development is at the heart of the NPPF.
- 4.06 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.
- 4.07 Paragraph 57 sets out where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments should reflect the normalised approach in national planning guidance, including standardised inputs, and should be made publicly available.

Planning practice guidance (PPG)

- 4.08 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.
- 4.09 Relevant paragraphs in relation to viability are set out below:
- Circumstances where a viability assessment is appropriate at decision making stage: (para 007)
 - Approach to standardised inputs to viability assessment: including benchmark land value, gross development value, costs and developers profit (paras 10-19)
 - Accountability: publishing viability assessments and reporting on developer contributions (paragraphs 20-24).

Other material considerations

4.10 Other material considerations include:

- Parking Provision Supplementary Planning Document January 2012
- Stevenage Design Guide Supplementary Planning Document January 2009
- Hertfordshire Planning Obligations Toolkit 2008

5 Compliance with the Development Plan

1) *Loss of employment land*

5.01 Policy EC1 of the adopted SLP allocates sites for employment uses – those allocations do not include the appeal site. The site falls outside any defined centre – it lies adjacent to, but outside the defined town centre. Policy EC7 deals with employment development on unallocated sites. It states:

New major employment development will not be permitted outside of allocated areas and centres. Planning permission for B-class use on sites not allocated for any specific purpose will be granted where proposals:

a. Are on previously developed land;

b. For offices are accompanied by a sequential test;

c. Are of an appropriate size and scale; and

d. Do, and will, not have an unacceptable adverse impact on the local environment and residential amenity

5.02 The site is not allocated nor does it fall within any designated employment area. Importantly, EC7 requires applications for office development to be accompanied by a sequential assessment. Given that the local plan allocates land within both the town centre and within the Gunnels Wood employment area to meet office and employment needs, the redevelopment of the Appeal Site for significantly increased office development would likely fail a sequential assessment.

5.03 Policy EC7 also addresses the circumstances where planning applications would result in the loss of employment land on sites, such as the appeal site, which are not allocated for any specific purpose. The relevant part of the policy states:

‘Planning permission for the loss of employment land on sites not allocated for any specific purpose will be granted where:

i) There is sufficient suitable employment land available elsewhere;

- ii) *The proposals provide overriding benefits against other objectives or policies in the plan; or*
iii) *It can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant, over a considerable period of time.'*

- 5.04 With regards to EC7 i), a Planning and Market Report, produced by CBRE in August 2019, was submitted in support of the application. That report demonstrates that there is sufficient and suitable employment land available in the borough and that employment needs are met by the local plan. The Council's 2018/19 Annual Monitoring Report identified that there were 16.6 Ha of land available for employment development in Stevenage.
- 5.05 With regards to EC7 iii), the advice in the local plan suggests that *"the Council would normally expect a site to be have remained vacant and be actively marketed for a period of at least six months to satisfy criterion iii"*. Appendix A to the CBRE report is a Marketing Report by local estate agents Brown & Lee setting out the details of marketing undertaken and responses received. Brown & Lee were instructed by Talk Talk UK to market the excess office space in the building in June 2011. At that stage, Talk Talk was intending to remain in the building after their lease expiry in September 2015. The property has been marketed both wholly and partially over an extensive period without success.
- 5.06 The marketing initiatives undertaken included:
- Letting boards outside the property located on Lytton Way;
 - an A4 sided full-colour brochure was produced and mailed to local occupiers along the A1(M) corridor, including Letchworth Garden City, Hitchin, Stevenage, Welwyn Garden City and Hatfield.
 - Other commercial agents including Matthews & Goodman and Lambert Smith Hampton were instructed alongside Brown & Lee in order that the building could be marketed more widely.
 - The property was also marketed online through local estate agent websites and EG Property Link.
- 5.07 The main feedback received from the marketing process included:
- the appearance of the building was deemed to be too ostentatious for Stevenage, putting potential occupiers off.

-
- The design was not what was expected by companies seeking to occupy space in Stevenage.
 - Larger scale occupiers deemed the layout and floorplate efficiency to be poor.
 - The service charge of £11 per sqft was too high for many potential occupiers.
 - The cumulative effect of service charge, along with rent and business rates was too expensive for occupiers seeking space in this market.

5.08 In addition, an analysis of the Stevenage office market is included within the CBRE report and demonstrates that there is very weak demand from occupiers. Demand is for the best buildings in each centre and there is a lack of this in Stevenage. The result of this is dated schemes such as the appeal site are struggling to find occupiers and will remain unlet for the foreseeable future. It is, therefore, clear that office demand in Stevenage is weak, particularly for the type of office accommodation which the appeal site offers. Officers concluded, at 7.2.6 of the Committee report that there is no demand for the continued use as offices.

5.09 It is considered that 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.

5.10 A number of local stakeholders considered that the site should remain in employment use or be redeveloped for such. The viability assessment submitted with the application concluded that it would require £7.3m to bring the building up to lettable conditions and that would not be viable.

5.11 The development accords with Policy EC7 of the adopted SLP.

2) Principle of residential development

5.12 Policy SP7 sets a target of at least 7,600 new homes being provided within Stevenage between 2011 and 2031. In order to achieve that target land to accommodate 2,700 was released from the Green Belt. Windfalls of 1,950 are required to meet the housing need. Policy SP7e states that application for housing on unallocated sites will be supported where they are in suitable locations and will not exceed environmental capacity. There are no outstanding objections from technical consultees in relation to “environmental capacity”.

5.13 Policy HO5 of the local plan deals with residential windfalls. It states:

Planning permission for residential development on unallocated sites will be granted where:

- a. The site is on previously developed land or is a small, underused urban site;*
 - b. There is good access to local facilities;*
 - c. There will be no detrimental impact on the environment and the surrounding properties;*
 - d. Proposals will not prejudice our ability to deliver residential development on allocated sites;*
- and*
- e. The proposed development would not overburden existing infrastructure*

5.14 The supporting text to HO5 states that the Council “*will not phase development, so that sites can be delivered whenever the market decides*” and that the council “*will actively encourage development to come forward towards the front end of the plan period*” (para. 5.81) whilst para. 5.82 states that windfalls “*will be supported in principle where they help maintain our supply of deliverable sites and will not have an adverse impact.*”

5.15 The development:

- a. is on previously developed land;
 - b. has excellent access to local facilities;
 - c. will have no detrimental impact on the environment and the surrounding properties;
 - d. will not prejudice Stevenage’s ability to deliver residential development on allocated sites;
- and
- e. would not overburden existing infrastructure.

and is in accordance with Policy HO5.

5.16 The residential redevelopment of the site is in accordance with the development plan.

3) Housing land supply

5.17 Policy SP7 of the SBLP sets out a requirement to deliver *at least* 7,600 new homes in Stevenage between 2011 and 2031. The policy sets out no phased requirement, nor does the plan include a phased or stepped trajectory. SP7 d) states that the council will “Make sure there is always

enough land to build homes for the next five years”. Indeed, paragraph 5.81 of the plan states that:

“As well as ensuring we meet the overall housing target, national guidance also requires us to maintain a rolling five-year housing land supply. As we are reliant on a number of large schemes, and relatively few small sites, many of our new homes are likely to be delivered towards the end of the plan period. As such, we will not phase development, so that sites can be delivered whenever the market decides. We will actively encourage development to come forward towards the front end of the plan period.”

- 5.18 Given the above, it is appropriate that the *Sedgefield* methodology used for calculating housing land supply. The Council’s latest assessment of supply is contained in *Housing update – post-adoption of the Stevenage Local Plan*” dated November 2019 (Annex A) and covers the 5 year period 2019 to 2024. It uses the *Liverpool* methodology and states that there is a supply of 3,526 homes and 6.07 year supply.
- 5.19 Annex B sets out a comparative assessment of housing land supply, using SBC’s data on completions, supply and commitments for that period. That shows that using *Sedgefield* the Council cannot demonstrate a 5 year supply of land for housing. Under *Sedgefield*, the requirement becomes 3,778 homes a year to make up for the under delivery to date of 1,248 homes. On SBC’s own assessment of deliverable sites, the council cannot demonstrate a 5 year supply using *Sedgefield*.
- 5.20 We have not done an exhaustive assessment of all sites in that supply. However, we note that the final line of the “developable sites” lists the appeal site, delivering 400 homes in the 5 year supply, commencing with 100 homes delivered by March 2021. We have therefore deducted 400 homes from the Council’s supply figure of 3,526 homes, providing a deliverable supply of 3,126 homes.
- 5.21 The council’s assessment of supply includes 1,510 homes in the SG1 town centre redevelopment as being delivered, starting with 200 completions by March 2021. We consider that the deliverability of this scheme to the timetable in the Council’s housing land supply is unrealistic. . The viability assessment submitted with the planning application for SG1 (ref 19/00743/FPM) sets out that:

- Construction of phase 1 will commence in August 2020 with first sales in August 2022. Given the site does not have planning permission as of the 30th June 2020, construction in August 2020 with sales in August 2022 is not achievable;
- Construction of phase 2 commencing in August 2023, with sales from April 2025. The five year supply has 450 homes in phase being completed by April 2024, which clearly is unrealistic;
- Construction of phase 3 commencing in August 2025 with sales from March 2027. The five year supply 545 homes being completed by March 2026. That is clearly not realistic when the developers own assumption is that none will be completed before March 2027.

5.22 Based on the submitted viability assessment and that the SG1 scheme does not yet have planning permission, 200 homes in flatted blocks cannot be delivered by March 2021. The viability assessment assumes sales from August 2022, two years after assumed commencement. The assessment also assumes that sales will be “off plan”, so those early sales will be ahead of any actual completions. There remain a number of outstanding issues and some complex S106 issues to be agreed and hence it is unlikely that planning permission will be achieved before the end of 2020. Assuming six months to discharge pre-commencement conditions, serve CIL notices and secure CIL reliefs, development might reasonably be expected to commence by June 2021. A more realistic assessment of delivery at SG1 would see completions in monitoring year 2023/24 (year 5 of the published supply). Accordingly, we push back the SG1 development by 3 years in the trajectory, reducing its contribution to the 5 year supply from 1,510 homes to 200 homes.

5.23 The trajectory also includes the delivery of 400 homes on the *Matalan* site (ref 14/00559/OPM). That site was granted planning permission in October 2017. Reserved Matters are required to be submitted by 20th October 2020. At the time of submitting the appeal no Reserved Matters had been submitted. Assuming Reserved Matters are submitted by October 2020, a start on site in late 2021 might be achieved. The earliest completions might reasonably be achieved is late 2022. Accordingly, we push this scheme back 1 year in the housing trajectory resulting in a reduction of a further 150 homes in the supply.

5.24 In total we reduce the supply by 1,860 homes, resulting in a 5 year supply of 1,666 homes or 2.2 years under Sedgefield and 2.87 years under Liverpool. In addition, there are other sites within the five year supply which do not yet have permission or applications submitted and therefore do not meet the requirements of the NPPF in terms of deliverability.

- 5.25 The Council cannot demonstrate a five year supply of land for housing and therefore the presumption is engaged. Given the lack of 5 year supply, the development accords with the SLP, policies
- SP1: presumption in favour of sustainable development
 - SP2: Sustainable development in Stevenage
 - SP3: A strong and competitive economy
 - SP7: High quality homes

4) Housing Delivery Test

- 5.26 The Housing Delivery Test (HDT) 2019 (see Annex C) identifies that over the 3 year period 2016/17 to 2018/19 delivery in Stevenage totalled 1,262 homes against a requirement for 1,120, achieving 113% of the level needed. That delivery, however, was boosted by the delivery of 887 homes in 2016/17, with just 375 delivered over the next 2 years.
- 5.27 The Council's housing land supply assessment (Annex A) projects the delivery of 193 homes in 2019/20. As such housing delivery over the 3 year period 2017/18 to 2019/20 is projected to be 568 homes. With a local plan rate of 380 per year, the HDT requirement would be c1,127 homes. It is likely therefore that delivery will fall to 50%. The threshold for 2020 at which the presumption in favour of sustainable development will apply under the HDT becomes 75%. By the time the appeal is heard it is considered likely that the presumption will be engaged under the HDT.
- 5.28 The development accords with the SLP, policies
- SP1: presumption in favour of sustainable development
 - SP2: Sustainable development in Stevenage
 - SP3: A strong and competitive economy
 - SP7: High quality homes

5) Sustainable Transport

- 5.29 Stevenage has an extensive network of segregated walking and cycling routes which run alongside the primary road network. The eastern frontage of the site is located directly adjacent to this foot/cycle way network. Given the difference in levels between the site and the network it is proposed that the existing southbound ramp be replaced with a 3m wide ramp which directly connects to the network. A link is also proposed onto Trinity Road, supporting northbound and westbound journeys.
- 5.30 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
- 5.31 Stevenage train station is located within a 10 minute walk to the south of the site. The train 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. The nearest bus stops are located on Chequers Bridge Road (northbound), the A1155 Fairlands Way/ Argyle Way (westbound); and Gunnels Wood Road (eastbound).
- 5.32 Within the town centre as well as access to shops, there is access to employment, leisure centre, theatre, multi-screen cinema and pubs/cafes/restaurants.
- 5.33 With regard to non-car journeys, the proposed development is predicted to generate a net increase in journeys undertaken by train compared with the permitted use of the site. The additional demand by rail is likely to be spread across the many services that are available from Stevenage Railway Station; therefore, the impact on existing train capacity is likely to be negligible. A net decrease in journeys undertaken by bus is anticipated in comparison to the permitted use of the site, as a result of workers being more likely to travel by bus than residents.

-
- 5.34 The development is in a sustainable location where a range of non-car modes of transport are easily accessible.
- 5.35 The development accords with policies SP6: Sustainable Transport the SLP, IT4: Transport assessments and travel plans; IT5: Parking and access; Policy IT6: Sustainable transport; IT7: New and improved links for pedestrians and cyclists.

6) Highway Safety & impact

- 5.36 The site's existing vehicular access will be retained and utilised for the proposed development. The site is directly accessed from the northbound carriageway of the A602 Lytton Way via a left-in left-out priority junction. The access is located approximately 110m south of the A602 Lytton Way/Trinity Road roundabout and 150m north of the A602 Lytton Way/A1155 Fairlands Way roundabout. An internal road will provide connectivity to the individual residential blocks and parking spaces.
- 5.37 The Transport Assessment considered the full development traffic impact for 2024, the anticipated full occupation year of the proposed development. To identify these impacts, baseline conditions in 2024 without the development were first assessed. The future baseline background growth and trips was established by assessing that which could be generated by the office building assuming full occupation.

Without development

- 5.38 Vehicular trip generation for the existing office building, assuming full occupation, was calculated using the Trip Rate Information Computer System (TRICS) database v.7.4.4. Assuming the building is fully occupied under its permitted use as an office (B1 land class), it would generate a total of 143 vehicle trips in the AM peak (131 arrivals and 12 departures) and 129 vehicle trips in the PM peak (10 arrivals and 119 departures).
- 5.39 The model demonstrates that the operation of the A602 Lytton Way/Trinity Road roundabout is not significantly altered by 2024 with the addition of background traffic growth and vehicles associated with the office in full occupation. In terms of the operation of the A602 Lytton Way/A1155 Fairlands Way roundabout this is over capacity by 2024 with the addition of

background traffic growth and vehicles associated with the office in full occupation. The A602 Lytton Way/site access priority junction is forecast to operate with significant reserve capacity.

With development

- 5.40 The proposed redevelopment would generate a total of 152 vehicle trips in the AM peak (34 arrivals and 118 departures) and 184 vehicle trips in the PM peak (124 arrivals and 60 departures).
- 5.41 There is a significant reduction in arrivals to the site during the AM peak and departures from the site in the PM peak generated by the proposed residential development compared to the permitted office use. However, there are additional departures from the site in the AM peak and greater arrivals in the PM peak. This is due to the nature of trips associated with the two land use types with the residential development generating trips and the office building attracting trips in the AM peak and the reverse occurring in the PM peak.
- 5.42 Overall, the proposed redevelopment is forecast to generate a net increase in the total number of two-way movements in the AM and PM peak; however this is minimal in the AM peak.
- 5.43 With regard to the impact on the highway network, the model outputs indicate that in the 2024 future baseline with development scenario, there is a slight improvement of performance on the A602 Lytton Way (North) and Trinity Road (East) arms in the AM peak compared to the 2024 future baseline with permitted office use scenario. However, this benefit is offset by a reduction in performance on the A602 Lytton Way (South) and Trinity Road (West) arms. In the PM peak, the reverse pattern is evident although queues and delays have reduced or maintained at the same level compared with the 2024 future baseline with permitted office use scenario.
- 5.44 In terms of the Lytton Way/Fairlands Way roundabout, the model outputs indicate that in the 2024 future baseline with development scenario, there is a slight improvement of performance on all arms except the A602 Lytton Way (North) in the AM peak. The A1155 Fairlands Way (East) was at theoretical capacity in the 2024 future baseline with permitted office use scenario but the redevelopment would reduce this. The performance improvements on the A1155 Fairlands Way (East) are greater in magnitude than the dis-benefits to the A602 Lytton Way (North) and, as such, there is no significant change to the junction performance. In the PM peak, the performance of the junction is marginally worsened with slightly elevated flow capacity

increases. However, at the A602 Lytton Way (South) and A1155 Fairlands Way (West) junction there are significant increases in the associated queue and delay values.

5.45 This modelling indicates that the A602 Lytton Way / A1155 Fairlands Way roundabout to operate within capacity in the AM peak with marginal improvements to performance. In the PM peak the junction is forecast to operate over-capacity; however, the impact of the proposed development is not deemed severe when compared to the 2024 future baseline with permitted office used scenario.

5.46 In respect of the A602 Lytton Way/Site Access priority junction with the development in place, this is forecast to operate with significant reserve capacity and the impact of the proposed development is not deemed severe when compared to the 2024 future baseline with permitted used scenario.

5.47 With regards to the A602 Lytton Way/Trinity Road roundabout the modelling demonstrates that this remains within capacity and the impact of the proposed development is not deemed severe when compared to the 2024 future baseline with permitted used scenario.

5.48 In summary,

- the A602 Lytton Way/Trinity Road roundabout operates marginally below its theoretical capacity in all scenarios;
- the A602 Lytton Way/site access junction is forecast to operate with reserve capacity in all scenarios; and
- the A602 Lytton Way/A1155 Fairlands Way roundabout would operate over-capacity in the 2024 future scenarios.

However, when comparing the future baseline associated with the permitted use to the future baseline plus development scenarios, the impact of the proposed development is considered minimal. HCC as highway authority has assessed the highway implications of the development and consider that it has been demonstrated that the development will not have a severe vehicular impact on the highway network in comparison to the use as an office.

5.49 Servicing and emergency vehicles will access the site via the existing/main site vehicular access. Swept path analysis of the proposed internal spine road for a large refuse vehicle of

11.3m in length has been undertaken which demonstrates that a refuse vehicle can safely access and egress the site. Similarly, an assessment has been undertaken which confirms that a fire tender of 8.6m in length can also safely navigate through the site.

5.50 The development will not have a severe impact on the highway network. Safe access and egress can be achieved for vehicles. The development accords with policy IT4: Travel assessments and travel plans of the adopted SLP

7) Parking

5.51 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking requirements set out in the Parking Provision SPD. The Council's Car Parking Standards SPD (2012) sets out a maximum amount of off- street parking for residential developments based on the number of bedrooms. The standards would allow a maximum of:

- 20 studio apartments 1 car parking space, maximum 20 spaces;
- 249 one bedroom apartments 1 parking space, maximum 249 spaces;
- 257 two bedroom apartments 1.5 parking spaces, maximum 386 spaces;
- 50 three bedroom apartments 2 parking spaces, maximum of 100 spaces;

5.52 In total, the standards would allow for a maximum of 755 off-street car parking spaces.

5.53 However, the application site is located within residential accessibility zone 1 where the SPD seeks reductions from standard to between 25% and 50% of the maximum number of car parking spaces. Therefore, the development is required to provide between 188 and 378 parking spaces.

5.54 The development proposes 274 car parking spaces (36% of the maximum) in accordance with the Council's adopted standards.

5.55 The parking areas are not proposed to be allocated and, as such, there is no requirement to provide additional visitor parking. In accordance with policy, 15 spaces (5% of the total) are to be designated for disabled persons.

-
- 5.56 In assessing car parking provision associated with the development, the submitted plans indicate that all of the proposed flat blocks with the exception of block 4 would be designed with an element of undercroft parking with the remainder of the provision being unallocated parking bays located to the rear of the proposed flat blocks.
- 5.57 Two of the parking bays will be reserved for car club vehicles. As agreed with SBC and HCC 28 of the spaces are to be fitted Electric Vehicle Charging Points.
- 5.58 In regards to cycle parking, the Council's Parking Provision SPD stipulates that 1 long-term cycle parking space should be provided per unit if no shed or garage is provided. As part of the development 576 cycle parking spaces are proposed spread across the blocks in covered lockable stores.
- 5.59 The development complies with policies IT5: Parking and access and IT7: new and improved links for pedestrians and cyclists of the adopted SLP and the adopted Parking Provision SPD.

8) Design

- 5.60 Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. In addition, the NPPF sets out that development should establish or maintain a strong sense of place, using arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also stipulates that development should optimise the potential of the site to accommodate and sustain an appropriate mix of development and finally, create places that are safe, inclusive and accessible.
- 5.61 Paragraph 130 of the NPPF states that "permission should be refused for development of poor design that fail to make available opportunities for improving the character and quality of an area and the way it functions".

-
- 5.62 Policy GD1 of the adopted local plan requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design. It also requires that new homes meet the national Described Space Standards.
- 5.63 HO9b requires that schemes should provide a density and character appropriate to its location and surroundings and that significantly higher densities should be achieved in easily accessible locations. The supporting text at para. 9.68 explains that the original masterplan for Stevenage involved building at relatively low densities of 25-30 dwellings per hectare, but that where sites are easily accessible, the council will require substantially higher densities to ensure the most efficient use of land, to ensure that local amenities and passenger transport is supported.
- 5.64 The application site is located adjacent to the town centre in a highly accessible location. It adjoins the East Coast mainline to the west, Fairlands Way to the south, Lytton Way to the east and Trinity Road/Chequers Bridge Road to the north. In terms of the characteristics of the area, to the west beyond the railway are residential properties in Kilby Road/Watson Road, which comprise a mix of flats and dwelling houses. These comprise primarily 1 and 2 bedroom flats in buildings ranging between 4 and 10 storeys in height, the tallest element being where the development adjoins Fairlands Way. Also as part of this development are a number of 2 storey 3 and 4 bedroom dwellings. To the west of this are residential properties in Fairview Road comprising mainly of two storey detached and semi-detached dwellings. Further properties are located in the Brik Kiln Road to the north west of the site.
- 5.65 To the east are properties in Ditchmore Lane, comprising a mixture of 4 storey offices (Saffron Ground), The Haven, a 3 storey development, The Gate Hotel and residential properties. Further north is Platform North, which is a recently converted 3 and 4 storey residential flatted development to the east of which are properties in the High Street. Further east (c. 700m from the Site) are two eighteen storey residential blocks constructed in the mid 1960s – Harrow Court and Brent Court.
- 5.66 To the north of the site beyond Trinity Road is a petrol filling station beyond which is the residential development of Monument Court, which is a flatted development of 5/6 stories in height with undercroft car parking. To the north east of the site adjacent the eastern arm of Trinity Road is the Townsend Mews development which is a 4/5/6 storey flatted development.

-
- 5.67 To the south east lies the town centre, a mix of development from the original New Town through to modern single storey supermarket development. The town centre is identified for major redevelopment and the council's Central Stevenage Framework sets out ambitious plans for high buildings and significant increases in density. At the southern end of the town centre the Council has granted consent for the redevelopment of the Matalan retail park for up to 13 storeys. To the south east of this is Southgate House, an existing fifteen storey office building. The current planning application for town centre redevelopment, which includes land owned by SBC, includes blocks up to 19 stories in height.
- 5.68 It is clear that the characteristics of the area comprise a combination of commercial and residential premises including the application premises and a mix of low, medium and high rise developments. The site's existing use and location means it functions as part of the town centre. Its proximity to the centre and sustainable travel options make it an ideal location for higher density development in accordance with local and national policy.
- 5.69 The proposed development involves the demolition of the existing 5 storey glazed office building (equivalent to 6/7 residential storeys) to be replaced with 7 apartment blocks ranging across the site between 8 stories in height and 16 stories. The submitted plans indicate the two tallest buildings block 1 and 6 would be located at the southern (block 1) and northern (block 6) boundaries of the site. These are between 11 and 16 stories in height and would be set at an angle, with block 1 facing north east across the Trinity Road Lytton Way roundabout and block 6 toward the Fairlands Way/Lytton Way Roundabout. These buildings would have a height of between 35m and 50m and would comprise undercroft car parking and cycle parking at the ground floor with residential units above.
- 5.70 Flat block 2 would be sited to the south of block 1 and comprises an 8 storey block which faces east/west with the front elevation facing toward Lytton Way. This has a height of 26m and would comprise undercroft car parking and cycle parking at the ground floor with residential units above.
- 5.71 Flat blocks 3 and 4 are site either side of the proposed access to the site and frame the entrance to the development. These are similar in appearance and comprise of a 13 storey element adjacent to the access road reducing to an 11 storey element. These would face east/west with the front elevation facing toward Lytton Way and would have a height of between 33m and 40m.

-
- 5.72 Block 5 would be positioned toward the southern part of the site located between blocks 4 and 6 and comprises an 8 storey block and would be similar in appearance to block 2. This faces east/west with the front elevation facing toward Lytton Way and has a height of 26m. This would comprise undercroft car parking and cycle parking at the ground floor with residential units above.
- 5.73 The final element of the scheme is block 7 which would be located toward the western part of the site set back behind the other 6 blocks which face onto Lytton Way. This is a part 6 storey, part 9 storey building having a height ranging between 20m and 30m. This unit would incorporate undercroft parking and cycle facilities at the ground floor with the residential accommodation above.
- 5.74 Clearly the introduction of taller buildings at the north and southern end of the site would be seen as prominent features in the street scene, located at nodal points in the highway network.
- 5.75 The typical floor plans are designed around two principal block typologies – type A and type B. Block typology A splits at high level creating a tall slender element that rises above the lower blocks.
- 5.76 The design seeks to create its own character and sense of place with the intent to create a series of differing, yet linked block typologies that front Lytton Way. The use of the higher buildings are intended to create gateway features which will be recognised by road users, as is the case with the tall flatted block in the Watson Road/Kilby Road development. The use of differing heights adds variety to the development with the framing of the access to the site by blocks 3 and 4 offering views through to the rear of the site framing block 7. The layout is such that the buildings would front Lytton Way, allowing for the service road and parking areas to be provided to the rear of the development. This allows for central amenity areas sheltered within the site. The site benefits from existing mature trees and grassed banking, particularly along Lytton Way. This is supplemented by additional landscaping development allowing for a mixture of pocket green spaces and paved areas between the blocks acting as more private communal amenity.
- 5.77 The buildings would all be finished in facing brickwork. The taller elements are light grey brick with the lower section consisting of the darker tones. Balconies and windows are provided with

accented colour throughout. The two tones of brickwork are intended to form a banding at ground floor level to connect all buildings across the development and add further architectural variety at pedestrian level. All of the residential properties would have their own individual metal balconies which from a design perspective helps to break up the facades and add interest to the appearance of the buildings.

- 5.78 The site is prominent gateway location into the town centre.
- 5.79 The proposal is for 576 homes on 2.75 ha equating to a density of 209 dph. The redevelopment of the Matalan site (application reference 14/00559/OPM) was permitted for 526 homes (plus retail floorspace) on 1.34 hectares equating to a site density of 393 dph. With regards the SG1 town centre redevelopment (in which SBC owns land), Plot A comprises 264 homes on 0.53 ha (498 dph), whilst plot K is 469 homes on 0.7745 ha (606 dph). The density of development in the appeal proposals represents an appropriate level for the site given its location and context.
- 5.80 SBC did not request a Townscape and Visual Impact Assessment (TVIA) as part of the application process. Officers recommended approval based on the information before them on design, height and appearance. That included the D&A and a Heritage Statement. Further information, for example in the form of a TVIA, was not considered necessary and was not requested by officers. Officers concluded that *'the form and design of the proposed scheme respond imaginatively to the context and constraints of the site'* and that *'The layout has been carefully designed to introduce a series of tall buildings which respond to Lytton Way and create a high density scheme that would fit in with the existing character of the surrounding area'*. However, given that Members refused the application on visual impact grounds a TVIA has been prepared by Turley and is submitted as part of the appeal.
- 5.81 The TVIA identifies that the Site itself currently makes little contribution to the experience of the townscape with the existing building vacant and landscaped areas in poor condition and does not currently make a positive contribution to the local townscape character or optimise the use of a site with high accessibility.
- 5.82 23 viewpoints were identified and agreed with officers at Stevenage Borough Council as being representative receptors and an assessment made of the character and quality of the existing view from these viewpoints.

-
- 5.83 The TVIA notes that the Proposed Development would have a noticeable presence in the townscape, on account of its increased height compared with the existing building, but would sit within the established structure of the townscape and would retain and enhance the landscape structure which contributes to a network of green corridors. The Proposed Development would integrate well with the height, scale and massing of the evolving townscape in the vicinity of the Site and introduce new activity and vibrancy to the area. The new buildings would mark the edge of the town centre, forming a landmark feature on key approach routes to the town centre. The high quality design and construction of the Proposed Development would contribute positively to the skyline and accord with the emerging bold vernacular of Stevenage.
- 5.84 The assessment of townscape impacts identified that the Proposed Development would result in generally beneficial or neutral effects on townscape character due to the character of the new built form reflecting the character of the defined structure of the townscape and the enhancements to the landscape structure. These factors would result in increased activity levels in and around the buildings and increased footfall and economic activity in the centres of both the New Town and the Old Town. These changes would accord with the general long term objectives for the area as set out in local planning policy documents.
- 5.85 The assessment of visual effects identified that there would be changes to local views arising from the Proposed Development. The quality of the views close to the Site is likely to generally improve with the changes to the landscape structure and the improvement in quality and condition of built form. When seen on key approach routes to the town, the Proposed Development would create a new gateway feature that contributes positively to the appearance of the skyline. There are occasional more sensitive views where the appearance of the new built form on the skyline, creates a contrast with the domestic scale of elements in the foreground. However, for the majority of the Old Town High Street Conservation Area, the Proposed Development would be obscured or seen to the background of views in context with other taller elements within the town centre and would generally not have a detrimental influence on key qualities. In views from other parts of the Conservation Area, the Proposed Development would be obscured by intervening built form and mature trees associated with public open space and road corridors.
- 5.86 The form and design of the proposed development responds imaginatively to the context and constraints of the site. The layout has been carefully designed to introduce a series of tall buildings which respond to Lytton Way and create a high density scheme that would fit in with

the existing character of the surrounding area. The development complies with Policy SP8: Good design, Policy HO8: Affordable housing tenure, mix and design; Policy HO9: House types and sizes; Policy GD1: High quality design.

9) Heritage

- 5.87 The application was accompanied by a Heritage Statement and assessed by the Council's Conservation Advisor who assessed the impact of the development of the nearby Old Town Conservation Area and listed buildings. Due to the distance from Ditchmore Lane to the site (approx. 100 metres) and the way the site is physically divorced from the Old Town area by the busy Lytton Way, it was considered that the development, whilst visible, would not have a harmful impact upon the significance of the Conservation Area and Listed Buildings through development within its setting (para 7.4.18 of the committee report). It was concluded that the development preserved the setting and significance of the Old Town Conservation Area and therefore there would be a less than significant effect on nearby heritage assets.
- 5.88 The proposals comply with policy NH10 of the adopted SLP.

10) Housing mix

- 5.89 Policy HO9 deals with types and sizes of new homes. The development provides:
- 20 studio apartments (3.5%)
 - 249 one bedroom apartments (43%)
 - 257 two bedroom apartments (45%)
 - 50 three bedroom apartments (8.7%)
- 5.90 Officers concluded at para. 7.2.15 of the committee report that the development would be in accordance with HO9 as it would add to the overall mix of housing which is required to meet the objectively assessed need over the local period.
- 5.91 The development complies with Policy HO9 of the adopted SLP with regards to housing mix.

11) Surface Water Drainage

- 5.92 The site is located in Flood Zone 1. The Lead Local Flood Authority confirmed that they are satisfied that given the constraints of the site in an urbanised area and proven low infiltration rates the proposed drainage strategy demonstrates appropriate consideration of the SuDS hierarchy and the choice of SuDS methods is justified. Thames Water has confirmed it is willing to accept flows restricted to 12.0l/s into the surface water sewer network if it is proven the site cannot discharge adequately to either soakaways or existing watercourses.
- 5.93 The LLFA is satisfied with the list of SuDS management stages regarding quality management and treatment, including pollution hazard indices and the mitigation provided from the SuDS features, such as permeable paving and detention basin. The schematic drainage strategy drawing includes an indication of exceedance surface water flow paths in events greater than the 1 in 100 year + 40% climate change rainfall return period. The details can be conditioned.
- 5.94 Officers concluded that the proposed development is acceptable from a sustainable drainage viewpoint.
- 5.95 The development complies with policies SP11 and FP2 of the adopted SLP with regards to surface water drainage.

12) Foul drainage

- 5.96 The site benefits from an existing foul water sewer connection to the public drain beneath the A602. The proposal utilises that existing connection. In August 2019 Thames Water confirmed that the network had sufficient capacity for flows from the development (see Annex 20 of the submitted Flood Risk Assessment).
- 5.97 However, during the application stage, Thames Water requested a condition be imposed requiring occupation to be linked to upgrades in capacity. The appellant is content with the proposed condition.
- 5.98 The development complies with policy SP5 of the adopted SLP with regards to foul drainage.

13) Fire

- 5.99 The development is proposed to be constructed of brick materials which would accord with the requirements of the building regulations legislation relating to fire safety.
- 5.100 Swept path analysis of the proposed internal spine road confirms that a fire tender of 8.6m in length can also safely navigate through the site.
- 5.101 HCC has requested fire hydrants should be provided as part of the development. The appellant is content with that. That can be achieved either through an obligation with the S106 Agreement, or by way of condition.
- 5.102 The development complies with policy GD1 of the adopted SLP with regards to fire safety.

14) Residential amenity

- 5.103 The Council's Design Guide includes guidelines on distances to safeguard the privacy and outlook of adjoining properties from developments. For developments over 2 storeys in height the recommended separation distances are 30m for a back to back relationship or 20m for a back to side relationship. There are no standards relating to front to front or front to rear relationships.
- 5.104 The nearest residential properties to the west of the site are in Kilby Road/Watson Road and to the northern part of the site properties in Brick Kiln Road, both of which are separated by the railway line and mature vegetation. These developments are located between 50-60m away from the proposed development. Given this level of separation there would be no significant loss of light to these properties.
- 5.105 Monument Court lies to the north of the site and is over 50m away. Block 1 is also angled such that it faces in a north east direction over the Trinity Road/Lytton Way roundabout away from Monument Court.
- 5.106 Properties within Townsend Mews are over 50m away from the proposed development.

-
- 5.107 The development accords with the Council's policies and guidance on separation distances and there would be no adverse effect on overlooking, outlook or loss of light to existing properties.
- 5.108 In terms of the residential amenity of future accounts of the proposed development, all of the dwellings accord with the space requirements set out in the adopted local plan. In terms of relationship between apartments, the council was content with regards the separation between blocks.
- 5.109 Over 50% of the apartments are dual aspect and the majority of the larger units are located on corner plots. The one bedroom apartments are generally single aspect with private amenity space, open plan kitchen/living/diners and have direct access to private balconies. The two bedroom apartments are generally dual aspect with kitchen/ living/diners achieving views in two directions. The 3 bedroom apartments are dual aspect. 50% of the apartments would comply and exceed the accessible and adaptable dwelling requirement (M4(2)) as required by Policy HO11 of the SLP.
- 5.110 Council's Design Guide recommends 50 sqm of amenity space plus an additional 10sqm per home. It also recommends that where no communal space is provided that effort should be made to provide balconies or roof gardens. The development provides approximately 900 sq m of communal amenity space, including an equipped area of play area in the amenity space along with sculptural play within the courtyard spaces between the buildings. All of the apartments, asides from the 20 studios, are provided with balconies, the approximate size of which is 5 sqm which will provide an area of private amenity space for the occupiers. Whilst this provision is less than the guidance provided, it is characteristic of other developments nearby in central Stevenage. In addition, the development has good access to public open space in the local area. The King George V Recreation Ground, offering formal and informal recreation opportunities is located on Ditchmore lane, a 5 minute walk away. The Medway Playing field and the play area at Cutty's Lane is located within a 10 minute walking distance.
- 5.111 Officer concluded that the combination of on-site and off-site open space/play space provision was appropriate to serve the development. A financial contribution toward improvements to off-site sport and children's play facilities at King George V playing fields was agreed.
- 5.112 It is considered that future residents of the dwellings will all have an acceptable living environment.

5.113 The development complies with policies GD1, SP12, FP7, HO11 of the adopted SLP with regards to residential space and amenity.

15) Air quality

5.114 An Air Quality Assessment was carried out and submitted with the application assessing the effects of both construction and operation of the proposed development on the application site and surrounding area.

5.115 The air quality impacts were calculated using the ADMS- Roads gaussian dispersion model. Major roads in the vicinity of the development were modelled explicitly within 200 metres of assessed receptors for the 2017 baseline scenario, the future without the development scenario and the future with the development scenario.

5.116 The results of the assessment indicate that baseline air quality conditions at nearby existing receptors meet the annual mean NO₂ national objective of 40 µg/m³ and are expected to reduce further by the first operational year of 2023.

5.117 The results of the dust risk assessment indicate that construction activities could have, at worst, high air quality impacts at nearby receptors without mitigation. These impacts can be minimised or removed through the implementation of a published construction phase dust management plan which details appropriate mitigation measures and dust monitoring. Air quality impacts from construction vehicles are anticipated to be negligible, due to the low number of vehicle movements.

5.118 Baseline information indicates that new receptors will not be introduced into any area breaching air quality objectives. Detailed dispersion modelling has shown that NO₂ concentrations at 21 assessed receptors around the development and the development itself, which include locations representative of worst-case exposure, will be within the annual objective during the first year of operation. There would be a negligible impact on local air quality from operational traffic.

5.119 The development accords with policy SP2, SP11, FP7 in relation to air quality.

16) Loss of light

- 5.120 The nearest residential properties to the west of the site are in Kilby Road/Watson Road and to the northern part of the site properties in Brick Kiln Road, both of which are separated by the railway line and mature vegetation. These developments are located between 50 to 60m away from the proposed development. Given this level of separation there would be no loss of light to these properties.
- 5.121 Monument Court lies to the north of the site and is over 50m away, according with the Council's separation distances. Block 1 is proposed to be angled such that it faces in a north east direction over the Trinity Road/Lytton Way roundabout away from this development. In assessing the impact on properties within Townsend Mews and backing onto Lytton Way facing Ditchmore Lane, these would be over 50m away from the proposed development. Again, this would result no loss of light to these properties.
- 5.122 Officers concluded at 7.53 of the committee report that the relationships and separation between buildings were acceptable and that there would be no sustainable objection to the development with regard to the impact on the amenities of nearby residential properties.
- 5.123 The development accords with policy GD1 in relation to amenity of neighbours.

17) Noise

- 5.124 The application was accompanied by a noise assessment. Noise from transport i.e. road traffic, railway and air traffic, are considered to be the most likely sources. The site lies in the centre of busy urban area, where elevated noise levels are to be expected.
- 5.125 Environmental Health raised no objection to the proposals however requested conditions with regards construction noise and protecting individual dwellings from noise. The appellant is content with these conditions.
- 5.126 The development complies with policy GD1 and FP7 regards to noise.

18) Trees, landscaping and ecology

- 5.127 Policy NH5 of the SLP states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate.
- 5.128 An arboricultural report was submitted with the application which confirms that there are some trees of modest amenity value on site, most of which are 'B' and 'C' category standard trees. There are 95 individual trees, 32 groups and 4 hedges surveyed on-site or immediately adjacent to the site boundary. The dominant individual tree species are Rowan and Whitebeam, with Sycamore, Horse Chestnut and Maple as the other standard trees present. There are some low quality trees on site that it is recommended should be felled regardless of the development. 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.
- 5.129 The landscaping strategy submitted with the proposal identified proposed new planting and open space provision within the development. The existing landscaped embankment towards Lytton Way will be retained and enhanced with additional shrub and tree planting to integrate the buildings better into the landscape when viewed from the road. It is proposed that embankment slopes will have large swathes of ground cover and meadow grass offering year round interest. Access into site will be along a two-way permeable block paved street with raised pavements. Low hedges and an avenue of trees will provide a formal soft edge on either side of the access square. The access road will lead into a shared surface nodal square framed by attractive, permeable block paving with decorative, specimen trees. A further row of formal planted trees to the west will terminate the space and the view leading into the site. The reinforced planting along this stretch will also provide privacy and seclusion for ground floor units.
- 5.130 Trees are proposed throughout the development as focal features through the spaces in order to improve legibility throughout the site and reinforce local character. Street trees reinforce the linear spaces and provide softened frontage to the tall residential blocks. Amenity terraces between the development blocks are proposed to include smaller multi-stem and single stem trees with ornamental value to create a more intimate setting around them. Trees along the edge to network rail track have been carefully selected following consultation with Network Rail to ensure there is no impact on railway safety.

-
- 5.131 Further details of the design and layout of the open spaces and landscaping can be conditioned.
- 5.132 Officers concluded (para. 7.9.6) that with appropriate replacement and additional landscaping the development would have an acceptable appearance.
- 5.133 In terms of ecology there is one statutory designated site and eighteen non-statutory designated sites within 2km of the application area.
- 5.134 The ecology assessment identifies that the main building offers no ecological value due to the style and materials used in its construction. Shrubs and trees on and adjacent to the site were shown to have limited potential to support nesting birds. In terms of Bats, the main building on site was considered unsuitable for roosting bats, being mainly of glass and brick construction, with no features such as cracks or roof voids that could be used by roosting bats. None of the trees on or bordering the site showed potential for roosting bats. The site has limited potential for foraging and commuting activity, with few hedgerows or avenues of trees and little connectivity to the wider environment.
- 5.135 There is no habitat on site that was considered suitable for reptiles, with shortly mown grass surrounding much of the site and a lack of potential shelter features. The area to the north west of the site is densely vegetated with ivy and scrub and was considered unlikely to support reptiles. It was considered that there was little habitat suitable for great crested newts as there are no ponds nearby or with connectivity to the site. There was no evidence of Badgers using the site.
- 5.136 The application was accompanied by a calculation using the DEFRA biodiversity offsetting metric. That concluded that the proposed development is likely to lead to an enhancement to local biodiversity through the inclusion of scattered trees, shrubs (provided they comprise a mixture of nectar-rich or otherwise valuable species for wildlife), hedgerows and species-rich grassland providing a refuge for wildlife in an area otherwise dominated by urban development. The inclusion of additional enhancements within the buildings would also add further to overall biodiversity enhancement of the Site.

5.137 The development complies with policies SP5, SP12, GD1, NH5, NH7 of the adopted SLP with regards to trees, landscaping, ecology and biodiversity.

19) Crime and disorder

5.138 The Police Crime Prevention Design Officer (PCPDO) raised 2 comments in relation to design. Firstly, relating to overlooking and surveillance, and secondly with regards car parking by non-residents.

Surveillance

5.139 As can be seen from the floor plans, all public areas (open spaces, amenity terraces, walking routes) are overlooked by living rooms. The design of the buildings has living (active) rooms on all facades and balconies on most facades. Not all living rooms and balconies face in the same directions. All spaces are therefore overlooked by some active rooms.

Parking

5.140 The concern relates to non-residents accessing the site to park and using the railway station. The PCPDO seeks some form of access control at the entrance to the site. Car parking on site will be managed by a management company established to maintain the site. The Management Company will regularly monitor car parking and take action if there is any unauthorised use. If it transpires that parking by non-residents is an issue, then the Management Company will consider further measures to manage parking and if necessary can install measures to control access.

5.141 The development complies with policy SP2, SP5, GD1, of the adopted SLP with regards to crime and community safety.

20) Sustainable construction and Climate Change

5.142 Policy FP1 of the SLP encourages measures to address/adapt to climate changes, such as:

- Ways to ensure development is resilient to likely variations in temperature;
- Reducing water consumption to no more than 110 litres per person per day, including external water use;

-
- Improving energy performance of buildings;
 - Reducing energy consumption through efficiency measures;
 - Using or producing renewable or low carbon energy from a local source; and
 - Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.

5.143 The application was accompanied by a sustainability statement describing the measures taken:

- Design to water use of 110 litres per person per day;
- using passive solar design to minimise heat loss in the winter and overheating in the summer by using natural light and ventilation as much as possible;
- communal heating system with the use of high efficiency commercial boilers;
- low NOx commercial gas boilers;
- enhanced building fabric specification with low air permeability rate and calculated thermal bridging;
- solar PV providing 10.16% reduction in CO₂ emissions;
- 11.65% improvement over the Building Regulations.

5.144 The development accords with national policy on climate change and policies SP2, SP11, FP1 of the adopted SLP. The above measure can be secured by condition.

21) Affordable Housing, CIL, S106 and Viability

Affordable housing

5.145 Policy HO7 of the SLP seeks the provision of 25% of new homes on previously developed sites to be affordable. Policy HO7 allows for variations where:

- a) It can be robustly demonstrated that the target cannot be achieved due to site-specific constraints resulting in higher than normal costs, which affect its viability; or
- b) Meeting the requirements would demonstrably and significantly compromise other policy objectives.

-
- 5.146 The council's website¹ provides guidance on the application of Vacant Building Credit (Annex D). The guidance advises that any building needs to have been completely vacant for a period of 6 months prior to submission of the application and not made vacant solely for the purposes of redevelopment. It requires that an applicant provides the gross external floor area (GEA) of any vacant building that they wish to claim vacant building credit on, and, the proposed building.
- 5.147 The application was submitted in July 2019, having been vacated in January 2017. The building was vacated following the surrender of the lease by Betfair following its merger with Paddy Power and a restructuring of the business. It was not vacated for the purposes of redevelopment.
- 5.148 The GEA of the proposed development is 47,122 sq.m. of floorspace. The current building is 12,783 sq.m. GEA². As set out at Paragraph: 027 Reference ID: 23b-027-20190315 of the PPG, the amount of affordable housing to be sought is proportionate to the existing floorspace. Deducting the existing 12,783 sq.m. from the proposed gives a net increase of 34,339 sq.m., which is 73%³ of the proposed floorspace. Given the application is for 576 dwellings, the starting point for affordable housing would be for 73% equating to 105⁴ affordable dwellings equating to a policy target of 18.25% not the Council's overall target for 25% affordable housing.
- 5.149 In terms of affordable housing mix, the council seeks 70% as Affordable Rent with the remainder consisting of other tenures agreed with the Council's housing team. The Local Plan viability study assumed the remaining 30% was shared ownership/ intermediate housing.
- 5.150 The application was accompanied by a *Financial Viability Assessment*, KCL, 9th September 2019. Viability was subject of extensive discussions which is covered further at section 21).
- 5.151 Given the scale of Hill's investment in the site and its long running involvement in Stevenage, Hill was prepared to come to an agreement with the Council over a package of planning obligations which would have produced a developer's margin significantly below 17.5%. Given the Council's priorities, that included offering a policy compliant level of affordable housing.

¹ <http://www.stevenage.gov.uk/149690/planning/152088/> accessed 10.25 am 19th May 2020

² Note, the figures at the application stage related to GIA, rather than GEA

³ $(47,122 - 12,783)/47,122$ or $(\text{proposed floorspace} - \text{existing floorspace})/\text{existing floorspace}$

⁴ $(576 * 25\%) * 73\%$

However, the meant various other financial obligations could not to be provided for within the S106. Two alternatives were offered to the council in terms of affordable housing:

Policy compliance (referred to as Option 2 in the committee report)

5.152 This option provided 109 affordable homes on site, 18.9% of the homes, after allowing for Vacant Building Credit.

5.153 It would have provided 76 affordable rented homes (35 x 1 bed, 39 x 2 bed, 2 x 3 bed) (70%) and 33 shared ownership homes (10x1 bed, 15x2 bed, 8x3 bed) (30%). The tenure split accorded with policy.

90% of requirement, but all Affordable Rent (referred to as Option 1 in the committee report)

5.154 Recognising the Council's priority was for Rented accommodation, a proposal was made which would have delivered 98 affordable homes for Affordable Rent. Allowing for Vacant Building Credit that would have equated to 90% of policy. That was to have been provided as follows:

- 35 x 1 bed on site
- 45 x 2 bed (4p) on site
- 10 x 3 bed (5p) on site
- 8 x 1 bed modular homes to be delivered on Council owned land at Hertford Road. The S106 was to have provided for a financial contribution of £65,000 per modular home to enable delivery elsewhere on council land should it have proven not possible to deliver the homes at Hertford Road.

5.155 This option would have delivered 22 mores rented homes than the "Policy Compliant" option (Option 2).

5.156 Officers concluded (7.3.10) that given the viability issues relating to the development, either of these offers of options were considered acceptable, although the Committee was asked to take a view on which was most appropriate to the Council. The Committee did not vote on the options put to them. However, Policy HO7 does not feature in the reasons for refusal.

Planning obligations and Community Infrastructure Levy

5.157 In addition to affordable housing, the application was the subject of requests for financial contributions towards sustainable transport, education, childcare, libraries, waste, youth

services, NHS facilities, indoor and outdoor sports facilities and contributions to Stevenage Borough Council toward outdoor sport and children's play facilities.

5.158 Policy SP5 of the SLP deals with infrastructure. It seeks that development:

- makes reasonable on-site provision, off-site provision or contributions towards infrastructure;
- includes measures to mitigate against any adverse impact on amenity or the local environment where this is appropriate and necessary;

5.159 Hertfordshire County Council operates a Planning Obligations Toolkit, dating from 2008. In 2019 HCC consulted on an updated toolkit. That attracted a number of representations and as of yet has not proceeded to adoption.

5.160 The *Financial Viability Assessment*, KCL, 9th September 2019 submitted with the planning application assumed £2,000 per dwelling by way of financial contributions towards planning obligations. That figure had been arrived at following a review of recent S106 agreements entered into in Stevenage. In total the FVA assumed £1,152,000 of financial planning obligations. In total, consultees requested a total of up to £9,719,303⁵. The submitted FVA was reviewed by AV for the Council. Whilst there were differences between AV and KCL in assumptions, AV concluded that proposed scheme was not viable, generating a deficit against the Benchmark Land Value.

5.161 On 20th December 2019, Hill wrote to SBC setting out that notwithstanding the viability issues, the overall scale of obligations requested were not considered reasonable, nor proportionate and that a number of request were not directly related to the development proposed, particularly when compared to other S106 obligations agreed/request over the last year. Annex E identifies the contributions requested and sets out the appellants view on those contributions.

5.162 Negotiations over the obligations proceeded. Officers recommended approval of the application based on a S106 agreement with the following provisions:

⁵ Assumes higher of the 2 waste contributions.

- £52,784 for outdoor sport and childrens play space improvements for multi games areas at Shephalbury Park or King George V playing fields and improvements to Fairlands Valley Park – Maze and trim trail improvements.
- £1,467,000 towards primary and/or secondary education provision
- £16,500 towards library provision
- £16,500 towards waste provision
- £22,754 to subsidise 2 hybrid electric vehicles for 2 years on site through Ubeqoo
- £6,000 for Travel Plan monitoring contribution
- £81,538 for GP provision.

5.163 The total agreed obligations amounted to £1,662,322

5.164 In email dated 18th February 2020 to the case officer HCC noted that a viability assessment has been produced and that viability is a material consideration in the determination of the application for the planning authority in agreeing the above amounts towards education, waste and libraries. That was subject to a clawback mechanism being included within the S106. The appellant was content with such a mechanism.

5.165 Since the application was determined, Community Infrastructure Levy (CIL) has come into force in Stevenage. It is considered that asides from the electric vehicle car club provision and travel plan monitoring, the above items are all now covered by CIL and a S106 agreement is not required in relation to those items. Discussions will continue with the councils with regards S106 and CIL in the run up to the appeal being heard.

5.166 The site lies in Zone 2 in the Stevenage CIL Charging Schedule. Hence a rate of £100 per sq.m. is applicable to housing. The building has not been lawfully occupied for six months in the preceding 3 years and hence is not liable for any CIL relief on the basis of existing floorspace. The GIA of the proposed buildings for the purposes of CIL is 47,122 sq.m. With Block 7 proposed as affordable housing, the CIL liability would be £4,274,533. Added to the Travel Plan and car club contributions the total burden of CIL/S106 would be £4,303,287, some £2,640,965 more than agreed at the time of determination.

5.167 The appeal is accompanied by an updated viability appraisal by Quod. An updated viability appraisal has been prepared to ensure the inputs and assumptions are current at the time of the appeal, this approach aligns the approach to viability set out in planning policy guidance.

That appraisal and accompanying letter were sent to AV on 25th June 2020. That updated appraisal demonstrates that the Proposed Development, with the provision of 52 affordable rented homes, residualises a profit of 12.43% on GDV, below the benchmark profit of 16.98% (ie 17.5% on private and 6% for affordable housing).

Viability Conclusions

- 5.168 Viability issues had been discussed with SBC during the pre-application stages. Kift Consulting Limited (KCL) had submitted a viability assessment in March 2017 during pre-application, which had been reviewed for the Council by BPS. BPS agreed that the site could only support 52 affordable rented homes.
- 5.169 An updated viability assessment was prepared KCL and submitted with the application. That was reviewed by Aspinall Verdi (AV) for the Council. Whilst there were differences between AV and KCL in assumptions, AV concluded that proposed scheme was not viable, generating a deficit against the Benchmark Land Value. Hill wrote to the Council on 20th December 2019 confirming that it disagreed with AV's conclusion on some elements of its viability assessment, but that given the consultants were agreed that the scheme was unviable there was little point in debating those differences, but rather the aim should be to move matters forward and agree a package of measures.
- 5.170 Given the passage of time, changes in economic circumstances and the introduction of CIL, this appeal is accompanied by an updated financial viability assessment by Quod. That FVA has been sent to the AV in order to reach common ground.
- 5.171 That updated appraisal demonstrates that the Proposed Development, with the provision of 52 affordable rented homes, residualises a profit of 12.43% on GDV, below the benchmark profit of 16.98% (ie 17.5% on private and 6% for affordable housing).
- 5.172 The development complies with the NPPF, PPG and the adopted SLP with regards affordable housing, infrastructure and viability.

22) Affordable Housing delivery

- 5.173 As reported by Stevenage Borough Council within its Annual Monitoring Reports for the 2017/18 (Annex F), there has been a supply of just 233 affordable dwellings over the period 2011 to 2018, equating to an annualised average of 33 affordable dwellings per year.
- 5.174 The adopted SLP aims to deliver at least 20% of all new homes over the plan period as affordable, and up to 40% where viable. That is a recognition in the local plan that affordable housing needs are significant. Indeed, the Strategic Housing Market Assessment⁶ on which the local plan was based identified an annual need for 575 affordable homes in Stevenage over the next 5 years. Therefore, between 2013 and 2018, 2,875 affordable homes were required, and just 233 delivered between 2011 and 2018.
- 5.175 The appellants propose to deliver 52 affordable homes, even though that returns a sub-17.5% return to the developer. It is proposed that all 52 homes are Affordable Rent, given that is the greatest area of need within Stevenage.
- 5.176 The delivery of 52 affordable homes on a single site equates to 148% of the annualised average achieved across the whole Borough since 2011. It represents a substantial contribution to meeting needs and should be accorded substantial weight given the chronic under delivery of affordable housing since the start of the plan period.

⁶ Stevenage SHMA, David Couttie Associates, 2013

6 Overall planning balance

- 6.01 The development accords with policies in relation to the loss of employment and in relation to the suitability of the site to accommodate new homes. Indeed, the Council's 5 year housing and supply includes the site delivering 400 homes within that supply. The principle of residential development has been established as being acceptable and the site is to be considered as a windfall.
- 6.02 The site is located in a highly sustainable location with access to local buses, train services, Stevenage's high quality cycle and pedestrian network is immediately adjacent the site, it is in close proximity to both the Old Town and Stevenage Town Centre and the facilities which they provide, and is close to employment within Gunnels Wood the town's main employment area. It is difficult to envisage of a more sustainable location for development.
- 6.03 The design and layout of the development is appropriate to the site's location and its context. There would be no significant harm to the amenities of the occupiers of neighbouring residential properties and the residents of the proposed development would enjoy a high level of amenity. In design terms, it would represent a high quality development resulting in landmark buildings in this prominent town centre location. The density of development is appropriate given its location and other developments which have taken place or are proposed within the local plan. No harm arises to the Old Town or other heritage assets.
- 6.04 The proposal provides adequate off-street parking in line with the Council's adopted standards as well as an appropriate level of cycle parking provision in covered lockable stores. Sustainable transport measures are supported through its location, connections provided from the site to the local network, reduced car parking provision, and the provision of 2 self-charging hybrid car club vehicles. 28 car parking spaces are to be installed as Electric Vehicle Charging Points.
- 6.05 There are no outstanding objections from consultees. Issues relating to construction management, materials and landscaping, drainage can be satisfactorily addressed through the use of conditions.

-
- 6.06 In terms of the provision of affordable housing and developer contributions, the parties are agreed that the development is not capable of delivering the full amount of obligations sought. The appeal proposals include 52 affordable homes (9%) and generates a profit of 12.43%.
- 6.07 The harms which arise relate to the provision of affordable housing owing to viability issues. Policy recognises that planning obligations and affordable housing are negotiable in such circumstances. Given that CIL has been implemented since the application was determined, the only means of achieving a more viable permission is to reduce affordable housing. Therefore, the harm arising from reduced affordable housing does not significantly and demonstrably outweigh the range of benefits which would arise from the development.
- 6.08 The environmental, economic and social benefits which arise from the development include:
- Redevelopment of previously developed land
 - Regeneration of a unused and uneconomic site in a highly sustainable location
 - Jobs in construction
 - Increased footfall for the town centre and increased expenditure
 - 576 new homes
 - 52 affordable homes for rent
 - Net gain in biodiversity
 - Enhanced landscaping
 - An energy strategy which achieves an 11.6% carbon saving against the Building Regulations
 - Car parking at 36% of the maximum allowed
 - 28 spaces fitted with Electric Vehicle Charging Points
 - Provision of a car club on site with 2 self charging hybrid vehicles
 - 576 cycle spaces
 - £4,274,533 in CIL receipts for investment in infrastructure
- 6.09 The proposal accords with the development plan and in accordance with the NPPF permission should be granted.
- 6.10 In addition, the Council is unable to demonstrate a five year supply of housing land and it is likely to only achieve around 50% in the 2020 Housing Delivery test. The Council cannot

demonstrate a 5 year supply of land for housing and hence under paragraph 11d of the NPPF 2019 the policies which are most important for determining this appeal are out-of-date and the presumption is engaged. There are no policies within the Framework that protect areas or assets of particular importance which provide a clear reason for refusal. The adverse impacts do not significantly and demonstrably outweigh the benefits, when assessed the policies of the Framework as a whole. There is added urgency in permitting the proposal to ensure new homes can be delivered in a sustainable location and assist with the transformation of central Stevenage.

6.11 The appeal should be allowed.

7 Conditions and planning obligations

7.01 Draft conditions are set out in the draft Statement of Common Ground.

7.02 It is intended that a S106 agreement, if required, will be submitted before the inquiry in accordance with the procedural guidance.