



Appeal Decision

Site visit made on 27 November 2024

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2025

Appeal Ref: APP/K1935/W/24/3342565

Land west of Lytton Way, Stevenage SG1 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Hill Residential Limited against the decision of Stevenage Borough Council.
- The application Ref is 23/00920/FPM.
- The application sought planning permission for Variation of condition number 2 (approved plans) attached to planning permission reference number 23/00239/FPM to alter the position of the stair and lifts cores to ensure maximum travel distance for means of escape are improved. without complying with a condition attached to planning permission Ref 23/00655/FPM, dated 5 October 2023
- The condition in dispute is No 1 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 16-019 - D 050 C01; ICON-2-PS-2-100-Rev B; ICON-2-PS-2-101-Rev B; ICON-2-PS-2-102-Rev B; ICON-2-PS-2-103; ICON-2-PS-5-100; ICON-2-PS-5-101; ICON-2-PS-5-102; ICON-2-PS-5-103; ICON-2-PS-7-100; ICON-2-PS-7-101; ICON-2-PS-7-102; ICON-2-PS-7-103; ICON-2-PS-7-104; ICON-2-PS-7-105; ICON-2-PS-7-106; ICON-2-PS-200; 02686-IWD-XX-XX-DR-A-2320_P1; ICON-PS-1-100-Rev B; ICON-PS-1-101-Rev B; ICON-PS-1-102-Rev B; ICON-PS-1-103-Rev B; ICON-PS-1-104-Rev B; ICON-PS-1-105-Rev B; ICONPS-1-106-Rev B; ICON-PS-1-107-Rev B; 502686-IWD-B1-XX-DR-A-2310_P2; 502686-IWD-B1-XX-DR-A-2311_P2; 502686-IWD-B1-XX-DR-A-2312_P2; ICON-PS-3-100-Rev B; ICON-PS-3-101-Rev B; ICON-PS-3-102-Rev B; ICON-PS-3-103-Rev B; ICON-PS-3-104-Rev B; 502686-IWD-B3-XX-DR-A-2310_P2; 502686-IWD-B3-XX-DR-A-2311_P2; 502686-IWD-B3-XX-DR-A-2312_P2; ICON-PS-4-100-Rev B; ICON-PS-4-101-Rev B; ICON-PS-4-102-Rev B; ICON-PS-4-103-Rev B; ICON-PS-4-104-Rev B; 502686-IWD-B4-XX-DR-A-2310_P3; 502686-IWD-B4-XX-DR-A-2311_P3; 502686-IWD-B4-XX-DR-A-2312_P3; ICON-PS-6-100-Rev B; ICON-PS-6-101-Rev B; ICON-PS-6-102-Rev B; ICON-PS-6-103-Rev B; ICON-PS-6-104-Rev B; ICON-PS-6-105-Rev B; ICON-PS-6-106-Rev B; ICON-PS-6-107-Rev B; 502686-IWD-B6-XX-DR-A-2310_P3; 502686-IWD-B6-XX-DR-A-2311_P3; 502686-IWD-B6-XX-DR-A-2312_P3;.
- The reasons given for the conditions is: For the avoidance of doubt and in the interests of proper planning.

Decision

1. The appeal is allowed and planning permission is granted for Variation of Condition 1 (Approved Plans) to planning permission reference number 23/00655/FPM to remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Alterations to centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking

spaces, amendment to affordable housing mix in block 7 at Land west of Lytton Way, Stevenage, SG1 1AG in accordance with the terms of the application, Ref 23/00920/FPM, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site has an elongated planning history. Planning permission for the demolition of existing office building (B1 use) and structures, and the construction of seven apartment buildings comprising 576 dwellings (C3 use) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works was initially granted at appeal¹ and was subsequently subject to a number of amendments.
3. The Council have granted a s.96A application and the original planning permission has been amended accordingly. As such, the lawfulness of the amendment is not a matter before me, the permission has been amended via s.96A and the unamended permission no longer exists.
4. The variation proposed by the appeal scheme would remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Further alterations are proposed to the centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking spaces, amendment to affordable housing mix in block 7.

Main Issue

5. The main issue is the effect of the loss of undercroft car parking and the creation of additional parking demand from the proposed flats on highway safety.

Reasons

6. The appeal scheme would result in the loss of 46 enclosed car parking spaces, the creation of 16 additional apartments, 13 external carparking spaces and various other alterations. This is a net loss of 30 car parking spaces and an increased demand for car parking spaces generated by the additional apartments.
7. The appeal site is located in a central location within Stevenage, adjoining the town centre with a range of transport options available, including public transport, car clubs and pedestrian routes.
8. Policy IT5 the Stevenage Borough Council Local Plan (local plan) stipulates the planning permission will be granted where proposals comply with the requirements of the Parking Provision Supplementary Planning Document (the SPD) and Policy SP6 refers to new development providing "an appropriate level of car parking".
9. The Council's Statement of Case details that, based on the SPD, the overall development (existing and proposed), generates a need for 730 car parking spaces; reduced to between 183 (25%) and 365 (50%). The SPD² refers to the characteristics of the development and existing residential car parking

¹ Appeal Ref: APP/K1935/W/20/3255692, dated 15 July 2022

² Paragraph 2.13, SPD

problems as being relevant considerations when determining reductions below the parking standards.

10. The appeal scheme proposes 198 spaces, being approximately 26.2% of the standard set out in the SPD. This is within the 25-50% range identified within the SPD, though clearly to the lower end and provision is at a lower level than the existing scheme and compares to a total provision of 231 car parking spaces (31%) of the consented scheme.
11. The council identifies that the appeal scheme would provide insufficient off street carparking and that this would lead to future residents' cars being parked on roads to the north and west of the appeal site with a consequential harm to highway safety.
12. It is not at dispute between the parties that this is a highly sustainable location³ and in support of the appeal, the appellant has prepared a parking survey of a number of nearby streets. The survey showed that streets within a reasonable distance of the appeal site include parking restrictions (resident and time based) that make them unsuitable for longer term on-street parking. Other streets further afield, also include some streets with restrictions that would make them unsuitable for longer term on-street parking.
13. Furthermore, the results of the parking survey show significant variation in the utilisation of car parking spaces on unrestricted sections of road, such as Woolners Way where all of the spaces were used, to Watson Road where none of the spaces were used. Overall, the submitted evidence shows that there was some limited capacity on unrestricted roads further away from the site.
14. I note that Hertfordshire County Council (HCC) as Highways Authority has not raised any concerns with respect to the proposed development but also that, as referenced by the council, HCC have delegated the function of parking authority to the Borough and District Council.
15. On the basis of the evidence before me I am satisfied that it has been demonstrated that the appeal scheme is located in a highly sustainable location and would provide a level of car parking provision that is within the range stipulated by the SPD, albeit at a lower level than the consented scheme.
16. In the event that future residents of the appeal scheme choose to park cars off site, existing local residents are protected to a degree by existing restrictions and the submitted evidence demonstrates that there is some capacity on unrestricted roads and I have no substantive evidence before me that off-site car parking would harm highway safety in this instance.
17. As such I am satisfied that the loss of the undercroft car parking and increased demand from the proposed flats would not be harmful to highways safety and as such, I find that the appeal scheme therefore accords with Policies SP6 and IT5 of the Stevenage Borough Local Plan (2019) and the Parking Provision and Sustainable Transport SPD (2020).

³ Paragraph 6.4.3 Statement of Common Ground

Conditions

18. A deed of variation to the existing S106 obligation has been submitted that reflects the effect of changes sought to the appeal scheme with regards matters such as affordable housing.
19. Furthermore, I have had regard to the planning conditions that have been suggested by the Council and I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
20. I have not included a condition to control the life of the permission because, as I noted at the site visit, construction is already underway. In the interests of clarity and to define the permission I have included a condition referring to the approved plans.
21. In the interests of the living conditions of local residents I have included a condition to require adherence to the previously approved Construction Method Statement, but I have amended this condition to remove the 'tailpiece' phrase because this could circumvent the statutory routes to vary conditions depriving third parties of the opportunity to comment.
22. In the interests of the character and appearance of the area I have included a condition to protect trees within the development. In the interests of the living conditions of future residents and the environment I have included a condition relating to drainage, noise mitigation and external lighting.
23. In the interests of the character and appearance of the area I have included a condition requiring the submission of samples of the materials to be used on external surfaces.
24. In the interests of the environment, I have included a condition relating to the implementation of the Energy Strategy and a condition relating to wastewater infrastructure and a condition relating to bat and bird boxes. In the interests of the living conditions of future occupiers I have included a condition relating to the implementation of Secure by Design details.
25. In the interests of highway safety, I have included a condition relating to the provision of cycle parking. To protect the railway and maintain the appearance of the area I have included a condition relating to boundary treatments.
26. In the interests of the appearance of the area I have included a condition relating to the storage of refuse and recycling.
27. Finally, in the interests of the environment and the living conditions of future residents I have included a condition relating to unexpected land contamination.

Conclusion

28. For the reasons given above the appeal should be allowed.

Mr M Brooker

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in broadly accordance with the following approved plans: 16-019 D – 050 C01; ICON-2-PS-200 rev C – Site Plan; 502686-IWD-XX-XX-DR-A-2320_P1 A3 - Proposed Site Elevations; ICON-2-PS-1-100 - Proposed GA Plan-Level 00 – Rev C1; ICON-PS-1-101 - Proposed GA Plan - Level 01, 03,05 – Rev B; ICON-PS-1-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-1-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-1-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-1-105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-1-106 - Proposed GA Plan - Level 12,14 – Rev B; ICONPS-1-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 1 (North and South) Rev C1; ICON-2-PS-1-111 - Proposed Elevations Block 1 (East and West) Rev C1; ICON-PS-2-100 - Proposed GA Plan - Level 00 – Rev C1; ICONPS-2-101 - Proposed GA Plan - Level 01,03,05,07 – Rev B; ICON-PS-2-102 - Proposed GA Plan - Level 02,04,06 – Rev B; ICON-2-PS-2-103 - Proposed Elevations; ICON-2-PS-2-103 - Proposed Elevations Block 2 Rev P1; ICON-PS-3-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-3-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-3-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-3-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-3-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-3-107 - Proposed Elevations Block 3 (East and West); ICON-2-PS-3-108 - Proposed Elevations Block 3 (North and South); ICON-PS-4-100 - Proposed GA Plan - Level 00 – Rev C2; ICONPS-4-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-4-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-4-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-4-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-4-105 - Proposed Elevations Block 4 (North and South); ICON-2-PS-3-106 - Proposed Elevations Block 4 (East and West); ICON-2-PS-5-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-2-PS-5-101 - Proposed GA Plan - Level 01,03,05,07; ICON-2-PS-5-102 - Proposed GA Plan - Level 02,04,06,08; ICON-2-PS-5-103 - Proposed Elevations; ICON-PS-6-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-6-101 - Proposed GA Plan - Level 01,03,05 – Rev B; ICON-PS- - 35 - 6-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-6-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-6-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-6- 105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-6-106 - Proposed GA Plan - Level 12,14 – Rev B; ICON-PS-6-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 6 (East and West); ICON-2-PS-1-111 - Proposed Elevations Block 6 (North and South); ICON-2-PS-7-100 - Proposed GA Plan - Level 00 – Rev C2; ICON-2-PS7-101 - Proposed GA Plan - Level 01,03,05 – Rev C2; ICON-2-PS-7-102 - Proposed GA Plan - Level 02, 04 – Rev C2; ICON-2-PS-7-103 - Proposed GA Plan - Level 06 Rev C1; ICON-2- PS-7-104 - Proposed GA Plan - Level 07 Rev C1; ICON-2-PS-7-105 - Proposed GA Plans - Level 08 Rev C1; ICON-2-PS-7-107 - Proposed GA Plan - Roof Level - Rev C1; ICON-2-PS7-106 rev C1 - Proposed Elevations – Rev C1.
2. The methods of construction and all associated mitigation measures as detailed in the approved Construction Method Statement (CMS) as submitted

and approved under planning reference 23/00054/COND shall be strictly adhered to until conclusion of all site and building operations.

3. All trees within the development which are to be retained as identified in Tree Protection Plan (Plan 67135-02, Appendix 4 of the Arboricultural Impact Assessment (AIA) dated 31/10/2018 reference 67135 (V2)) shall continue to be protected by fencing or other means of enclosure in accordance with Appendix 4 and 8 of the AIA. Tree protection measures shall be retained until conclusion of all site and building operations. Within the tree protection areas, there shall be no alterations to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.
4. The surface water drainage strategy shall be carried out in accordance with drawing numbers 10336_1602C2 and 10336_1601C2 which shall be retained thereafter with the drainage strategy maintained in accordance with Appendix F of the Drainage Statement prepared by GTA civil and transport (document reference: 10336 dated 8 February 2023).
5. Prior to the construction of the external façade of the development hereby permitted, a scheme for protecting the proposed dwellings from noise from road, rail and air transport sources shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained thereafter.
6. Prior to the construction of the external façade of the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
7. Prior to the installation of any external lighting, a scheme for external lighting, including the intensity of illumination and predicted light contours, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the approved details and be retained thereafter.
8. The development shall be implemented and retained in accordance with the Energy Strategy prepared by Stanstead Environmental Services (document reference: SAP243-STEVE-007 dated 19th October 2023) submitted under discharge of condition application 23/00925/COND and in accordance with the water consumption targets contained within the Whitecode Design Associated Energy Strategy 10293-S-ENER-0001 Revision 5 dated 30 July 2019.
9. Prior to the construction of the amenity garden to the south of Block 7 as detailed in the approved plans under condition 2, details of the ramped access into the amenity garden to the south of block 7 shall be submitted to and approved in writing by the Local Planning Authority. The ramped access shall be carried out in accordance with the approved details prior to the first use of the amenity garden and be retained thereafter.
10. The development shall be carried out in accordance with the approved scheme under discharge of condition application 23/00925/COND prior to occupation of each block and be retained thereafter as referenced in the following approved plans: Secure by Design Block Type Plan (Drawing number: T15-032-PL110); Secure by Design Block Type Plan (Drawing number: T15-032-PL111); Secure by Design Block Type Plan (Drawing number: T15-032-PL112-1); Secure by Design Block Type Plan (Drawing number: T15-032-PL112-2); Secure by Design Block Type Plan (Drawing

number: T15-032-PL113-1); and, Secure by Design Block Type Plan (Drawing number: T15-032-PL113-2).

11. Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, prior to first occupation of the first residential unit of the development hereby permitted, details of external cycle stores, showing the provision of 974 cycle parking spaces together with the details of their type and design, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or in place and in accordance with the approved details before first occupation of that particular block or phase of the development and be retained thereafter.
12. Notwithstanding condition 2, details of the treatment of all boundaries, including details of any walls, fences, gates or other means of enclosure and timing of their delivery shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works take place. The approved boundary treatments shall be completed in accordance with the approved details and be retained thereafter. No part of the development shall be occupied until an Armco or similar barrier has been installed in positions where vehicles may be in a position to drive or roll onto the railway.
13. Prior to the first occupation of any dwelling within the development, written confirmation shall be provided to the Local Planning Authority that either:-
 - (i) All wastewater network upgrades required to accommodate the additional flows from the development have been; or
 - (ii) A housing and infrastructure phased plan has been agreed with Thames Water to allow additional properties to be occupied.

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

End of Schedule