

STEVENAGE BOROUGH COUNCIL

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Tuesday, 2 April 2024

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: Councillors: Michael Downing (Chair) (Chair), Claire Parris (Vice-Chair) (Vice Chair), Julie Ashley-Wren, Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Chris Howells, Graham Lawrence CC, Maureen McKay, Adam Mitchell CC, Ellie Plater, Carolina Veres and Anne Wells

Start / End Start Time: 6.30pm
Time: End Time: 8.32pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received were submitted on behalf of Councillor Graham Snell.

There were no declarations of interest.

2 MINUTES - 5 MARCH 2024

It was **RESOLVED** that the minutes of the meeting of the Planning and Development Committee held on 4th April be approved as a correct record.

3 24/00060/FPM - 1-17, 19-35, 37-53, 55-71, 85-101, 103-119 AND 121-137 PENN ROAD, STEVENAGE, HERTS, SG1 1HY

The Committee considered a report on planning application 24/00060/FPM seeking planning permission for the installation of external wall insulation and associated external finish, installation of solar PV array system; replacement roof tiles; replacement of external windows and doors, alterations to external ventilation and balcony upgrades.

The Officer explained each building is three storeys, L-Shaped with a dual pitched tiled roof and contain 9no. flats each. The buildings were constructed with white painted render, red-multi bricks with blue panels and horizontal cladding highlights. Windows and doors are modern white uPVC framing. The balconies had green panels and the buildings had a post-war appearance typical of properties constructed in this neighbourhood. Each building has small areas of shrub planting to the front with large areas of public open space around. Car parking was communal along Penn Road and shared with other residential dwellings.

- Photographs, Elevation drawings, CGIs were shown and there was no

change to the footprint.

- There was one public representative due to fire safety, but all materials comply with fire tests.

The Committees asked where the cost will fall. Officers explained the cost would be through Government Grant money and there would be no cost to the tenants.

It was **RESOLVED** that 24/00060/FPM be granted planning permission subject to the conditions set out in the report:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 7059-CTS-00-000-L-A-4403 P02; 7059-CTS-20-000-D-A-4404 P02.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)
3. The External Materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.

Informative:

1. Public Information on Planning Applications Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references and check the legitimacy of any contractor who contacts them before making payment.
2. Stevenage Borough Council adopted a Community Infrastructure Levy 9(CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020. This application may be liable for CIL payments, and you are advised to contact the CIL team for clarification regarding this. If your development is CIL liable even if you are granted an exemption from the levy, please be advised that it is a requirement under regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted. Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

3. Building Regulations – to obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. By emailing at building.control@hertfordshirebc.co.uk or phoning on 01438 879990.

To make a building regulations application please apply through the website portal at <https://www.hertfordshire.co.uk/contact-us/> payment can be made online or by phoning the number above after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but, in most instances, these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety.
- Work affecting access and facilities for disabled people.
- Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri)

4. Party Wall etc. Act 1996:

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire

Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>.

4 **24/00076/FPM - 2-16, 18-32, 34-48 AND 50-64 WALDEN END, STEVENAGE, HERTS, SG1 1TZ**

The Committee considered a report on planning application 24/00076/FPM seeking planning permission for the installation of external wall insulation and associated external finish, installation of solar PV array system; replacement roof tiles; replacement of external windows and doors, alterations to external ventilation and balcony upgrades.

The Officer explained the application site comprises 4 buildings on the northern side of Walden End. Residential dwellings lie to the south, and the main highway of Six Hills Way is to the north. Each building is three storeys with a dual pitched tiled roof and contain 8no. flats each. The buildings are constructed with white painted render and red-multi bricks. Windows and doors are modern white uPVC framing. The balconies have lightly obscured panels. The buildings have a post-war appearance typical of properties constructed in this neighbourhood. Each building has small areas of shrub planting to the front with large areas of public open space around. Car parking is a combination of on-street parking and laybys and shared with other residential dwellings.

It was **RESOLVED** that application 24/00076/FPM be granted planning permission subject to the conditions set out in the report:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 7059-CTS-00-000-L-A-4101; 7059-CTS-00-000-L-A-4103; 7059-CTS-00-000-L-A-4104; 7059-CTS-00-000-L-A-4102; 7059-CTS-00-000-L-A-4403-P01; 7059-CTS-20-000-D-A-4404- P01; 7059-CTS-20-000-D-A-4405-P01; 7059-CTS-20-000-D-A-4406-P01; 7059-CTS-20-000- D-A-4407-P01;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.

Informative:

1. Public Information on Planning Applications:

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2. Community Infrastructure Levy:

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This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

3. Building Regulations:

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- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work access and facilities for disabled people
- Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri)

4. Party Wall etc. Act 1996:

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5 **24/00137/FP - FAIRLANDS VALLEY SAILING CENTRE, SIX HILLS WAY, STEVENAGE, SG2 0BL**

The Committee considered a report on planning application 24/00137/FP seeking planning permission for the application placement of 7no. 20ft shipping containers

and 1no. 40ft shipping container.

The Officer explained the site is a parcel of land located within the existing sailing centre compound in Fairlands Valley Park. The area is laid to concrete and currently used for the storage of boats owned by a variety of organisations and people, including Stevenage Borough Council. To the south of the site is the Fairlands Valley Lakes café and outdoor seating area; to the west is the large sailing and fishing lake; to the north is the wooden high ropes recreational facility; to the east is access roads, car parking and footpaths.

It was stated:

- The site is owned by SBC.
- More than 5 objections.
- No further comments since addendum.
- 8 containers included.
- The Aqua Park is not of the part of this application as it does not require planning permission.
- Photographs and floor plans were shown to the Committee.
- All public reps were in respect of the inflatables, it was explained it is not relevant to this application.
- It included principle open space, play spaces, self-contained in an existing locked off area, hardstand area and high ropes.
- Trees will soften the view.
- A likely secondary income would arise through users of the development using the existing café.
- The visual impact would be next to existing buildings, smaller, screened, softened by foliage, , no detrimental impact. Trees/hedgerow will remain with a 2m buffer to allow space for work, and maintenance, possible use of astroturf around the buildings, wildlife sites and woodlands would not be impacted.
- Car parking provision, there is level access to the site, and it is easily accessible by pedestrians.
- Not on green belt
- Would not support anything that damages the site and surroundings.

Members queried if any parking would be removed and if it generates the need for extra parking. It was explained some extra parking need would be generated but there are plenty sites for parking which is seen as a non issue and due to it being a summer use, should any issues arise then they would be short-term and seasonal only.. Also, the view from the café was questioned as to whether there would be a block of the view of the lakes and if the council could soften the appearance. Officers advised that the siting of the development would not restrict any views of the sailing

lake. Officers explained it will enhance the use of Fairlands Valley Park as a whole.

It was **RESOLVED** application 24/00137/FP be granted planning permission subject to the conditions set out in the report:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Layout; Site Location Plan; Elevations; Side Elevations;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as per the approved plans and associated documents to the satisfaction of the Local Planning Authority
4. Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 10:00am and 18:00pm Mondays to Fridays and 09:00am to 20:00pm on Saturdays, Sundays, and Public or Bank Holidays.
5. No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
6. The containers hereby approved shall be sited a minimum of 2m from the hedgerow and trees to the rear and this area shall be kept clear at all times to facilitate maintenance access to the hedgerow and trees
7. There shall be no artificial grass, or other similar artificial/plastic surface laid on the ground around the building and no artificial foliage screening placed on or around the containers hereby approved.

Informative:

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2. Community Infrastructure Levy:

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Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances, these are usually: Excavation for foundations, Damp proof course, Concrete oversite, Insulation, Drains (when laid or tested) Floor and Roof construction, Work relating to fire safety and Work affecting access and facilities for disabled people, Completion.

4. Party Wall etc. Act 1996

Any work that affects a party wall, including foundations dug within 3.0m of a

neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised1explanatory-booklet>

6 **23/00502/FPM - 58-90 QUEENSWAY AND FORUM CHAMBERS, STEVENAGE, SG1 1EE**

The Committee considered a report on planning application 23/00502/FPM seeking planning permission for the change of use of ground floor retail unit (80 Queensway), first and second floor office units (58-80 Queensway) and Forum Chambers (all Use Class E) to residential use (Use Class C3) and all associated ancillary infrastructure, and the upward extension of two additional storeys and associated external alterations and works to create a total of 71 residential units.

The Officer explained the site comprises a three-storey row of shops and offices on the western side of Queensway, running from Queensway Chambers to the western turn onto The Forum. The ground floor is mostly made up of shops, whilst the upper floors comprise incidental storage space for the shop units and separate offices. Access is pedestrian only and can be taken from various points on Queensway and the Forum at ground floor level, as well as from the rear service yard at first floor level. The site is located within the town centre shopping area and the ground floor is a primary retail frontage. It is also located within Flood Zone 1 and The Town Centre Residential Parking Accessibility Zone. The Town Square Conservation Area lies immediately adjacent to the site to the south.

- It was stated there would be a two storey upward extension and change of use to residential, which would be car-free with 49 cycle parking spaces and a £50 public transport voucher for each flat. Proposed plans, elevations and CGIs of the development were shown.
- It was stated that noise issues had been resolved subject to conditions which will be agreed with the chair.

Members queried what would the size of the flats be, officers explained they would be comparable to the flats that are in Stevenage, and they would all meet or exceed Government standards. Disabled parking was queried if any provision would be needed. It was explained there was no policy requirement but this had been considered and due to the site's location within the Town Centre there would be a number of existing disabled parking bays in the area. The Committee questioned whether a light study had been carried out and whether there would be an impact on Queensway. Officers stated there would be a slight improvement due to the changes in the canopy.

It was **RESOLVED** application 23/00502/FPM be granted planning permission subject to the conditions set out in the report:

O1. A cash contribution of £126,646 towards the provision of a new primary school within the town centre.

O2. A cash contribution of £76,000 towards the provision of affordable housing within the Borough.

O3. The provision of £50 worth of public transport vouchers for every flat within the development.

O4. The provision of an employment and skills plan to secure work and apprenticeships for residents of the Borough.

O5. Monitoring fees as required to cover the cost of administering the above obligations. Conditions General Conditions

C1. The development to which this permission relates shall be carried out in accordance with the following plans: 1294.11.001 1294.11.002 1294.11.010 1294.11.011 1294.11.012 1294.11.013 1294.11.100 Rev B 1294.11.101 Rev B 1294.11.102 Rev A 1294.11.103 Rev A 1294.11.104 Rev A Page 80 - 27 - 1294.11.105 Rev A 1294.11.200 1294.11.201 Rev A 1294.11.202 1294.11.300 v A

C2. The development to which this permission relates shall be begun before the expiration of three years from the date of this permission. REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

C3. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays. For the avoidance of doubt, no such activity shall take place on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

C4. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.

C5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the local planning authority.

C6. The development to which this permission relates shall be carried out in accordance with Flood Risk Assessment and Drainage Strategy revision 4, prepared by Delta Simons and dated 26 January 2023 unless otherwise agreed in writing by the local planning authority.

C7. The development to which this permission relates shall be carried out in accordance with Energy and Water Statement revision B, prepared by Create Consulting Engineers Ltd and dated February 2023 unless otherwise agreed in writing by the local planning authority.

C8. Prior to the commencement of the development to which this permission relates (including site clearance and demolition) until a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following: a) Construction vehicle numbers, type, routing; b) Access arrangements to site; c) Traffic and pedestrian management requirements; d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e) Siting and details of wheel washing facilities; f) Cleaning of site entrances, site tracks and the adjacent public highway; g) Timing of construction activities (including delivery times and removal of waste); h) Provision of sufficient on-site parking prior to commencement of construction activities; i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway; j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to. l) Dust control measures during demolition and construction from plant and machinery, and vehicles.

C9. Prior to the commencement of the development to which this permission relates (excluding site clearance and demolition), a report containing a survey of the existing surface water drainage network, any faults identified in said system, and a timeline of any necessary maintenance or replacement, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved report.

C10. No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

C11. No development shall take place above slab level until details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of the development and permanently retained as such

thereafter.

C12. No development shall take place above slab level until details of swift bricks to be provided within the development have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

C13. Prior to the installation of the green roofs, detailed design drawings and calculations of storage volumes and discharge rates shall be submitted to and approved in writing by the local planning authority. The green roofs shall then be installed in accordance with the approved details.

C14. Prior to the beneficial occupation of the development to which this permission relates, the refuse stores as shown on the approved plans shall be provided in full. The stores shall be permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

C15. Prior to the beneficial occupation of the development to which this permission relates, a travel plan statement shall be submitted to and approved in writing by the local planning authority. The approved plan shall then be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. REASON: To ensure that sustainable travel options associated with the development are promoted and maximised.

C16. Prior to the beneficial occupation of the development to which this permission relates, noise mitigation measures shall be installed in accordance with a scheme submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be permanently retained in full unless otherwise agreed in writing by the local planning authority.

7 **23/00477/OP - LAND BETWEEN 146 & 225 HOPTON ROAD, STEVENAGE**

The Committee considered a report on planning application 23/00477/OP seeking planning permission for the outline planning permission with all matters reserved for the erection of 1no. detached three-bedroom dwelling with associated car parking.

It was explained that the silver birch tree on the site would be retained with an additional tree also being planted. A section of hedgerow would be lost however. Members questioned whether a parking space would be lost in the process. Officers stated that is not the case.

It was **RESOLVED** application 23/00477/OP be granted planning permission subject to the conditions set out in the report:

With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the obligation detailed above (including triggers where appropriate), and to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound

and most effectively deliver the development that the Planning Committee has resolved to approve. Conditions General Conditions

1. The development to which this permission relates shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:
2. Approval of the details of the layout, scale and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter “the reserved matters”) shall be obtained in writing from the local planning authority before any development is commenced.
3. In the case of any reserved matter, application for approval must be made to the local planning authority not later than the expiration of three years from the date of this permission.
4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
5. Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.
6. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the local planning authority.
8. The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Section 5 of “Preliminary Ecological Appraisal” authored by CSA Environmental and dated June 2023 unless otherwise agreed in writing by the Local Planning Authority.
9. No development shall take place (including site clearance or demolition) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved construction management plan. The construction management plan shall include details of the following: a) Construction vehicle

numbers, type, routing; b) Access arrangements to site; c) Traffic and pedestrian management requirements; d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e) Siting and details of wheel washing facilities; f) Cleaning of site entrances, site tracks and the adjacent public highway; - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times; h) Provision of sufficient on-site parking prior to commencement of construction activities; i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway; j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; k) Measures to deal with environmental impacts such as vehicle emissions, dust, noise, vibration, light, and odour.

10. No development shall take place (including site clearance or demolition) until a tree protection plan has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plan.

11. Prior to the beneficial occupation of the development to which this permission relates, the car parking shall be provided as shown on the approved plans. It shall be permanently kept free from obstruction and maintained for its intended purpose thereafter unless otherwise agreed in writing by the Local Planning Authority.

12. Prior to beneficial occupation of the development to which this permission relates, details of cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be provided prior to beneficial occupation and shall thereafter be permanently kept free from obstruction and maintained for its intended purpose unless otherwise agreed in writing by the Local Planning Authority.

13. Prior to beneficial occupation of the development to which this permission relates, details of refuse stores, including drawings of the elevations of any enclosures and the number, type, size and siting of bins, shall be submitted to and approved in writing by the Local Planning Authority. The refuse stores shall then be provided in accordance with the approved details prior to beneficial occupation and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

14. Prior to beneficial occupation of the development to which this permission relates, a scheme for low and zero carbon technologies, detailing the savings in regulated carbon dioxide emissions to be achieved versus Part L of the Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to beneficial occupation and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Informative:

1. The applicant is advised that the storage of materials associated with the

construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business1and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business1and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

4. Building Regulations:

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@hertfordshirebc.co.uk or phoning us on 01438 879990. To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990. Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX. Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually: Excavation for foundations, Damp proof course, Concrete oversite, Insulation, Drains (when laid or tested), Floor and Roof construction, Work relating to fire safety Work affecting access and facilities for disabled people and Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri). 5. Community Infrastructure Levy Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing

CIL on 01 April 2020. This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk

8 **23/00824/CLEU - 40A VINTERS AVENUE, STEVENAGE**

The Committee considered a report on planning application 23/00824/CLEU seeking a certificate of Lawfulness for existing use as 4no. self-contained studio flats.

The Officer explained the site comprises the easternmost part of a short terrace of residential properties on the southern side of Vinters Avenue, which is currently in use as four flats. The frontage is given over to parking, with space for three cars, whilst the rear is a garden. The sole access to the site is from Vinters Avenue. The site is not subject to any notable Local Plan designations or other environmental constraints. Land use in the surrounding area is predominantly residential, consisting of two storey dwellings laid out in terraces of varying lengths. The Bedwell Crescent Local Centre lies a short distance to the north.

Officers explained they are not satisfied that the property was used as a 2-bed house before being converted to flats. The applicant's explanations regarding his living arrangements were vague, and other documentation appeared to contradict his account. It was also explained that the internal layout had been altered significantly from the approved plans. It was explained that if the certificate was refused, then enforcement action would be required, which was justified on the poor quality of the flats.

The Committee thanked the officers for being pro-active on enforcement issues and queried how the case had come before officers. It was explained that it had been referred to planning following an HMO investigation by the Council's Environmental Health department. Officers clarified that the property was not a HMO but it is instead 4 self-contained flats. The plans were originally approved by building control as a dwellinghouse but changed within 6 weeks of completion.

It was **RESOLVED** as follows:

- That the application for a certificate of lawfulness be refused for the reason below, with delegated powers given to the Assistant Director of Planning and Regulation, in consultation with the Chair of Planning Committee, to add to

the reasons for refusal prior to the decision notice being issued, where such additions would be legally sound and reflect advice received by statutory consultees and/or the Council's appointed consultants.

- That an enforcement notice be issued and served by the Assistant Director for Planning and Regulation, subject to a solicitor appointed by the Council being satisfied that the evidence requires the cease of the use of the building as four flats and the reinstatement of the building as a two bedroom dwellinghouse at the property known as 40A Vinters Avenue. The precise terms of the enforcement notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- That, subject to a solicitor appointed by the Council being satisfied as to the evidence, the Assistant Director for Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the enforcement notice.
- That in the event of any appeal against the enforcement notice, the Assistant Director for Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal to issue a certificate of lawfulness.

9 24/00089/S106 - STEVENAGE TOWN CENTRE (SG1)

The Committee considered a report on planning application 24/00089/S106 seeking planning permission for modification of the S106 agreement; paragraph 3.1 of Schedule 5 (Traffic Management and Parking) and paragraphs 1.1 and 1.2 of Schedule 9 (Highways Works) attached to planning permission reference number 19/00743/FPM.

The officer explained the application site (known as SG1) extends to approximately 6 hectares of land within Stevenage Town Centre and is located west and south of Queensway which is the main pedestrianised area of the town centre. The site itself is occupied by Swingate House the Council's Offices, Mecca Bingo, The Plaza, Danestrete Health Centre, Stevenage Central Library, Bus Station, former Police Station and Hertfordshire County Council offices, retail, commercial and residential properties. There are also several surface car parks which are currently operated by Stevenage Borough Council.

To the north and north-east of the application site lies Westgate Shopping Centre and Brickdale House and Skyline which comprises of residential apartments. To the west of the site lies the Gordon Craig Theatre, Stevenage Magistrates and Matalan store. To the east lies the Town Square which is also designated a Conservation Area and comprises the platform with grade II listed statute (The Joyride) and the grade II listed clock tower and surrounding pool. There is also Queensway itself and

Vista Towers positioned to the south-east along with the Towers which borders the southern boundary of the site. To the south, beyond the A602 (Six Hills Way) is Asda Superstore.

It was explained the proposed change to the S106 agreement as described above is minor and is not considered to weaken the Council's position in any way. As such, the proposed modification to paragraph 3.1 of Schedule 5 with regards to season tickets and paragraphs 1.1 and 1.2 of Schedule 9 in relation to Street Development Agreements is acceptable. It is therefore recommended that this deed of variation can be agreed.

- Members queried how many people will be living and working within SG1. Officers stated there will be around 1800 units equating to around 4,000 people living within the development along with employment provision which includes Public Services Hub, commercial spaces etc. which could equate to around 1000+ people in the town with regards to employment. Therefore, around 5,000+ people could be living and working within the development area. However, it was flagged that a number of employment-based jobs are existing such as those employed at the Borough Council and in other local services.
- Parking was raised as an issue due to the amount of retail and residential development which is taking place. It was explained that the Committee had granted permission for this development and as acknowledged by officers, whilst members raised concerns around parking at the time, they considered the benefits of the development outweighed the shortfall in parking provision being provided. However, when it comes to future reserved matters, parking will be considered at each phase in accordance with relevant policy at the time.
- The Committee stated if there is a timeline as there are modifications. It was explained Phase 1A is a joint venture with Mace with groundworks potentially starting in May 2024 and will be a 2-year build, other phases do not have a timeline as of yet but overall it will be around 10+ years to deliver the development as a whole. However, these later phases would be subject to Reserved Matters approval and these applications will likely come to committee in the future for its decision.

It was **RESOLVED** application 24/00089/S106 be granted planning permission subject to the conditions set out in the report:

That the committee agree to the modification of paragraph 3.1 of Schedule 5 and paragraphs 1.1 and 1.2 of Schedule 9 of the original S106 agreement dated 30 May 2023 and delegate authority to the Assistant Director of Planning and Regulation in conjunction with the appointed solicitor on behalf of the Council to agree the precise wording of the variations to the original S106 agreement.

The Committee considered a report on planning application 22/00764/S106 seeking permission for a Deed of variation to S106 Agreement dated 11.08.2016 approved under planning permission reference 15/00253/OPM to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause.

The Officer explained the application site comprises a residential building in use as flats located in the northeast of Stevenage, approximately 2.8km from Stevenage town centre. The site is situated in the southwestern corner of the Pin Green Industrial Estate and is bounded by Wedgwood Way to the east, amenity grassland, a path and cycleway to the south with Martins Way beyond, a tree belt to the west, beyond which are residential properties in Ely Close and industrial and commercial buildings of the industrial estate to the north. To the northwest of the application site is Wellfield Wood which is a designated Wildlife Site. The site was formerly occupied by the DuPont UK Headquarter offices and former training area.

It was explained the proposed change to the S106 agreement as described above is minor and is not considered to weaken the Council's position in any way. As such, the proposed change to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause is acceptable. In addition, the deed of variation as set out in the report has previously been agreed by the Planning and Development committee.

The Chair queried if there has not been a response why would the council wait 3 months. Officers explained they do not have delegated authority to refuse the deed of variation and need authority from the Committee to do so. In terms of the 3 month timeframe, this was deemed reasonable in that we can advise the applicant it was resolved by the Committee they have 3 months to complete the agreement otherwise it would be refused.

It was **RESOLVED** that application 22/00764/S106 be granted permission, subject to the conditions set out to in the report:

That the Committee agree the deletion of clause 12.5 from schedule 2 and the insertion of clause 19, which incorporates a mortgage exclusion clause of the S106 agreement dated 11 August 2016 and delegate authority to the Assistant Director of Planning and Regulation in conjunction with an appointed Solicitor on behalf of the Council to agree the precise wording of the variations to the original S106 agreement.

Should the agreement not be signed within 3 months of the date of this meeting, that the Committee delegate authority to the Assistant Director of Planning and Regulation to refuse the deed of variation on the grounds that 16 months have passed since the Committee originally approved the variation and the legal agreement has not been proceeded with.

The Committee considered a report on planning application 23/00774/ENF to consider a breach of servicing condition.

The Officer explained the enforcement site comprises ASDA superstore. The main customer car park and access to the store is from Monkswood Road. The service road for deliveries is located to the rear of the store along London Road. It comprises an outside yard where vehicles turn and reverse into a large storage and unloading area within the store. There are large, railed, manually operated gates giving access to a service road which leads onto London Road. There is a row of houses adjacent to the service road fronting onto London Road to the south, and the service road runs alongside the side elevation of the house at the end of the row. Northwest of the site across London Road is Six Hills House, formally an office building now converted to flats under permitted development. Directly opposite the service yard is Kings Court a vacant office building and to the south, the Royal Mail Delivery Office. The character of the surrounding area is therefore a mix of residential and commercial uses.

The store was subject to a planning condition restricting deliveries to 07.00 – 21.00 Mondays to Saturdays and 07.00 – 15.00 on Sundays and Public or Bank Holidays. However, deliveries are taking place 24 hours a day in breach of the terms of the condition, which is causing late night and early morning noise disturbance to residents living locally resulting in ongoing complaints to the Council.

- The Committee queried whether there had been informal discussions with Asda and officers stated there has been no response due to the breach of condition and they want to operate 24/7. No noise assessment has been conducted and officers provided suggested alternative delivery hours to align with their approved store opening hours yet received no response from Asda.
- Councillors questioned what the impact on local residents is and if there are any precedents. It was explained the impact would be reversing alarms at all hours plus loading/unloading of cages/forklift trucks and the legislation shows the planning law gives powers to enforce planning conditions.

It was **RESOLVED** that application 23/00774/ENF:

1. Issue an Enforcement Notice including all time periods.
 2. Enforcement Notice to be delegated to the Assistant Director of Planning and Regulation.
- That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring compliance with condition 1 (Servicing) attached to planning permission reference 06/00177/FP (Allowed under appeal: APP/K1935/A/06/2031844) in relation to ASDA Stores Ltd,

Monkswood Way, Stevenage. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.

- That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice. That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

12 **INFORMATION REPORT - DELEGATED DECISIONS**

The Committee considered a report in respect of delegated Planning Decisions.

It was **RESOLVED** that the report be noted.

13 **INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

The Committee considered a report in respect of Appeals/Called-in applications.

It was **RESOLVED** that the report be noted.

14 **URGENT PART I BUSINESS**

There were no urgent part II business.

15 **EXCLUSION OF THE PRESS AND PUBLIC**

16 **PLANNING REVIEW ON THE LEGAL STATUS OF HOUSES IN MULTIPLE OCCUPATION (HMO) IN STEVENAGE.**

The Committee considered a report in respect of the planning review on the legal status of houses in multiple occupation (HMO) in Stevenage.

The Officer explained this item had to be part II due to list of addresses which is confidential information.

It was **RESOLVED** that the item be noted.

17 **URGENT PART II BUSINESS**

There was no urgent part II business.

CHAIR