

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Tuesday, 11 September 2018

Time: 6.30pm

Place: Council Chamber

Present: Councillors: David Cullen (Chair), Maureen McKay (Vice Chair),
Doug Bainbridge, Lloyd Briscoe, Michael Downing, James Fraser,
Michelle Gardner, Jody Hanafin, Liz Harrington, Graham Lawrence,
John Lloyd and Graham Snell

Start / End Start Time: 6.30pm
Time: End Time: 7.45pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were submitted on behalf of Councillor Lizzy Kelly.

There were no declarations of interest.

2 MINUTES - 14 AUGUST 2018

It was **RESOLVED** that the minutes of the Planning and Development Committee held on 14 August 2018 are approved as a correct record and signed by the Chair.

3 18/00045/FP - 18B BOULTON ROAD, STEVENAGE

The Committee considered an application for the retrospective change of use from D1 (Training Centre) to D2 (Gymnasium).

The Development Manager gave an introduction and visual presentation to the Committee. The main issues for consideration in the determination of the application were its accessibility in land use policy terms, impact on visual amenity; impact on residential amenities; parking provision; means of access and highway safety.

The Development Manager reported that a number of representations in support of the application had been received relating to the benefit to the local area, support for local small businesses and improvement to lifestyles including health and fitness.

The Committee was advised that the application site was within the Pin Green Employment Area which the Stevenage District Plan seeks to protect for employment uses. The sequential test submitted by the applicant had also been reviewed and Officers advised that it had not demonstrated that the existing use could not be accommodated in available premises within the town centre sites, edge of centre sites or other sequentially preferable sites.

Officers advised that taking into account all assessments it was considered that the benefits that the existing use generates did not outweigh the loss of the premises which was considered to have a lawful B1(a) office use. This combined with the fact that there was likely to be demand for office and commercial floorspace over the emerging local plan period would put increasing pressure on a limited supply of employment space to accommodate any future growth for the town over the local plan period.

In response to a question, Officers confirmed there would be ongoing discussions with the applicant regarding alternative venues for the gym to relocate to within the town.

Following consideration of the issues by Members, it was **RESOLVED**:

That the planning application be **REFUSED** for the following reasons:

1. The benefits that the existing use generates do not outweigh the loss of this premises which is considered to have a lawful B1(a) office use. This combined with the fact that there is likely to be demand for office and commercial floorspace over the emerging local plan period would put increasing pressure on a limited supply of employment space to accommodate any future growth for the town over the local plan period. Therefore, the existing development fails to accord with Policies E2 and E4 of the Stevenage District Plan Second Review 1991 – 2011 (2004), Policies EC6 of the Stevenage Borough Local Plan 2011 – 2031 Publication Draft – January 2016, the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).
2. The existing gym is contrary to paragraphs 86, 87 and 90 of the National Planning Policy Framework July 2018, the Planning Practice Guidance (2014) and Policy TC13 of the Stevenage Borough Local Plan 2011 – 2031 publication draft, 2016 in that it has not been demonstrated through the sequential test that the existing use could not be accommodated in available premises within the town centre sites, edge of centre sites or other sequentially preferable sites.
3. That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation, subject to the Council's appointed solicitor being satisfied as to the evidence requiring the cessation of the use of 18b Boulton Road as a gymnasium. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
4. That subject to the Council's appointed solicitor being satisfied with 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.
5. 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.

In accordance with paragraph 22 of Part 4 of the Council's Constitution, Councillor Graham Snell requested that his vote against the recommendation be recorded in the minutes.

4 **17/00826/FPM - PLOT 2000, ARLINGTON BUSINESS PARK, STEVENAGE**

The Committee considered an application for the erection of four storey office building (Use Class B1a), petrol filling station with ancillary convenience store and coffee drive-thru outlet with associated access, parking and circulation arrangements, landscaping and associated works. The application was before the Committee because it was a major application.

The Development Manager gave an introduction to the Committee. It was considered that the proposal would generate an acceptable level of additional employment on the site and would also provide a high quality office building. The development would also help to support the ongoing operation of the employment area as well as bring back a vacant plot of land into operation.

In terms of retail impact, the development would not have a negative impact on the town centre and it had been adequately demonstrated that there were no sequentially preferable sites in the town centre.

Officers advised that through appropriate conditions, the proposal would not have a detrimental impact on residential amenity, biodiversity, ecology or the environment. There was sufficient cycle parking and car parking.

Hertfordshire County Council had been consulted as Highways Agency and subject to a condition on construction traffic and to secure parking across the site before the development is occupied and a financial contribution towards sustainable transport infrastructure, the proposed development would not prejudice the safety and operation of the highway network.

In response to questions from Members, Officers confirmed that there would be 52 new trees planted on the site as part of the new landscaping proposals and that the internal facilities within the office building would be designed in consultation with the end user once this had been confirmed.

It was **RESOLVED**:

- 1 That the planning application be **GRANTED** subject to:-
 - A) no intervention from the Secretary of State for Communities and Local Government following reference of the application under the Town and Country Planning (Consultation) (England) Direction 2009;
 - B) the applicant having first entered into and completed a S106 legal agreement to secure/provide financial contributions towards:-
 - HCC Automatic Vehicle Location Departure Screens (£48,000)

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor.

The proposal be subject to the following conditions:-

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

16.139 001; 16.139 002 O; 16.139 007 B; 16.139 009; 16.139 012; 16.139 013; 16.139 014; 16.139 015; 16.139 016; 3358 01 D; 3358 02 D; 0066804-CUR-00-XX-DR-D-72001-P01;
- 3 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 4 No development, including site clearance, shall take place until a phasing plan, identifying the areas of the site to be developed under each phase, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the phasing plan.
- 5 No development, including site clearance, shall take place until samples of the materials to be used in the construction of the external surfaces of the building and hardsurfacing areas, including roads, footpaths and car parking areas, hereby permitted have been submitted to and approved in writing by the local planning authority. The external surfaces of the development shall be carried out in accordance with the approved details. Furthermore, all hard surfacing comprised in the details of shall be carried out within three months of the first occupation of the building(s) or the completion of the development, whichever is the sooner.
- 6 No development, including site clearance, shall take until details of the refuse store and area/facilities allocated for storing recyclable materials has been submitted to and approved in writing by the Local Planning Authority. The refuse and recycle stores shall be implemented in accordance the approved details and no refuse or recycling material shall be stored or placed for collection on the highway pavement, except of the day of collection.
- 7 No development, including site clearance, shall commence until a scheme of dust control measures as well as the methodology for the screening and enclosure of plant and machinery to be used during the construction period has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Health Department and shall be adhered to throughout the construction period. Dust and airborne particulates from operations on site shall be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. The siting of plant and machinery shall be away from noise sensitive areas wherever possible. Vehicles and machines in intermittent use shall be shut down in the intervening periods between works.
- 8 No development, including site clearance, shall commence until a

Construction Management Plan/Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved statement. The Construction Management Plan/Method Statement shall address the following matters:-

- (i) Details of a construction phasing program (including any pre-construction, demolition or enabling works);
- (ii) Hours of construction operations including times of deliveries and removal of waste;
- (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (v) Details of provisions for temporary public car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding details;
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;
- (xi) Cleaning of site entrances, site tracks and the adjacent public highway;
- (xii) Disposal of surplus materials; and
- (xiii) Post construction restoration/reinstatement of the working areas, reinstate construction access.

9 No part of the development hereby permitted shall be occupied until the relevant access and car parking areas have been fully constructed, surfaced and permanently marked out. The car parking areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

10 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:

1. A preliminary risk assessment which has identified:

- All previous and proposed uses;
- Potential contaminants associated with those uses (e.g. historic and proposed fuel storage);
- A conceptual model of the site indicating sources, pathways and receptors, and
- Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation or mitigation strategy giving full details of the remediation or mitigation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation or mitigation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

- 11 Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority.
- 13 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- 14 Piling using penetrative methods shall not be carried other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
- 15 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the permitted development.
- 16 The development hereby permitted may not commence until such time as a scheme to install underground tanks has been submitted to and approved in

writing by the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surrounds, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

- 17 The development permitted by this planning permission shall be carried out in accordance with the approved Detailed Drainage Strategy dated 13 July 2018 produced by Curtins, including:
 1. Discharge of surface water to the Thames Water Utilities Ltd surface water sewer at not more than 2l/s;
 2. Provision of 656m³ of storage sufficient to manage surface water up to the 1 in 100 plus 40% for climate change rainfall event.
- 18 No development shall place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will be exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 1. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet feature including any connecting pipe runs.
 2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 19 No development shall take place, including site clearance, until details for the maintenance and adoption plan for the underground surface water attenuation features for its lifetime shall be submitted to and approved in writing by the Local Planning Authority. The maintenance and adoption plan shall be implemented in accordance with the approved details.
- 20 No development shall take place, including site clearance, until details of secure cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The secure cycle storage facilities shall be installed in accordance with the approved details.
- 21 The soft landscaping shall be carried out in accordance with drawing numbers 3358 01 D; 3358 02 D unless otherwise agreed in writing by the Local Planning Authority.
- 22 All planting, seeding or turfing comprised in the approved details of

landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner.

- 23 No tree shown on the approved soft landscaping plan 3358 01 D; 3358 02 D shall be cut down, uprooted or destroyed, nor shall any retained tree detailed on the aforementioned drawings be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.
- 24 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 25 No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any weekdays, nor on any Saturday before 09.00 hours or after 13.00 hours. These times apply to work which is audible at the site boundary.
- 26 No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless searched before by a suitably qualified ornithologist.
- 27 No development, including site clearance, shall take place until a detailed Site Waste Management Plan (SWMP) to detail how waste materials generated as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level and type of soil to be imported to the site as part of the development has been submitted to and approved in writing by the Local Planning Authority.
- 28 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to first occupation of the development. Any external lighting shall accord with the details so approved.
- 29 No development shall commence, including site clearance, until a scheme for the provision of bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the buildings, these boxes shall be installed in accordance with the approved scheme and retained thereafter.

5 **18/00427/FP - 38C QUEENSWAY, STEVENAGE**

The Committee considered an application for the installation of new extract ducting

to the rear of the building and on the flat roof area. The extract ducting would be to serve a takeaway and/or restaurant.

The application was before the Committee for determination as the applicant was Stevenage Borough Council. The Development Manager gave an introduction and visual presentation to the Committee. Officers advised that the main issues for consideration were the visual impacts on the conservation area and the impact on the environment and amenity which would be dealt with by way of appropriate conditions.

It was **RESOLVED** that planning permission be granted subject to the conditions as per the recommendations in the report and an additional condition 4 relating to hours of work:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

BS13007-U5-01A; BS13007-U5-02; BS13005-U5-03

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The external plant, ducting, filters and extraction vents as detailed in the application submission shall be installed in accordance with the approved details prior to the first use of the premises. The external plant, ducting, filters and extraction vents shall also be maintained in accordance with the manufacturer's specification thereafter.
4. No construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any weekdays, nor on any Saturday before 09.00 hours or after 13.00 hours. These times apply to work which is audible at the site boundary.

INFORMATIVE

Use of the premises as a Takeaway

This application does not grant planning permission for a change of use from Use Class A1 (shop) to A5 (takeaway). This will require separate planning permission from the Council as the Local Planning Authority.

6 18/00473/FP - SILKIN COURT, CAMPKIN MEAD, STEVENAGE

The Committee considered an application for a two storey infill extension, internal alterations and remodelling of the main entrance to facilitate the creation of 5no one bed flats.

The application was before the Committee for determination as the applicant was Stevenage Borough Council.

The Development Manager gave an introduction and visual presentation to the Committee. The main issues for consideration in the determination was the principle of the creation of additional residential units, the impact of the proposal on the character and appearance of the area, the impact on the amenities of neighbouring occupiers and the adequacy of parking provision.

In response to a question, officers advised that the difference in distance to the residential units following the relocation of the bin store was not considered significant.

It was **RESOLVED** that planning permission be granted subject to the following conditions

1. The development hereby permitted shall be carried out in general accordance with the following approved plans: 615-C-002-300 Site location plan; 615-C-002-301 Existing floor plans; 615-C-002-302 Existing roof plan; 615-C-002-303 Existing elevations; 615-C-002-304 Proposed floor plans; 615-C-002-305 Proposed roof plan; 615-C-002-306A Proposed elevations; 615-C-002-307 Proposed bin store.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. No development shall take place until a schedule and samples of the materials to be used in the construction of the external surfaces of the canopy hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The materials to be used in the construction of the external surfaces of the two storey extension, external alterations and bin store hereby permitted shall match the materials used in the construction of the original development or as specified on the approved drawings to the satisfaction of the Local Planning Authority.
5. The additional parking spaces hereby approved shall be constructed of a porous material, or provision shall be made to direct surface water run-off from the hardstanding to a permeable or porous area or surface within the curtilage of the development, and shall be marked out and available for use prior to the occupation of the approved units. The parking shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

7 **INFORMATION REPORT - DELEGATED DECISIONS**

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

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

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

9 **URGENT PART I BUSINESS**

The Chair invited Councillor Fraser to address the Committee in respect of the application at 4 Fishers Green which had been considered at the last meeting.

Councillor Fraser informed the Committee that he had been advised that the Council could use Part II, Section B1(a) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as a potential vehicle to protect the building at 4 Fishers Green and requested that officers be asked to investigate this possibility.

The Chair advised that the Council had already received legal advice relating to the site but that he would ask Officers to take further legal advice on the points raised by Councillor Fraser and come back with a detailed response to him and report back to the next meeting on the outcome.

It was **RESOLVED** that:

1. The Interim Assistant Director Planning and Regeneration take further legal advice on the implications of Section B1a of the Town and Country Planning General Permitted Development Order 2015 for the application at 4 Fishers Green and in consultation with the Chair of the Committee advise Councillor Fraser of the outcome.
2. That the outcome of the investigations be reported to the next meeting of the Planning and Development Committee.

10 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

11 **URGENT PART II BUSINESS**

None.

CHAIR