

# STEVENAGE BOROUGH COUNCIL

## PLANNING AND DEVELOPMENT COMMITTEE MINUTES

**Date: Tuesday, 16 July 2019**

**Time: 6.30pm**

**Place: Council Chamber, Daneshill House, Danestrete**

**Present:** Councillors: David Cullen (Chair), Michelle Gardner (Vice-Chair), Doug Bainbridge, Sandra Barr, Jody Hanafin, Liz Harrington, Lizzy Kelly, Graham Lawrence, John Lloyd, Sarah-Jane McDonough, Maureen McKay, Graham Snell and Tom Wren.

**Start / End**      Start Time:    6.30pm  
**Time:**            End Time:       8.34pm

### **1      APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence.

Councillor Doug Bainbridge declared a prejudicial interest in Item 4 – 107 Blenheim Way: Change of Use from public amenity land to residential garden, as he was a trustee of the charity that maintained the land. He stated that he would withdraw from the meeting for the duration of that item.

The Chair welcomed the Assistant Director (Planning & Regulatory) to the meeting following his recent return from adoption leave.

The Assistant Director (Planning & Regulatory) referred to a number of major applications that would be considered in the coming months where SBC was either the applicant and/or landowner of sites. In determining these applications, Members would need to distinguish material planning considerations from non-material considerations, such as the potential financial gain for SBC as landowner. In such circumstances, he commented that, if required, a planning lawyer would be available to assist the Committee in its deliberations on such applications.

### **2      MINUTES - 18 JUNE 2019**

It was **RESOLVED** that the Minutes of the meeting of the Planning & Development Committee held on 18 June 2019 be approved as a correct record and signed by the Chair.

### **3      19/00315/FPH - 29 HAYFIELD, STEVENAGE**

The Committee considered an application for the construction of a two storey rear extension following demolition of the existing conservatory and raising the height of the roof, in order to facilitate the creation of additional habitable accommodation in the roof space, at 29 Hayfield.

The application was before the Committee as it had been called-in by Councillor Graham Snell for the reasons set out in Paragraph 3.4 of the officer report.

The Chair invited Mrs Imrana Chowdhury, an objector to the application, to address the Committee. Mrs Chowdhury considered that the impact of the proposed extension would cast a shadow on her property (No. 30 Hayfield). One of the proposed new first floor windows would overlook one of the bedrooms of her property, which she felt would result in a loss of privacy. She was of the view that there was insufficient parking for the enlarged property, in an already crowded residential area. Should the application be granted, resulting in a loss of daylight and privacy to her property, she asked the Committee for advice as she was not in a financial position to be able to sell her property.

The Chair thanked Mrs Chowdhury for her presentation, and invited Mr William Habib, the applicant, to address the Committee.

Mr Habib advised that he appreciated his neighbour's concerns regarding the application, but felt that all of the issues had been satisfactorily addressed in the officer report. He commented that he would not be using the property as a buy to let, nor would he be using it as a House in Multiple Occupation (HMO). He stated that he required the extension as additional accommodation for his growing family. In terms of concerns about car parking, he added that this would not be an issue as the family possessed only one vehicle.

The Chair thanked Mr Habib for his presentation

The Principal Planning Officer (JC) gave an introduction and visual presentation to the Committee. He advised that the main issues for consideration in the determination of the application were the impact on the character and appearance of the area; impact on residential amenity; car parking and highway implications.

In terms of its impact on the character and appearance of the area, for the reasons set out in Paragraphs 7.2.1 to 7.2.6 of the report, the Principal Planning Officer (JC) considered that the proposed development works would not have a detrimental impact on the character and appearance of the dwellinghouse. In addition, whilst the extension would be readily visible from the public realm, it would not have a detrimental impact on the visual amenities of the area generally.

In relation to the impact on residential amenity of neighbouring properties (in terms of outlook, privacy and sunlight/daylight), the Principal Planning Officer (JC) advised that these issues were addressed in Paragraphs 7.3.1 to 7.3.16 of the report. He confirmed that the appropriate daylight/sunlight assessments had been carried out in accordance with Building Research Establishment (BRE) guidance. He concluded that the proposed extension would not have a detrimental impact on neighbouring properties.

In respect of car parking and highway implications, the Principal Planning Officer (JC) commented that the Council's Car Parking Standard for a 4 + bedroomed property was 2.5 spaces (rounded up to 3). However, the original property only

comprised 1 parking space, which was technically below the Council's currently adopted parking standards. Notwithstanding this, as the parking standard for 4 and 5 bedroomed properties was the same and that would not be altered by this application, then it would be unreasonable to request additional off-street parking to serve the enlarged property.

In summary, the Principal Planning Officer (JC) considered that the proposed development would not have a detrimental impact on the character and appearance of the application property or the visual amenities of the area generally. In addition, the proposed development would not have a detrimental impact on the amenities of neighbouring properties and would not prejudice highway safety. He therefore recommended that planning permission be granted.

In response to Member's questions regarding the application, the Principal Planning Officer (JC) replied as follows:

- It would not be possible to impose a condition to improve the car parking situation on the site or in the vicinity of the site;
- The rooflights in the raised roof would be purely for the admission of sunlight and would be angled so as to prevent occupants being able to view out from those windows;
- The shared driveway was privately owned, and was presumably subject to a shared covenant over the land;
- The distance between the rear of the proposed extension and the flank wall of No. 28 Hayfield was over 9 metres;
- A precedent would not be created by the extension, as the style of the other properties in Hayfield were different to No. 29, and so any future applications for alterations to those properties would be considered on their own merits;
- If the house was to be used as an HMO then additional parking provision would be required;
- With regard to vehicles parking on the vehicular highway and concerns raised by local residents if a vehicle blocked access to a property, including contractor vehicles, then this would be a matter for the Police and/or Hertfordshire County Council as Highways Authority to enforce against.
- The additional window in the first floor Master Bedroom facing No. 30 Hayfield was orientated at an angle away from that property, and it was therefore considered that the privacy of the occupiers of No. 30 would not be detrimentally affected.

The Principal Planning Officer (JC) explained to Members the technical methodology relating to the sunlight and daylight tests carried out in accordance with BRE guidance. In response to a Member's request, Officers undertook to endeavour to incorporate diagrams and plans of the impact of sunlight/daylight on neighbouring properties into future slide presentations to the Committee.

The Committee supported the addition of an informative to the applicant, advising that planning permission from the Council would need to be obtained if the property were to be converted to a HMO (House in Multiple Occupation) in the future.

It was **RESOLVED** that application 19/00284/FPM be granted planning permission, subject to the following conditions:

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

011\_D\_01\_; 011\_D\_02\_1; 011\_D\_03\_1; 011\_D\_07\_1.

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 development hereby permitted shall be as specified in the application submission.

Informative:

House of Multiple Occupation - If the property is to be converted into a House of Multiple Occupation (HMO) in the future, you will be required to seek planning permission from Stevenage Borough Council as the Local Planning Authority. This is because Stevenage Borough Council introduced an Article 4 Direction which removed permitted development rights for changes of use from C3 (residential) to C4 (HMO). The Article 4 direction came into force on 20 September 2017. A copy of the Article 4 Direction can be viewed on the Council Website on <http://www.stevenage.gov.uk/149690/planning-policy/167774/>

**4 19/00344/FP - 107, BLENHEIM WAY, STEVENAGE**

[At this juncture, and as advised earlier in the meeting, Councillor Doug Bainbridge withdrew from the meeting for the duration of this item.]

The Committee considered an application for a change of use from public amenity land to residential garden adjacent to 107 Blenheim Way.

The application was before the Committee as the Council was the landowner and there had been an objection to the proposal.

The Principal Planning Officer (RE) gave an introduction and visual presentation to the Committee. She advised that the main issues for consideration in the determination of the application were the loss of the open space; its impact on the character and visual amenity of the area; and impact on neighbour amenity.

The Principal Planning Officer (RE) explained that the area of woodland in question was sited immediately adjacent to the southern boundary of the site, and ran from the front boundary to the rear boundary with a varying width of 2m to 8m (approximately) and a length of approximately 25.7m. The total area would be approximately 113.5 sqm. The remaining woodland areas along this part of Blenheim Way were considered sufficient to provide amenity space and create a noise and visual barrier between the residential estate and railway line. In Policy

terms and assessed on its own merits the change of use was considered acceptable.

The Principal Planning Officer (RE) stated that the proposed change of use was not considered to visually harm the character of the area. The neighbouring properties No's 95 and 109A (new build associated with 109) had both extended their residential gardens through the land sale process, and the proposal would see a proposed boundary line similar to these properties. The proposal included the enclosure of the land with 1.8m high fencing to match the existing boundary treatments.

In summary, the Principal Planning Officer (RE) considered that the change of use from amenity land to residential garden accorded with adopted policy and would not harm the character and visual amenity of the area, or the amenity of neighbouring properties. The application was therefore recommended for approval.

In response to a Member's question, the Principal Planning Officer (RE) confirmed that no proposals had been submitted to remove the more substantial existing trees on the application site.

It was **RESOLVED** that application 19/00344/FP be granted planning permission, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The area of land, shown outlined in red on the approved Site Location Plan, shall be enclosed by timber fencing to match the existing rear garden fencing and shall be no higher than 1.8m in height unless otherwise agreed in writing by the Local Planning Authority.

## **5 19/00286/FP - 24 ALMONDS LANE, STEVENAGE**

The Committee considered an application for a change of use from public amenity land to residential garden adjacent to 24 Almonds Lane. Late letters of representation from the objector and applicant, respectively, were tabled for Members' consideration.

The application was before the Committee as the Council was the landowner and there had been an objection to the proposal.

The Principal Planning Officer (RE) gave an introduction and visual presentation to the Committee. She advised that the main issues for consideration in the determination of the application were the loss of the open space, its impact on the character and visual amenity of the area, and impact on neighbour amenity.

The Principal Planning Officer (RE) explained that the area of land in question was

sited immediately adjacent the eastern boundary of the site, and ran from the front boundary to the rear boundary with a varying width of 2m at the front to 2.5m at the rear and a length of 32m. The total area would be approximately 88sqm. The land currently formed part of a larger area of informal grassed amenity area, which measured between 4.5m and 6m wide and 32m in length, with a total area of approximately 153sqm. Whilst the land was open in nature, with no access restrictions, it was too small to be considered an area of meaningful open space, but rather, it was a small strip of grass separating the highway from the boundary of No. 24. The loss of the amenity space was not considered to detrimentally impact the form and function of the surrounding structural open space. In Policy terms and assessed on its own merits the change of use was considered acceptable.

The Principal Planning Officer (RE) stated that the proposed change of use was not considered to visually harm the character of the area. A remaining strip of land approximately 2.5m wide and 32m long would be retained between the application site and the public footpath which would still allow public views along this length of Almonds Lane. The proposal included the enclosure of the land with 1.8m high timber fencing to match the existing boundary treatments along the rear curtilage, a low level hedge along the side of the front curtilage and 1m high timber fencing along the front curtilage.

The Committee was informed that the extension of the 1.8m high fencing line along the rear boundary of the property adjacent to the front garden of the neighbour to the north, No. 26, would likely result in some shadowing of this neighbouring garden. However, there were no habitable rooms close to the proposed fence line and loss of light to front gardens was not considered to be so significant such as to sustain a refusal of permission.

In response to a query raised by the objector regarding a possible gas supply pipe running beneath the application site, the Principal Planning Officer (RE) confirmed that this was not a planning matter, and would need to be dealt with as part of the land sale process.

In terms of the potential for future development of the site for an additional property, the Principal Planning Officer (RE) advised that this would require a fresh planning application and the applicant would need to pay monies to remove the restrictive covenant on the land which would be imposed through the land sale process.

It was **RESOLVED** that application 19/00286/FP be granted planning permission, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
SITE LOCATION PLAN; TQRQM19137225356805 (Amended Site Plan).
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The approved area of land shall be enclosed by close boarded timber fencing no higher than 1.8m between markers A, B, C and D, timber post and rail

fencing no higher than 1m between markers E and F, and the existing hedgerow shall be replaced between markers C and E, as shown on Plan Number TQRQM19137225356805 (Amended Site Plan) unless otherwise agreed in writing by the Local Planning Authority.

4. No removal of trees, scrub or hedges, shall be carried out on site between the 1st March and 31st August inclusive in any year, unless searched beforehand by a suitably qualified ornithologist.

## 6 19/00284/FPM - 85 - 103 QUEENSWAY, STEVENAGE

The Committee considered an application for a Change of use of 24-26 The Forum from A1 (Retail) to either A1 (retail), A2 (Financial and professional services), A3 (Restaurants and Cafes) or B1 (Business), conversion of part of 85 Queensway ground floor from A1 (Retail) to either A1, A2, A3 or A4 (Drinking Establishment) and change of use of ground floor of 87 Queensway and ground and first floor 91 Queensway from A1 (Retail) to either A1, A2 or A3 uses.

The application was before the Committee as it was a major commercial application.

The Principal Planning Officer (JC) gave an introduction and visual presentation to the Committee. He reminded Members that the Committee had approved an application relating to the overall 85-103 Queensway site in late 2018, and that works had subsequently commenced on this scheme. The proposal now before the Committee sought to provide greater flexibility to the applicant in attracting occupiers of the aforesaid units. The main issues for consideration in the determination of the application were its acceptability in land use policy terms; the impact on the character and appearance of the area; the impact on residential amenity; the effect of the proposals on the highway network; the adequacy of parking provision; and flood risk.

For the reasons expounded at the meeting and set out in the report, the Principal Planning Officer (JC) considered that the principle of the introduction of a flexible permission for the retail units would not have a detrimental impact on the vitality and viability of Stevenage Town Centre. In addition, it was not considered that the development would have a detrimental impact on the character and appearance of the area or harm the amenities of existing and future residents. Furthermore, the proposed development would comply with the Council's standards with regard to car parking and cycle parking and would not prejudice the safety and operation of the public highway. Finally, the proposed development would not be susceptible to or generate additional flooding.

It was **RESOLVED** that application 19/00284/FPM be granted planning permission, subject to the following conditions:

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

P1.1 (received 04.07.2019); P1.2 (received 04.07.2019); P1.3 (received 04.07.2019); P2.1 (received 04.07.2019); P2.2 (received 04.07.2019).

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. Prior to the first occupation of the ground floor Use Class A1 (Shop) to A3 (Restaurants and Cafes) or A4 (Bars and Public Houses) units as detailed on the approved drawings, a scheme for the installation of equipment to control the emission of fumes and smell from these premises shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented prior to the first occupation of these units. All equipment installed as part of the scheme shall thereafter be operated, serviced and maintained in accordance with the manufacturer's instructions.
4. Prior to the first occupation of the ground floor Use Class A1 (Shop) to A3 (Restaurants and Cafes) or A4 (Bars and Public Houses) units as detailed on the approved drawings, a scheme for the adequate provision of waste segregated into recycling and non-recycling shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented prior to the first occupation of these units.
5. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
6. Prior to the first occupation of the ground floor Use Class A1 (Shop) to A3 (Restaurants and Cafes) or A4 (Bars and Public Houses) units as detailed on the approved drawings, details of noise nuisance mitigation provisions appropriate to the occupation of the unit will be submitted to and approved in writing by the Local Planning Authority, so as to prevent the occurrence of noise nuisance due to the occupation and use of the unit.

## **7 19/00333/FPM - 21 - 29 TOWN SQUARE, STEVENAGE**

The Committee considered an application seeking the Variation of condition 1 of planning permission no. 19/00063/FPM to amend approved drawings.

The application was before the Committee as the Council was the applicant and the landowner.

The Principal Planning Officer (JC) gave an introduction and visual presentation to the Committee. He advised that, following the grant of planning permission 19/00063/FPM, detailed surveys undertaken on the building identified lower ceiling heights at second floor level. As a result, access from the second floor core into the gallery space would not have been usable due to headroom. The proposed amendment to the approved scheme sought the introduction of a new roof lantern/lift overrun above the existing head clearance which would allow the lifts to be able to operate. The proposed roof lantern would measure approximately 4.72m in length,



span 6.76m in width with a height of approximately 1.99m. It would be constructed of metal cladding and double glazed aluminium/composite windows.

The Principal Planning Officer (JC) commented that, when considering applications of this type, local planning authorities were entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remained relevant, so that the only issue for consideration in the determination of the application was how the variation of the condition referred to above would impact on the approved scheme and whether any additional conditions are warranted. The main issue for consideration in the determination of the application was, therefore, the acceptability of the changes to the scheme in respect of the visual impact on the conservation area.

The Committee was informed that the Council's Conservation Advisor considered that the impact of the proposal, in terms of its significance on the conservation area, would be limited. As such, whilst the change in the roof form would be visible, this must be balanced by the improved access to the upper levels of the building, including persons who were disabled, and the potential uses that the development would enable. In addition, the overall regeneration benefits of the development as whole, which would bring in new activities and uses to the town centre buildings, provided an obvious positive contribution to the character of the town square conservation area. Consequently, the overall benefits of the development would outweigh the limited harm it would have on the conservation area and the setting of the listed buildings.

The Committee supported the Principal Planning Officer's proposed variation to Condition 1, which was the addition of Plan No. AA7916-2106A.

It was **RESOLVED** that application 19/00333/FPM be granted planning permission, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
AA7916-2102A; AA7916-2013A; AA7916-2015A; AA7916-2101A; AA7916-2200C; AA7916-2201C; AA7916-2202B; AA7916-2203B; AA7916-2205B; AA7916-2206B; AA7916-2001; AA7916-2000; AA7916-2002; AA7916-2100A; AA7916-2106A
2. The development hereby permitted shall be begun before 4 April 2022.
3. Prior to the undertaking of external concrete cladding works to the application building and the installation of the lift overrun, samples of the materials to be used to replace the concrete cladding of the development and the lift overrun 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.

4. Prior to the undertaking of external fenestration works to the application building, drawn details of the replacement fenestration showing the detail and proportions of glazing bars compared to existing fenestration for the front elevations to Danestrete, Town Square and Queensway shall be submitted to and approved in writing but the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
5. Prior to the first occupation of a Class A3 (Restaurants and Cafes) as detailed in the submitted application, a scheme for the installation of equipment to control the emissions of fumes and smell from these premises shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first use of the premises as Class A3 (Restaurants and Cafes). All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
6. Before any plant and/or machinery is installed on the premises as detailed in the application submission, details of the acoustic louvered screen shall be submitted to and approved in writing by the Local Planning Authority. The acoustic screen shall be installed in accordance with the approved details prior to the first operation of the plant and/or machinery.
7. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
8. Prior to the occupation the building, details of measures to address adaptation to climate change shall be 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.
9. Prior to the occupation of the building, details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be erected in accordance with the approved details.

## **8 INFORMATION REPORT - DELEGATED DECISIONS**

The Principal Planning Officer (JC) referred to a letter which had been tabled at the meeting, which related to Item 35 on the Delegated Decisions List – 8A Magellan Close: Discharge of Condition 12 (Works to Trees) attached to planning permission 16/00791/FP.

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

## **9 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

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

**10 URGENT PART I BUSINESS**

Application for development of the Icon Building

The Assistant Director (Planning & Regulatory) advised that officers had been in discussions with the developer aiming to submit an application for the demolition of the Icon Building and its replacement with 7 blocks of residential apartments. The developer would be holding a public exhibition on the proposed scheme. He reminded Members of the Committee that should they wish to attend the exhibition and participate in the debate on any future application when it came before the Committee then they should be careful not to give any indication of their views on the proposals at the exhibition.

The Assistant Director (Planning & Regulatory) stated that the above advice also applied to the exhibition to be held by MACE in the coming weeks regarding the SG1 development proposals.

**11 EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

**12 URGENT PART II BUSINESS**

None.

**CHAIR**