

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Tuesday, 7 September 2021

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Councillors: Simon Speller (Chair), Maureen McKay (Vice Chair), Doug Bainbridge, Myla Arceno, Adrian Brown, Michael Downing, Jody Hanafin, Graham Lawrence, Adam Mitchell CC and Graham Snell

Start / End Start Time: 6:30 pm
Time: End Time: 8:14 pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Teresa Callaghan, Tom Wren, Matt Creasey and Mrs Joan Lloyd.

There were no declarations of interest.

2 MINUTES - 18 AUGUST 2021

It was **RESOLVED** that the minutes of the Planning and Development Committee meeting held on Wednesday 18 August 2021 be approved as a correct record and signed by the Chair subject to the following amendment.

- Councillor Graham Lawrence gave apologies for absence.

3 18/00416/FPM - BANK HOUSE, PRIMETT ROAD, STEVENAGE.

Application	18/00416/FPM
Location	Bank House, Primett Road, Stevenage
Proposal	Reconfiguration of existing offices (basement, ground and first floor level) and six storey extension.
Applicant	Good for Food Limited
Recommendation	Grant planning permission.

The Development Manager presented the application seeking permission for the reconfiguration of existing offices and six storey extension. The application under the reference 18/00416/FPM was originally determined by this Committee on 5 February 2021. It was resolved to Grant Planning Permission subject to the completion of a

Section 106 legal agreement. This agreement to date had not been completed and the applicant was now seeking to secure planning permission for this development. The Development Manager advised that the application was assessed under the new NPPF (National Planning and Policy Framework) adopted in July 2021 and under the Stevenage Local Plan adopted in May 2019. Both policies were material changes for the application. He advised Members could take both policies in to consideration for making a decision on the application. During the presentation, the Development Manager displayed maps, plans and photographs to demonstrate the location and character of the site.

The Development Manager explained that the application site was located on the southern side of the Primett Road opposite George House. The Old Town and the Howard Court, both a Conservation Area located to the east of the application site. To the south adjacent to the George House was Townsend Mews which was a private residential development. To the west, the site was bordered by Lytton way and to the north was the vehicle and pedestrian underpass which connected Lytton Way with Primett Road.

The Development Manager advised that the application was designed to reduce overlooking in to George House, and would support the natural daylight into the building. The applicant had also taken an Average Daylight Factor assessment which demonstrated that upon completion of the site Howard Court would still have sufficient daylight. The site was deemed to be a sustainable location with the provision of secured cycling facilities for staff.

The application site had a modern contemporary design, and was outside the Conservation Area, but it had some impact upon the setting of the Old Town Conservation Area and the Marquis of Lorne which is a listed building, however, the social and economic benefits of the proposed application would outweigh any potential adverse impact.

The Hertfordshire County Council as a Highway Authority had no objection to the application subject to the recommended conditions outlined in the officer report and a section 106 agreement to address sustainable transport. The Herts and Middlesex Wildlife Trust were also satisfied with the application.

The key issues in the determination of the application were outlined in the officer report.

Members debated the application, taking into account the presentation from the Development Manager, and the officer report. The key issues for Members consideration included the impact of the application site on the Conservation Area.

The Assistant Director for Planning and Regulatory advised Members that the social and economic benefits would outweigh the impact on the Conservation Area, and the proposed design would also protect the privacy issues. Condition 26 of the officer report would restrict the developer to convert the offices in to flats.

Vote:

6 vote For

4 Against

0 abstentions

It was **RESOLVED** that planning permission be granted, subject to the conditions as per the recommendations below:

That planning permission be GRANTED subject to the applicant having first entered into and completed a S106 legal agreement to secure/provide financial contributions towards:-

- A financial contribution towards improvements to the local cycle network;
- The cost of assessing, evaluating and monitoring the Travel Plan;
- To secure local employment and apprenticeships associated with the construction of the development;
- To secure the provision of a Local Employment Strategy;
- To secure the minimum of 39 Parking Permits to be secured from SBC;
- A monitoring fee of 2.5% of the total financial contributions (capped at £25,000).

The detail of which be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor. In addition, this permission be subject to the conditions outlined below, with any amendments to the conditions listed in this report be delegated to the Assistant Director of Planning and Regulation:-

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

BH17-PL-A201 D1; BH17-PL-A202 C; BH17-PL-A203 A; BH17-PL-A204 A; BH17-PL-A204 A; BH-PL-A206 A; BH17-PL-A207 A; BH17-PL-A208 A; BH17-PL-A209 A; BH17-PL-A220 A; BH17-PL-A221; BH17-PL-A222 A; BH17-PL-A223; BH17-PL-A230 A; BH17-PL-A231; BH17-PL-A232; BH-PL-A233; BH17-PL-A302; BH17-PL-A301; BH17-PL-A401; BH17-PL-A404; Cycle Storage Plan; Short Term and Visitor Parking Plan.

REASON:- For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted 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).

- 3 The development hereby permitted shall be constructed in accordance with the materials and finishes as set out in the application submission.

REASON:- To ensure the finished appearance of the development enhances the visual amenities of the area, including the setting of the Conservation Area.

- 4 Notwithstanding the details specified in the application submission, no landscaping works shall commence until a scheme of soft and hard landscaping and details of the treatment of all hard surfaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all new planting to take place including species, size and method of planting as well as details of landscape management (including long term design objectives, management responsibilities and maintenance responsibilities for all landscape areas). The approved landscaping scheme shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner.

REASON:- To ensure a satisfactory appearance for the development.

- 5 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.

REASON:- To ensure a satisfactory appearance for the development.

- 6 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 0800 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.

REASON: - To safeguard the amenities of the occupiers of neighbouring properties.

- 7 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.

REASON:- In order to protect the amenities and operations of neighbouring properties and to ensure any external lighting does not prejudice highway safety.

- 8 No development shall commence (including demolition and site clearance) until a Construction Traffic Management Plan has been 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 Traffic Management Plan shall include details of:-

- (i) Construction vehicle numbers, type and routing;
- (ii) Access arrangements to the site;
- (iii) Traffic management requirements;
- (iv) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- (v) Siting and details of wheel washing facilities;
- (vi) Cleaning of site entrances, site tracks and the adjacent public highway;
- (vii) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- (viii) Provision of sufficient on-site parking prior to commencement of construction activities;
- (ix) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- (x) 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.

REASON:- In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 9 No development, including site clearance or demolition works, shall commence until a scheme of dust control measures has been submitted to and approved in writing by the Local Planning Authority and shall be adhered to throughout the construction period. Dust and airborne particles from operations on site shall be minimised by spraying with water or by carrying out of other such works that maybe necessary.

REASON:- In order to protect the amenities of nearby residential properties and to protect the wider environment.

- 10 Prior to the first occupation of the development hereby permitted the vehicular access shall be provided 6.0 m wide and thereafter retained at the position shown on the approved drawing number BH17-PL-A201 revision D, the existing vehicle access along Primett Road to the former Bank House shall be reconstructed to include an informal pedestrian crossing to gain access to the opposite side of the road, a further tactile crossing point shall be provided at

the junction with Primett Road and the slip road, the remaining vehicle access shall be reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON:- To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

- 11 Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be to open inwards, set back, and thereafter retained a minimum of 6.0 metres from the edge of the highway.

REASON:- To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed.

- 12 No development 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.

REASON:- In order to reduce the level of waste generated during the demolition and construction phases of development and to recycle all waste materials where possible.

- 13 Prior to the first occupation of the development hereby permitted the approved secure cycle parking areas and public cycle parking shall be constructed in accordance with the approved details submitted with this planning application and shall be permanently retained in that form thereafter.

REASON:- To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings and the development as a whole on site in perpetuity.

- 14 Prior to the first occupation of the development hereby permitted the approved refuse and recycle stores shall be constructed in accordance with the details submitted with this application and shall be permanently retained in the form.

REASON:- To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity.

- 15 Prior to the first occupation of the development hereby permitted the basement car parking area shall have been fully constructed, surfaced and permanently marked out. The car parking areas so provided shall be maintained and retained permanently and shall be used for no other purpose

at any time.

REASON:- To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway.

- 16 No development shall take place (excluding demolition and site clearance) until details of the [siting, type, specifications of EVCPs, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs] shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to the first use of the development hereby permitted and permanently retained and maintained, unless otherwise agreed in writing with the Local Planning Authority.

REASON:- In order to provide facilities to charge electric vehicles and to help reduce the impact of vehicle emissions on the local environment.

- 17 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy, prepared by Create Consulting Engineers Ltd, Ref. JJ/CS/P17-1397/02, dated 4 June 2018 and the following mitigation measures detailed within the drainage strategy:

1. Limiting the surface water run off generated by the 1 in 100 year + 40% for climate change critical storm to a maximum rate of 12.0 l/s.

2. Implementing appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer, including SuDS features as indicated on drawing title Proposed Ground flood plan (Permeable paving area), Project number BH17-PL-A202, date 16/03/18; Proposed Roof plan (Blue roof), project number BH17-PL-A210 date 16/03/18 and Proposed basement plan (Geocellular storage), project number BH17PL-A201, date 16/03/18.

3. Providing attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON:- To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site. In addition, to reduce the risk of flooding to the proposed development and future occupants.

- 18 No development shall take place until a final design of the drainage scheme for the site based on the principles set out in Condition 17, has been submitted to and approved in writing by the Local Planning Authority. The

scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall include:

1. Updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event, including the whole site area.
2. Clarification as to where the drain at the entrance of the basement will be connecting and supporting calculations
3. Updated full detailed surface water drainage plan showing the proposed discharge point to Thames Water sewer, the location of the proposed SuDS features, the pipe runs, size and node numbers.
4. Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs, node numbers along with all corresponding detailed calculations/modelling.
5. In case of informal flooding within the site this should be shown on a plan including extent and depth.
6. Exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.

REASON:- To prevent the increased risk of flooding, both on and off site

- 19 Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network (including the underground surface water attenuation features) must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings including the final drainage layout for site drainage network.
2. Maintenance and operational activities for the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

REASON:- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 20 At the detailed design stage of the drainage works, the applicant shall submit to the Local Planning Authority for its approval in writing a groundwater levels assessment to ensure that the permeable paving will not be compromised. In addition, as part of the overall assessment, the existing Thames Water surface water sewer line should be assessed, highlighted and clarified at detailed design stage as to how the new system will interact. In the event the

drainage strategy needs to be re-designed based on the assessment findings, a revised drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The revised drainage strategy shall thereafter be implemented in accordance with the approved details.

REASON:- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

21 A watching brief must be kept during initial site preparation works to identify any potentially contaminated materials likely to be present. In the event contamination is found during site clearance and/or construction phase of the development, undertake an appropriate investigation and provide a remediation strategy which is to be submitted to and approved in writing by the Local Planning Authority. This investigation and assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets,
- woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

22 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 prepared in accordance with the requirements of condition 21, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

23 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

24 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

25 No development (excluding any demolition or site clearance works) shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

REASON:- To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

26 The use of the enlarged building hereby approved shall be limited to Schedule 2, Part A, Class E (g) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 as offices and shall be used for no other purposes.

REASON:- To prevent the unrestricted change of use to retail (Class E (a)) without paying the required CIL charge under the Council's adopted Community Infrastructure Levy Charging Schedule.

20/00491/ENF - LAND TO THE SIDE AND REAR OF 330-336 RIPON ROAD, STEVENAGE

Application	20/00491/ENF
Location	Land to the side and rear of 330-336 Ripon Road, Stevenage
Proposal	Shipping container and untidy land to the rear of the properties
Recommendation	Serve an enforcement notice

The Senior Planning Officer presented the application seeking permission to serve an enforcement notice to the owners of the land to the side and rear of 330-336 Ripon Road. During the presentation, she displayed a map, plans and photographs to demonstrate the location and character of the site. She explained that the land had an untidy appearance with overgrown landscaping; contained plant and machinery and was used for the storage of what appeared to be a car trailer. There was also a shipping container stored on the open car park. The site was highly visible to members of the public, and had a detrimental impact on the visual amenities of the street scene.

The Local Ward Councillors brought the issue to the Council's attention in September 2020. The Council had written letters to the owners in September 2020 and also in June 2021 with no replies received. Upon further investigations, the Council also wrote to the owners' business addresses with no response to date.

The key issues in the determination of the application were outlined in the officer report.

Members debated the application taking in to account the Senior Planning Officer presentation and the officer report. Members supported the officer recommendation to serve an enforcement notice to owners. Members questioned the six months notice period, and suggested a three months notice period, given that the Council had already allowed enough time to the owners.

Officers explained that the owners had breached their planning application conditions, the actual space was for the car parking. Officers agreed to amend the condition relating to the notice period from six months to three months as follow:

- Within three months of the date of enforcement notice served, the shipping container be removed and the land at the rear of the properties be enclosed with suitable timber fencing.

It was **RESOLVED** that enforcement notice be issued and served, subject to the conditions as per the recommendations below:

1. 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 the removal of the shipping container and to provide the 11 car parking spaces as shown on plan 5837(P)008-A under 16/00367/FP. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.

2. 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.
3. 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.

5 **INFORMATION REPORT - DELEGATED DECISIONS**

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

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

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

7 **URGENT PART I BUSINESS**

The Chair invited Members to take part in the informal sub-group discussions on the following key issues:

- Design
- Conservation
- Climate Change

The following Members shown interest and listed their names for the sub-groups:

- The Chair Cllr Speller, Cllr Hanafin and Cllr Bainbridge were interested to take part in the Design sub-group.
- Cllr Lawrence and Cllr Downing to take part in the Conservation sub-group.
- The Chair Cllr Speller and Cllr Downing to take part in the Climate Change sub-group.

8 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

9 **URGENT PART II BUSINESS**

None.

CHAIR