

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Thursday, 10 February 2022

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Simon Speller (Chair), Maureen McKay (Vice Chair), Myla Arceno, Adrian Brown, Teresa Callaghan, Matt Creasey, Michael Downing, Jody Hanafin, Mrs Joan Lloyd, Adam Mitchell CC, Graham Snell and Tom Wren

Start / End Time: Start Time: 06:30 pm
End Time: 08.19 pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Doug Bainbridge and Graham Lawrence.

There were no declarations of interest.

2 MINUTES

It was **RESOLVED** that the minutes of the Planning and Development Committee meeting held on Thursday 9 December 2021 and Tuesday 11 January 2022 be approved as a correct record and signed by the Chair.

3 21/00847/FP - CAR PARK, BRAGBURY END SPORTS GROUND, ASTON LANE, STEVENAGE

Application No:	21/00847/FP
Location	Car Park, Bragbury End Sports Ground, Aston Lane, Stevenage
Proposal	Erection of five residential dwellings (Class C3), together with associated development including access, parking and landscaping
Applicant:	Iceni Projects
Recommendation:	Grant planning permission

The Development Manager presented the application seeking permission for erection of five residential dwellings Class C3 together with associated development including access, parking and landscaping. During the presentation, the Development Manager displayed maps, plans and photographs to demonstrate the location and character of the site.

The development proposal comprised of five bedrooms detached with the modern high-quality residential design. Each dwelling would have access to three parking spaces. The surrounding area of the applications site was rural in character, located on the southern edge of Stevenage. The application site was designated within the Stevenage Local Plan (2019) as an allocated housing site for up to 8 dwellings under Policy HO1/2 and falling within an Area of Archaeological Significance. The planning application was called in by the Local Ward Member for Shephall.

The Development Manager explained that the proposed application was a modern high quality residential design, and the application was designed to share a material palette of brick, render, tiles and weatherboarding. The proposal included 15 car parking spaces for residents with each dwelling having access to three parking spaces.

He advised that the main issues for consideration in the determination of this application were the objections from the Environment Agency and the development impact on the neighbouring amenities, character and appearance of the area.

The Council did not receive any representation regarding the application.

The Highway Authority and the Herts and Middlesex Wildlife Trust did not have any objection to the application.

The Key issues in the determination of the application were outlined in the Officer report.

The Development Manager explained that the Environment Agency initially objected to the application as it involved works within 8 metres of the Stevenage Brook main river. Additional information was provided to overcome the Environment Agency objection and updated comments were received confirming that amended plans were acceptable from a flood risk perspective, and the Environment Agency had no objection to the proposed development.

Officer recommendation was therefore that the Committee grant permission to the application.

Members debated the application, taking into account the Officer presentation, and the Officer report. Members raised concerns about the impact it would have on the amenities of the neighbouring properties while the application would be in the construction/demolition stage. Members also raised concerns for the safety of trees on the site. Officers assured Members that the trees including the main Oak tree close to the application site would be retained.

The Development Manager advised that condition 3 of the permission if granted would be amended to safeguard the amenities of the occupiers of the neighbouring properties.

It was **RESOLVED** that planning permission be granted, subject to the conditions as per the recommendations set out below and an amendment to the condition 3 relating to the hours of constructions as below:

3. No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 08.00 hours or after 18.00 hours on any weekdays, nor on any Saturday before 08.00 hours or after 13.00 hours. These times apply to work which is audible at the site boundary.

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

That outline planning permission be GRANTED as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, 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. The suggested conditions are as follows:-

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

2279-10-RevB; 2279-11-RevC; 2279-12-RevA; 2279-13-RevA; 2279-14-RevA; 2279_16; 2279-21-RevA; RLA.LBE.003; 1583-KC-XX-YTREE-TCP01RevB; 1583-KC-XX-YTREE-TPP01RevB; 2279-15-RevH; RLA.LBE.004 REV A

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 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 08.00 hours or after 13.00 hours. These times apply to work which is audible at the site boundary.

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

- 4 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 dwellings 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.

REASON:- To ensure the development has an acceptable appearance.

- 5 All planting, seeding and turfing comprised in soft landscaping as detailed in drawing number RLA.LBE.004 REV A shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.

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

- 6 Any trees or plants comprised within the approved plans or subsequently approved landscaping scheme, 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.

- 7 No tree shown retained on the approved plans, or subsequently approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.

REASON:- To ensure the protection of those trees which should be retained in the interests of visual amenity.

- 8 No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (0.88 habitat units, 0.40 hedgerow units) to achieve a net gain in biodiversity and include the following:

- a) Description and evaluation of features to be managed.
- b) Aims and objectives of management.
- c) Appropriate management actions for achieving target condition for habitats as described in the approved metric.
- d) Preparation of a work schedule (including a 30 year work plan capable of being rolled forward in perpetuity), clearly marked on plans.
- e) Details of the body or organisation responsible for implementation of the plan.
- f) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
- g) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.
- h) Details of make, model and location of 5 integrated bat boxes, 5 integrated swift boxes, 2 integrated bee bricks, hedgehog highways between all garden barriers.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The

plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON:- To provide a net gain in biodiversity.

- 9 Prior to the first occupation of the development hereby permitted, provision of bird and bat boxes, bee bricks and hedgehog highways between garden boundary fencing as specified in the landscape and ecological management plan (LEMP) referred to in condition 8 shall be erected accordingly and thereafter permanently retained and maintained.

REASON:- To provide suitable roosting and nesting opportunities for bats, birds and bees and movement for hedgehogs as an ecological enhancement of the site.

- 10 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March – August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

REASON:- Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).

- 11 All hard surfacing and boundary treatments as specified in landscape drawing RLA.LBE.004 REV A shall be carried out prior to the first use of the site or the completion of the development, whichever is the sooner and shall be permanently maintained during the lifetime of the development.

REASON:- To ensure a satisfactory appearance for the development and as an ecological enhancement of the site .

- 12 No development shall take place (excluding site clearance) until the tree protection measures as detailed in the Arboricultural Impact Assessment prepared by Keen Consultants (document reference 1583-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevB, dated July 2021) and drawing numbers 1583-KC-XX-YTREE-TPP01RevB and 1583-KC-XX-YTREE-TCP01RevB have been implemented accordingly. The tree protection measures shall remain in place until the development has been completed. In addition, the methodology of construction for works which are to be undertaken within the root protection areas of those trees which are to be retained shall be carried out in accordance with the documents and plans specified in this condition.

REASON:- To ensure the protection of those trees which should be retained in the interests of visual amenity.

- 13 Prior to occupation of the dwelling located within the root protection area of tree 3 (English Oak) as identified on tree protection plan 1583-KC-XX-YTREE-TPP01RevB, the tree shall be pruned to provide clearance from the dwelling along with selective pruning of the tree crown to reduce the potential for future limb loss.

REASON:- To ensure the protection of those trees which should be retained in the interests of visual amenity.

- 14 No development shall take place 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 Management Plan of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic 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.

REASON:- In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan.

- 15 Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works, to include lighting of the access and signage in the form of pedestrians in the road / triangular warning signs between Broadhall Way and the access to the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:- To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of

encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

- 16 No development shall take place until a plan for cycle parking should be submitted in accordance with (Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020) and approved in writing by the Local Planning Authority. Prior to first occupation the approved scheme shall be fully implemented and thereafter retained for this purpose.

REASON:- To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

- 17 No above ground 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

- 18 No development shall take place until a Phase One investigation desk top study should be undertaken. Should anything be identified from this study further investigations will be required and a report produced and 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,
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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.

- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, as required under condition 18, 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.

- 20 The dwellings hereby permitted shall not be occupied until the general waste and recycle store associated with the development hereby permitted shall be implemented in accordance with the details as specified in the application submission.

REASON:- To ensure the general waste and recycle store is of a sufficient size to accommodate the number of bins which are required for this development. In addition, to ensure the proposed bin store has an acceptable appearance.

- 21 Prior to the occupation of the dwellings hereby permitted, the development shall include provision for each dwelling to be served by an active electric vehicle charging point.

REASON:- To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

- 22 Prior to first occupation of the development hereby permitted the car parking spaces as detailed in drawing number 2279-15-RevH shall be surfaced and marked out in accordance with the approved details and shall thereafter be permanently retained and shall only be used for the parking of motor-vehicles only.

REASON:- To ensure there is sufficient off-street parking to serve the development hereby permitted.

- 23 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.

REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.

- 24 No development shall take place above slab level until details of the proposed external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

REASON:- To ensure a satisfactory appearance for the development and to protect the residential amenity of existing residents.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVES

1 Hertfordshire County Council Highways

HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980: Storage of materials: 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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Obstruction of highway: 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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction

sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Debris and deposits on the highway: 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.

Avoidance of surface water discharge onto the highway: The applicant is advised that the

Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

2 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 .

3 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
- Completion

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

4 Police Crime Prevention Design Service

Prior to construction, it is recommended the applicant contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design. The reason for this is to ensure that the development is compliant with both National and Local Planning Policies, in addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations”.

5 Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

4 **21/01256/FPH - 68 BASILS ROAD, STEVENAGE**

Application No:	21/01256/FPH
Location	68 Basils Road, Stevenage
Proposal	Retrospective planning permission for the demolition of the existing conservatory and erection of part two storey, part single storey rear extension
Applicant:	Mr Robert Hayward
Recommendation:	Refuse planning permission and serve an enforcement notice

The Committee received a retrospective planning application for the demolition of the existing conservatory and erection of part two storey, part single storey rear extension. The application site was an end of terrace dwelling on the southern side of Basils Road, opposite the junction with Stanmore Road. During the presentation, the Senior Planning Officer displayed maps, plans and photographs to demonstrate the location and character of the site.

The Senior Planning Officer explained that the application sought retrospective planning permission to retain a part two storey, part single storey rear extension which began construction in July 2021. An enforcement investigation was opened in October 2021 after the Council became aware works were underway without the benefit of planning permission.

The applicant advised that he attempted to make contact with the Planning Department prior to commencing works to ascertain if planning permission were required, however, the applicant did not use the correct email address, and therefore, the applicant failed to establish contact with the Council, and no further attempts were made to contact the Council. The extension to the rear of the application site had impacted the amenities of the neighbouring properties, and the

separation distance was too short.

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

The Council did not receive any representation in relation to the application.

The key issues for the Committee to consider were the impact on the character and the visual amenity of the area and the impact on the amenity and privacy of the neighbours, furthermore, Section 38(6) of the Planning and compulsory Purchase Act 2004 required that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Officer recommendation was therefore that the application be refused planning permission and serve an enforcement notice.

The registered speaker Robert Haywood, the applicant, spoke in support of the application.

Members debated the application, taking into account the Officer presentation, Officer report and the statement from the registered speaker. Members noted that the Council did not receive any objection or representation in relation to the planning application. Members raised concern about the separation distance between the application site and the neighbours. Officers confirmed the separation gap was short and sub-standard.

It was **RESOLVED** that application 21/01256/FPH be refused and an enforcement notice be issued and served subject to conditions as per the recommendations set out below:

That planning permission is REFUSED for the following reasons:-

- 1 The proposed extension, by virtue of its proximity to the rear elevation of No. 23 Victoria Close fails to meet the required minimum back to back separation distance as laid out in Chapter 6 of the Council's adopted Design Guide (2009) and would therefore likely result in an unacceptable outlook and loss of privacy for the occupiers of this neighbouring property, having a harmful impact on the habitable room windows and private rear garden which detracts from the privacy and residential amenity of this neighbouring property. The development is, therefore, contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), National Planning Policy Framework (2021) and the Planning Practice Guidance (2014).
- 2 The proposed extension, by virtue of its proximity to the rear elevation of Nos. 70 and 70A Basils Road fails to meet the required minimum back to side separation distance as laid out in Chapter 6 of the Council's adopted Design Guide (2009) and would therefore likely result in an unacceptable outlook and loss of privacy for the occupiers of these neighbouring properties, having a harmful impact on the habitable room windows and private rear gardens

which detracts from the privacy and residential amenity of these neighbouring properties. The development is, therefore, contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), National Planning Policy Framework (2021) and the Planning Practice Guidance (2014).

FURTHER CONSIDERATIONS

1. Having recommended refusal of the retrospective planning application, a decision needs to be made as to whether or not the Council should undertake enforcement action against the breach of planning control which has occurred in this instance.
2. As set out previously in this report, it is considered that the existing development, by way of the substandard separation distances results in harm to the occupiers of the neighbouring properties at Nos. 70 and 70A Basils Road and No.23 Victoria Close. The two storey element of the development results in an unacceptable level of overlooking to No.23 Victoria Close resulting in a loss of privacy and by proximity to this dwellings' rear elevation, results in an over dominant form of development which detrimentally harms the outlook from this property's rear garden and rear habitable rooms. The proximity of the two storey extension to the rear elevations of Nos. 70 and 70A Basils Road results in an unacceptable outlook from these neighbouring properties and in respect of No.70A, results in an exacerbation of the lack of natural daylight and sunlight to the windows on their rear elevation.
3. Given the aforementioned comments, should the Committee agree with the recommendations set out in section 9 of this report to refuse planning permission, authorisation is sought to take enforcement action to secure the removal of only the first floor element of the development as the single storey element of the development is considered acceptable. It is considered that a period of six months from the date of the decision is deemed reasonable in line with the Government's Planning Practice Guidance (2014).

FURTHER RECOMMENDATION

1. That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation, subject to the Borough Solicitor being satisfied, requiring the removal of the first floor element of the existing rear extension. 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 the Borough 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.
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 and any appeal against the refusal of planning permission.

REMEDY REQUIRED

1. Within six months of the date of refusal of planning permission, to remove the first floor element of the existing two storey rear extension.

5 **20/00790/FP & 20/00791/FP - 107A-109A HIGH STREET, STEVENAGE**

Application No:	20/00790/FP & 20/00791/FP
Location	107A-109A High Street, Stevenage.
Proposal	Retrospective planning permission to retain Flats 6 and 7 as two bedroom units
Applicant:	Mr S Orlinski
Recommendation:	Refuse planning permission and serve an enforcement notice.

The Committee received a retrospective planning permission to retain flat 6 and 7 as two bedroom units. The application site was situated to the rear of a courtyard of flat conversions behind the original buildings fronting the High Street. The application site was located in the Conservation Area surrounded by listed buildings. Planning permission was originally approved in 2017 for conversion and alternations to the roof to provide 2no. one bedroom flats.

The Principal Planning Officer explained that the applicant had carried some works with the installation of the timber beams and some stud works. The main concern was the headroom, which deemed too small.

The key issues for the Committee to consider were the visual impact of the amended layout, impact on neighbouring amenity, impact on the amenities of future occupiers and parking provision, furthermore, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that all planning applications must be determined in accordance with the Development Plan unless material consideration indicate otherwise.

The Principal Planning Officer advised Members that she had managed to contact the owner through the agent, and that the owner had agreed to provide further information regarding the plans, therefore, it was reasonable to allow the owner to make representation to provide further information regarding the plans for the application site.

Members debated the application briefly, and agreed to allow the owner to make representation, therefore, the application was deferred to the next Committee meeting.

The application 20/00790/FP & 20/00791/FP was deferred to the next Committee meeting scheduled for Tuesday 15 March 2022 in the Council Chamber at 6.30 pm. The application was deferred to allow officers assess new planning materials in light of new evidence received.

21/01231/FPH - 62 SOUTHWARK CLOSE, STEVENAGE

Application No:	21/01231/FPH
Location	62 Southwark Close, Stevenage
Proposal	Increase in front store width and height and associated entrance and fenestration alterations
Applicant:	Stevenage Borough Council
Recommendation:	Grant planning permission

The Committee received the planning application seeking permission for the increase in front store width and height and associated entrance and fenestration alternations.

The Senior Planning Officer advised Members that the application came before the Committee for consideration as the applicant was the Stevenage Borough Council, otherwise it would be a delegated officer decision.

The application site was an end of terrace dwelling on the eastern side of Southwark close. The application sought planning permission to widen the existing front projection to accommodate a disabled level access shower and erect a small extension to this projection to create a new entrance porch; as a result, the large window on the front elevation serving the living room would be made smaller. The existing projection would be widened from 2.2m to 2.4m wide, and the height would increase from 2.5m to 2.7m high. The new entrance porch would measure 1.1m wide, 1.2m deep and 2.7 m high with a flat roof.

The Council did not receive any representation regarding the application.

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

Members debated the application, taking in to account the Officer report and Officer presentation. Members noted that the application would not harm the character and visual amenity of the area, and nor would it harm the amenities of neighbouring properties.

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

That planning permission be GRANTED subject to the following conditions -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
01; 02; 03; 04; 05; 06; 07; 08; 09;

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 materials to be used in the construction of the external surfaces of the front extension hereby permitted shall match the materials used in the construction of the original dwelling to the satisfaction of the Local Planning Authority.

REASON:- To ensure the development has an acceptable appearance.

- 4 No access shall be provided to the roof of the extension by way of windows, doors or staircases and the roof of the extension hereby permitted shall not be used as a balcony or sitting out area.

REASON:- To protect the amenities and privacy of the occupiers of adjoining properties.

The Council has acted Pro-Actively for the following reason:-

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVES

- 1 **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 .

2 **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
- Completion

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

3 **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>

21/01241/FP - WELLFIELD COURT, NORWICH CLOSE, STEVENAGE

Application No:	21/01241/FP
Location	Wellfield Court, Norwich Close, Stevenage
Proposal	Proposed Smoking Shelter
Applicant:	Stevenage Borough Council
Recommendation:	Grant planning permission

The Committee received the planning application seeking permission for a smoking shelter. The application site was a two storey building comprising three main buildings connecting off a central link corridor with a fourth connected building on the eastern side which was single storey that contained the main entrance. The building was situated on the northern side of Norwich Close and was surrounded by two storey residential dwellings to the north, east and west. During the presentation, the Senior Planning Officer displayed maps, plans and photographs to demonstrate the location and character of the site.

The Senior Planning Officer advised Members that the application came before the Committee for consideration as the applicant was the Stevenage Borough Council, otherwise, it would be a delegated officer decision.

The Senior Planning Officer explained that the application sought planning permission to erect a singular smoker shelter on the western side of the southern building. The shelter would be 1.05 m deep, 3.05m long and 2.25m high and constructed of polycarbonate glazing walls with a reinforced glass fibre roof around a steel framework.

The Council did not receive any representation regarding the planning application.

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

Members debated the application, taking into account the Officer report and the Officer presentation. Members noted that the development would not harm the character and visual amenity of the area, nor would it harm the amenities of neighbouring properties.

The Senior Planning Officer advised Members that the nearest non-council housing were 32m away from the proposed development, and therefore, it would not have an impact on those properties, and confirmed that the nearby trees would be retained.

It was **RESOLVED** that planning permission be granted, subject to the conditions as per the recommendations set out in the report.

It is considered that the proposed development would not harm the character and visual amenity of the area, nor would it harm the amenities of neighbouring properties. The application is, therefore, recommended for approval.

That planning permission be GRANTED subject to the following conditions -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
LH-001; Shelter Dimensions; Open Fronted Smoking Shelters Specification Sheet;

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 construction of the smoking shelter hereby permitted shall be as per the approved specification documents to the satisfaction of the Local Planning Authority.

REASON:- To ensure the development has an acceptable appearance.

The Council has acted Pro-Actively for the following reason:-

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVES

- 1 **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 .

2 **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
- Completion

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

3 **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>

8 **21/01070/FPM - 145 SCARBOROUGH AVENUE, STEVENAGE**

Application No:	21/01070/FPM
Location	145 Scarborough Avenue, Stevenage
Proposal	Variation of condition 1 (Approved Plans) attached to planning permission 19/00136/FPM to include Brise Soleil, alterations to and the positioning of windows/doors, and an increase in the height of the Mansard roof feature by 300mm.
Applicant:	Stevenage Borough Council
Recommendation:	Grant Planning Permission

The Committee received a planning application seeking permission for the variation of condition 1 (approved plans) attached to planning permission 19/00136/FPM to include Brise Soleil, alterations to and the positioning of windows/doors, and an increase in the height of the mansard roof feature by 300mm. During the presentation, the Principal Planning Officer displayed maps, plans and photographs to demonstrate the location and character of the site. The Principal Planning Officer advised Members that the application was originally approved in 2019, was an affordable scheme to improve standards of living in Stevenage.

The application came before the Committee for consideration as the applicant was the Stevenage Borough Council, In addition, the application was also classed as a major residential development and the proposed changes were considered material.

The Council did not receive any representation regarding the application.

The Principal Planning Officer advised Members that the variation in conditions from a major application were acceptable, and it would not detrimentally impact the appearance of the building or the wider area. It was therefore, recommended for approval.

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

Members debated the application, taking into account the Officer report and the Officer presentation. Members noted that the proposed changes were minor, and it would not impact the visual appearance of the building in the wider area. The changes had no impact on the amenities of neighbouring properties as no new openings were formed. It would also improve the living conditions for future occupiers.

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

per the recommendations set out below:

That planning permission be GRANTED subject to the following conditions and the transfer of the signed S106 legal agreement which has secured and/or provides:-

- Primary and Secondary Education;
- Sustainable transport improvement;
- The improvement of Children's play space and outdoor sports provision
- Affordable Housing

With delegated powers given to the Assistant Director of Planning and Regulation to agree any changes to the proposed imposed conditions.

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 13835-W-001-B; 13835-W-002-E; 13835-W-003-E; 13835-W-004-E; 13835-W-006-D; 13835-W-007-C; 7967-100-01; 7967-100-02; 7967-100-03; RT18013_100_PL6

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

2. The development hereby permitted shall be constructed in accordance with the materials and finishes as set out for the approved building in the application.

REASON:- To ensure the development has an acceptable appearance and is of a high standard finish.

3. No development shall take place until details of the approved bin store have been submitted to and approved in writing by the Local Planning Authority.

REASON:- To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.

4. No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting, and boundary treatments.

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

5. 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.

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

6. All hard surfacing comprised in the approved details of landscaping shall be

carried out prior to the first occupation of the building or the completion of the development, whichever is the sooner.

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

7. 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.

8. The development hereby approved shall be carried out and completed in accordance with the Site Waste Management Plan (SWMP) agreed under planning application reference 20/00550/COND.

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.

9. No 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.

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

10. No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity and ensure a suitable internal and external acoustic environment for future occupiers of the development.

11. Before the accesses are first brought into use vehicle to vehicle visibility splays of 2.4 metres by 43 metres in a both directions shall be provided and permanently maintained, within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety.

12. Prior to the first use of the development hereby permitted 0.65 metre x 0.65

metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

REASON:- To ensure construction of a satisfactory development and in the interests of highway pedestrian safety

13. The gradient of the main access shall not be steeper than 1 in 10 from the back edge of the footway.

REASON:- To ensure a vehicle is approximately level before being driven off and on to the highway.

14. Prior to the first occupation of the development hereby permitted the car parking spaces as detailed on drawing number 13835-W-001-B shall be surfaced and marked out in accordance with the approved plan and shall be made of 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 site. They shall be retained in that form and kept available for the sole use of parking for the development hereby permitted.

REASON:- To ensure that adequate parking and servicing facilities are available within the site, that there is no detriment to the safety of adjoining highways, in the interest of visual amenity and to ensure the development is sustainable.

15. The development hereby approved shall be carried out and completed in accordance with the Construction Management Plan as approved under planning application reference 20/00550/COND.

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

16. The development hereby approved shall be carried out and completed in accordance with the Electric Vehicle Charging Points details as approved under planning application reference 20/00550/COND, and shall thereafter be permanently retained.

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

17. Prior to occupation details of measures to address adaptation to climate change and energy efficiency 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.

REASON:- To ensure the development is adaptable to climate change

through provision of energy and water efficiency measures.

Informatives

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

REASON:- To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

The proposed development should achieve Secured by Design (SBD) accreditation in order for it to comply with current Building Regulations. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

9 INFORMATION REPORT - DELEGATED DECISIONS

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

10 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

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

11 **URGENT PART I BUSINESS**

None.

12 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

13 **URGENT PART II BUSINESS**

None.

CHAIR