

STEVENAGE BOROUGH COUNCIL
PLANNING AND DEVELOPMENT COMMITTEE
MINUTES

Date: Wednesday, 22 June 2022

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Michael Downing (Chair), Adrian Brown (Vice-Chair) ,
Maureen McKay, Sandra Barr, Teresa Callaghan, Matt Creasey, Chris
Howells, Graham Lawrence CC, Mrs Joan Lloyd, Adam Mitchell CC,
Claire Parris, Graham Snell, Anne Wells and Julie Ashley-Wren.

Start / End Start Time: 6:30 pm
Time: End Time: 8:35 pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence.

There were no declarations of interest.

2 MINUTES - 26 MAY 2022

It was **RESOLVED** that the minutes of the Planning and Development Committee held on Thursday 26 May 2022 be approved as a correct record and signed by the Chair.

3 TERMS OF REFERENCE

It was **RESOLVED** that the Terms of Reference be noted.

4 PLANNING POLICY UPDATE (DESIGN SPD, ARTICLE 4 DIRECTIONS AND STATION GATEWAY AAP)

The Committee received a presentation regarding Stevenage Connection Area Action Plan, Article 4 Directions and Stevenage Design Guidance Supplementary Document. The presentation outlined background and core issues for each item.

The Planning Policy Manager updated Members on the following key issues regarding the Stevenage Connection Area Action Plan (AAP).

- Stevenage Local Plan adopted was in May 2019. AAP outlined the core issues within the Station Area, policy and wider context affecting development.
- AAP was not a scheme but was a longer-term policy that could enable change.
- AAP would enhance station arrival experience, wayfinding, signposting, and

would improve step-free, disabled, and pedestrian links to the Town Centre, while prioritising sustainable and active travel.

- Consultation took place between 21 July and 5 September 2021, as result received 301 comments and 9 key stakeholder meetings and 1 site visit.
- All preferred options as set out in the report would be reviewed by the Executive in September 2022 followed by the public consultation.

Article 4 Directions:

- The Planning reforms of Permitted Development Rights (PDR) came into force in May 2013, which meant various changes of use could be made without the need for formal planning consent, including the change of use from B1 office to C3 residential.
- The PDR had impact on the Town Centre, increased demands on infrastructure and had impact on the housing standards.
- Three Article 4 Directions in Stevenage
 - Change of use Light Industrial to Residential – since 15 June 2018
 - Change of use Office to Residential – Since May 2019
 - HMOs
- Local authorities had maximum of 12 months to ensure correct Article 4 Directions were in place up to 31 July 2022.
- Blanket Article 4 Directions were in place currently across Gunnels Wood and Pin Green Employment areas and would expire on 1 August 2022. However, blanket Direction covering both Employment Areas were no longer feasible.
- Officers surveyed both Employment Areas to determine the Use Classes of the businesses and those premises identified as being appropriate for the Article 4 Directions.
- The report would be reviewed by the Executives on 12 July 2022 followed by the consultation between 20 July 2022 and 17 August 2022.
- The Executive would decide following the consultation period whether to confirm the Article 4 Direction in September 2022.

Stevenage Design Guidance Supplementary Planning Document:

- Stevenage Design Guidance SPD was adopted in October 2009 and would be replaced going forward.
- Consultation took place between 20 September and 29 November 2021, received 157 comments.
- Main topics raised were embed “active design” throughout the SPD, review guidance of Town Centre signage, update lighting standards and a series of general comments.
- The report was reviewed by Planning and Development Committee on 31 January 2022 and by Executive on 9 February 2022. Consultation would take place between September and October 2022 for 8 weeks. Executive to confirm whether to adopt SPD in December 2022.

Members debated and discussed issues around access to Tesco and access for disabled people. In response to a question from a Member, the Assistant Director for Planning and Regulatory clarified that the Council had discussions with Tesco over

public transport access and a new mini roundabout.

The Assistant Director for Planning advised Members that the Council would work with HCC on finding an alternative for displacement of vehicles when Lytton Way would be closed for traffic. Members were informed that this was the first round of consultation and there would be further opportunities for Members to discuss the policy.

It was **RESOLVED** that the Planning Policy update be noted.

5 **22/00307/ENF CAR PARK TO THE SIDE OF AINTREE WAY**

Application No:	22/00307/ENF
Location	Car park to the side of No.8 Aintree Way, Stevenage
Proposal	Unauthorised building work in allocated car parking space belonging to No.4 Aintree Way
Recommendation:	Serve an enforcement notice

The Planning Officer presented the application seeking permission to serve an enforcement notice in respect of an unauthorised erection of a structure in the communal parking area of Aintree Way. During the presentation, he displayed a map, plans and photographs to demonstrate the location and character of the site. The communal car park was located on the eastern side of No.8 Aintree Way. The Car Park served the residents of the street with each property allocated two spaces. The two car parking spaces belonged to the owner of the No.4 Aintree Way, a mid-terrace property just to the west of the communal car park.

The Planning Officer explained that the owner of No. 4 Aintree Way had erected a permanent structure with a concrete foundation on one of his allocated car park spaces as well as in part some of the land / parking spaces which are outside of number 4's ownership. Vehicles parked adjacent to parking spaces did not have enough spaces to open their doors due to the solid wall in the way.

The report addressed in detail all the key issues and Officer opinion was that:

- The structure erected on one of parking spaces in the communal car park breaches planning regulations and required planning permission from the Council as the Local Planning Authority.
- The erected structure was unacceptable as it was an incongruous form of development within the immediate surrounding area and was deemed to have a detrimental impact on the visual amenities of the area.
- The structure was developed on a parking space which was contrary to the planning policies GD1 and SP8 of the adopted Stevenage Borough Local Plan 2019.

The Planning Officer was seeking permission to serve an enforcement notice on the alleged breach of planning control which had occurred because of the newly built structure around the car parking space No.4 be removed and returned to their original state.

Officer recommendation was therefore that the enforcement notice be served for the reasons detailed within the Officer report.

The registered speaker Larry Urbanowski spoke in defence of his development and for the Council not to serve an enforcement notice. He provided Members with the recent photographs and support letters from neighbouring residents prior the meeting. He stated that the Planning Officer claim was unsubstantiated, and the erected structure was not incongruous. He explained that the neighbours were supportive and did not see it as an issue. He also believed he did not breach any planning regulations including the GD1 and SP8 of the adopted Stevenage Borough Local Plan 2019.

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

Members debated the application taking in to account the Planning Officer presentation, Officer report and the statement from registered speaker. Members supported the Officer's recommendation, agreed that there was clear breach of planning regulation. Members questioned the loss of trees and deemed the structure as unacceptable.

A motion was proposed and seconded that the area should be returned to its previous state, including re-providing similar trees in a location to be agreed, at the cost of the defendant who erected the unauthorised structure. After being put to the meeting and a vote taken, the motion was declared and carried.

Member then voted on the amended motion, a vote was taken, and the amended motion was declared carried.

It was **RESOLVED** that an enforcement notice be issued and served subject to conditions as per the recommendations set out below, and a new condition relating to trees:

- The area should be returned to its previous state, including re-providing similar tree in locations to be agreed, at the cost of the applicant.
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 structure built around the car parking space of No.4 Aintree Way and for the spaces of the communal car park affected by the unauthorised works to be returned to their original state. 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.

REMEDY REQUIRED

1. Within six months of the date of any Enforcement Notice served, the structure built around the car parking space of No.4 should be removed and any other spaces of the communal car park affected by the unauthorised works should be returned to their original state.

6 22/00423/FP STEVENAGE BUS STATION AND TOWN SQUARE

Application No:	22/00423/FP
Location	Stevenage Bus Station And Town Square, Danestrete, Stevenage
Proposal	Removal of the existing bus station and demolition of existing structures, temporary works to consist of a new public square comprising public realm, landscaping and its use as a temporary flexible multi-use space and a temporary performance kiosk in the Town Square
Applicant	Stevenage Borough Council
Recommendation	Serve an enforcement notice

The Principal Planning Officer presented the application seeking permission for removal of the existing bus station and demolition of existing structure, temporary works to consist of a new public square comprising public realm, landscaping and its use as temporary flexible multi-use space and a temporary performance kiosk in the Town Square. During the presentation, she displayed a map, plans and photographs to demonstrate the location and character of the site. The application site comprised the existing bus station and the western part of the Town Square within Stevenage Town Centre.

The Principal Planning Officer described the application site as a large area of hard standing used to accommodate bus vehicle movements and parking. The site was surrounded by pedestrian footways, separated from the hard standing by metal railings and bus shelters. The application site was currently the bus station, which would be redeveloped under the SG1 regeneration programme. However, this would fall into phase 2 of the programme and would not be utilised for approximately 2

years, thus creating an opportunity to transform the site into a Town Centre attraction until it was required for development.

The Council had received 1 representation from a resident, which had been summarised in the Officer report on pages 22-23.

Hertfordshire County Council Highways and SBC Environmental Health did not have any objection on the application.

The Principal Planning Officer explained that the land use, its design, layout and landscaping, impact on the character and appearance of the Town Square were considered acceptable. The proposal with high quality design and landscaping features, would comply with the relevant land use policies for this area of the Town Centre, and would not prejudice the future development of SG1 regeneration programme. It would also preserve the significance of the nearby designated heritage assets and would not have impact on the amenities of neighbouring properties.

Officer recommendation was therefore that planning permission be granted for the reasons detailed within the Officer report.

The registered speaker, Dave Wells, the Regeneration Manager for SBC spoke in support of the application. He explained that during the Covid19 pandemic the shopping centres and high streets including Stevenage Town Centre had suffered, and as a result many popular retailers had left the Town Centre. It was clear to diversify and transform the Town Centre, and with the government funding, this could be done through the SG1 regeneration programme. The Bus Station moving to the new interchange, the space available would be used temporary for leisure before the work on original SG1 regeneration programme begin. Some of the elements of the temporary leisure arrangements would likely to be used in the permanent SG1 plans.

Also the registered speaker, David Martin, spoke on behalf of the Bus Users Group for Stevenage. He stated that he would be happy to see more people coming back to the Town Centre and use bus as their means of transport to the Town Centre. He objected on the use of thermoplastic and advised Members that the use of thermoplastic was not compliant with the Council's ambitions on the emergency climate change legislations. In terms of the site's heritage, he requested if there could a sign or symbol to demonstrate that the site was an old Bus Station.

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, the Officer report, and the statements from the registered speakers. Members welcomed the temporary leisure arrangements for the site, however, they raised concerns over the safety of pedestrians using the yellow brick road as a cycle lane.

In response to a question, the Regeneration Manager clarified that the yellow brick

lane would be retained and would have clear cycle markings and signage. However, Members concerns remained over safety issues, in particular, pedestrians.

A motion was then proposed and seconded that the yellow brick lane should not be used by cyclist in order to secure safety of the pedestrians. Officers advised the Committee that a condition could be imposed if minded to grant restricting the use of the yellow brick lane for cyclists. After being put to the meeting and a vote taken, the motion was declared and carried.

Member then voted on the amended motion, a vote was taken, and the amended motion was declared carried.

Vote:

13 Vote For

0 Against

1 Abstention

Councillor Adrian Brown abstained on voting for this item.

It was **RESOLVED** that planning permission be granted, subject to the conditions as per the recommendations set out below, and a new condition relating to cyclist route.

- To safeguard pedestrians and other road users, the yellow brick lane should not be used by cyclists.

That Planning permission be GRANTED subject to the following conditions/reasons:

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

P2007555 (90) LP100; P2007555 (90) LP102; P2007555 (90) LP103; P2007555 (90) LP104 rev 2; P2007555 (90) LP105; P2007555 (91) LP001

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 This permission shall be for a limited period only expiring on 22 June 2032 and on or before that date the use hereby permitted shall be discontinued and the building(s) and works carried out under this permission shall be removed and the land restored to its former condition, or to a condition otherwise agreed in writing by the Local Planning Authority.

REASON:- To enable the Local Planning Authority to reconsider the continued need for and appropriateness of the building and use at the expiration of the limited period.

- 4 No development shall take place until a Construction 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 shall include details 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.
- k. Management of pedestrian movements around the site.

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 (adopted 2018).

- 5 No redevelopment activities that relate 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.

- 6 The external surfaces of the development hereby permitted shall be completed in accordance with the approved materials specified under general arrangement plan reference P2007555 (90) LP100.

REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.

- 7 Prior to first use, a noise management plan shall be prepared for the operation of the area as an event space, in which a pre-determined specification is developed that will not negatively impact the neighbouring properties through noise. The plan should be undertaken by a competent, experienced noise consultant (a member of the Institute of Acoustics and/or the Association of Noise Consultants). A background noise survey should be undertaken by a competent, experienced noise consultant (a member of the Institute of Acoustics and/or the Association of Noise Consultants) to inform the noise management plan. The noise management plan shall be submitted to and agreed by the Planning Authority in consultation with the Council's Environmental Health Officer.

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

properties.

- 8 Prior to first use, an artificial light management plan shall be prepared for the area as an event space, in which a pre-determined specification is developed that will not negatively impact the neighbouring properties from artificial light sources. The Institution of Lighting Professionals can provide guidance in this matter. The artificial light management plan shall be submitted to and agreed by the Planning Authority in consultation with the Council's Environmental Health Officer.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
- 9 If during the course of development any contamination is found or suspected, works shall cease and the local planning authority shall be informed immediately. The local planning authority may request the nature and extent of any contamination to be investigated in order that a suitable remediation strategy can be proposed. The development shall not continue until any required remediation as agreed in writing by the local planning authority has been undertaken, and the local planning authority has confirmed it has been undertaken to its satisfaction.
REASON:- To prevent harm to human health and pollution of the water environment.
- 10 Unless otherwise agreed in writing by the Local Planning Authority, the use of the land for the purposes hereby permitted shall operate only between the hours of 07.00 and midnight Monday to Saturday and 09.00 to 22.00 on Sunday, including Public or Bank Holidays.
REASON:- To protect the amenity of the occupiers of adjoining properties.
- 11 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.
- 12 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.
- 13 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.
- 14 The Yellow Brick Road shall not be used as a cycle route unless otherwise

agreed in writing by the Local Planning Authority.
REASON:- In order to protect the safety and operation of the Yellow Brick Road.

INFORMATIVE

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 **Hertfordshire County Council as Highways Authority**

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery 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 website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

3 Hertfordshire County Council as Highway Authority notes the submission of drawing number P2007555-90-LP103 Rev R1 TRO Signage Plan. It is advised since the public have access to the area, an application for a Traffic Regulation Order is necessary and should be applied for via the relevant process.

7 **INFORMATION REPORT - DELEGATED DECISIONS**

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

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

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

9 **URGENT PART I BUSINESS**

None.

10 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

11 **URGENT PART II BUSINESS**

None.

CHAIR