

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Tuesday, 10 January 2023

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Michael Downing (Chair) (Chair), Adrian Brown (Vice-Chair) (Vice Chair), Maureen McKay, Sandra Barr, Teresa Callaghan, 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: 6.30pm
Time: End Time: 7.26pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence.

There were no declarations of interest.

2 DRAFT DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT

The Planning Policy Officer gave a verbal presentation to update the Committee on the Draft Design Guide Planning Document. This report was being reviewed and updated and had been out for consultation twice. This was in line with updates from the National Planning Policy Framework and the National Design Guide 2021.

The first consultation ran from the 19th September 2022 until the 31st October 2022 and received 43 comments from various organisations and members of the public. A comment was received from Sport England for more active design, and a member of public commented regarding the national space design standards. Additionally, Historic England commented on the up-to-date links in the document.

It was advised that this plan would go to the Executive committee and the document would be updated after any comments from Members. It was clarified after a query from a Member that that this would only go to Executive and wouldn't go to Council.

RESOLVED: That the Draft Design Guide Supplementary Planning Document be noted.

**3 22/00833/FP AND 22/00833/LB - 67 - 69 HIGH STREET, STEVENAGE
(DEAMERS)**

The Committee considered a report in respect of application 22/00833/FP and 22/00835/LB seeking the change of use from Use Class E (shop) to Sui Generis (Betting Office) with repainting of brickwork, installation of new shop front, 2 satellite

dishes and air conditioning units.

The Senior Planning Officer advised that the application site was operating as Deamers on the High Street and stood on the gateway between the High Street and Middle Row. It was a Grade II listed building within the Old Town Conservation Area. Since it was a listed building it was highlighted that the impacts on the building were considered in relation to the signage. Members were informed that there would be changes to the shop front and it would be a clean façade, as well as air conditioning units and satellite dishes on the rear.

The Senior Planning Officer highlighted the email sent to Members from Litchfields (the applicants planning agent) who disagreed with some aspects of Paragraph 7.2 in the report related to a betting shop not being a leisure use.

In terms of land policy considerations, Members were advised that the property was located within the High Street Shopping Area (HSSA). Policy TC9 stated that within a HSSA permission could be granted for development which fell in Use Classes A1, A2, A, A4, C1, C3, D1 or D2. The Government had amended the Use Class Order and created a new Class E which created more flexibility. The applicant's agent believed that betting shops should be considered as leisure use, however the Senior Planning Officer disagreed with this statement as if betting shops were considered leisure use then it would have been considered under one of the leisure use classes E(d) or F2.

The Senior Planning Officer advised that the applicant had provided evidence that stated betting shops were a strong footfall generator. She agreed with this statement and believed the betting shop would provide equivalent footfall to the previous retail shop.

This application provided public benefits in the form of employment opportunities, construction jobs, and passing trade to neighbouring retail premises. The applicant had confirmed that there were employment opportunities for 3 full time employees, 3 part time employees, and 26 temporary construction jobs.

Members were informed that there were three betting shops already located on the High Street which equated to 2.1% of total High Street use. If this application was granted, then this would result in an increase to 2.8% of total premises. This was not considered to be an over concentration of betting shops on the High Street.

The Senior Planning Officer stated that residents were concerned about anti-social behaviour/increased crime. It was advised that the licensing team would assess the proposed use relating to gambling and it was not a material planning consideration.

The Senior Planning Officer commented that the proposal was contrary to Policy TC9, however on balance was acceptable by maintaining footfall and preserved the vitality and viability of the High Street area.

In terms of design and impact upon the listed building and Conservation Area, it was believed that this location was acceptable and would not impact the Conservation Area. It was determined by Historic England that there were no internal features of

historical value but as it was a listed building, they were required to be preserved. The existing shop front required a lot of repairs. The proposal was amended after concerns from BEAMS and the applicant had agreed to use more historical-looking features and fittings on the door.

The Senior Planning Officer did not consider the proposal as out of keeping with the surrounding area, as the High Street and Middle Row contained several modern shop fronts and external signage. The signage comprised of the installation of an externally illuminated projecting sign, an internally illuminated timber fascia and three light boxes within the main glazed area of the shop front.

It was advised that the development caused less than substantial harm, provided economic benefits to the High Street, employment benefits, and secured the future of the listed building in the public interest and in the interest of preserving the Old Town Conservation Area.

In terms of the impact on neighbouring amenities, it was advised that the premises were located in the commercial area of the High Street with no residential dwellings in the immediate surrounding area. The use of the premises would not result in noise levels over and above the existing use or that of neighbouring properties. Additionally, Environmental Health had raised no concerns.

In relation to car parking and highway safety, there were no guidelines for Sui Generis uses in the adopted Parking Provision SPD and each application was to be determined on an individual basis.

The Senior Planning Officer highlighted that there had been some comments made from residents. Some residents had asked for Article 4 development rights which removed the Permitted Development Rights for a particular use. However, an Article 4 Direction was not required as betting shops required a change of use which must be secured via planning permission. Additionally, other residents argued that the premises should be used for something else. However, the Planning Officer reminded Members that a planning application could not be refused on this basis.

A Member asked why the artwork on the first floor was going to be removed and believed it added character to the high street and should be retained. The Planning Officer advised that the Council's Heritage advisor had stated that the artwork was painted by the current owners and was of no historical value and could be removed if the applicant wanted.

A Member highlighted her concerns regarding the behaviour of people that used betting shops and concern over use of car parking spaces. It was advised that there would be communication with enforcement officers and there would be active parking monitoring of the area.

A Member was concerned regarding the air conditioning units and satellite dishes which could affect the historical aspect of the area. It was advised that the dishes were a dark colour and would be set back into the rear yard.

A Member asked where the nearest residential area was to the application site. It

was advised that the nearest houses were opposite, behind the premises.

Various Members commented that it was a shame that another historical building would be turned into a betting shop when there were already three on the high street. One Member believed it would not increase footfall, it would only spread from the other three betting shops to this one. They highlighted the unknown possibility of the building falling into disrepair if the application was not approved and asked if the current owners had confirmed they were leaving. The Senior Planning Officer advised that this property had been marketed since March 2022 and the only offer was from this applicant. Members were reminded that they could not refuse the application based on a potential future offer. She agreed with the Member that it was unknown if the building would fall into disrepair but was a risk that needed to be considered. The shop was a small family run business and the owners had stated that they wanted to retire. The Senior Planning Officer also agreed that there was a substantial cost to maintain a listed building, which could have prevented other companies or small businesses from applying.

A Member asked whether there was a restriction on A3 use and whether a restaurant or café would be allowed on the site. It was advised that this would have to be assessed if an application like that came forward. A1 (retail), A2 (finance), A3 (café and restaurants) and A4 (takeaways) were acceptable in the area but none of these types of businesses came forward for the property.

The Senior Planning Officer reminded the Committee that there were no other applications that were proposing to do something different.

A Member highlighted the time given to advertise the premises and suggested there should be more time allowed to advertise due to the difficulties companies could have faced in recent years. The Senior Planning Officer advised that the application would give the applicant Sui Generis use for a betting shop and they could not do anything other than the betting shop usage. She reminded Members that there was nothing within Council policy that stated there was a certain period of time to advertise.

A Member asked whether the building was in sound condition and what would happen to the first floor. The Senior Planning Officer advised that the building was structurally sound, but the applicant wanted to make some minor alterations inside. The current owners had focused on structural work that needed to be done whereas the applicant was focused on internal amendments. The current owners were retaining part of the first floor and the other part would be used for the betting shop offices.

Another Member asked whether Deamers owned the whole building. It was advised that they did, and they were selling the ground floor and part of the first floor, but they were retaining some of the first floor for their own use.

It was **RESOLVED** that:

(A) The application 22/00833/FP be **GRANTED** planning permission, subject to the

following conditions:

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

Site Location Plan; FINAL-NL-170722-500; FINAL-NL-170722-502; NL-170722-101-A; NL-170722-102-A; FINAL/NL/170722/501-D; FINAL-NL-170722-503-C.

2. The development hereby permitted shall be begun before the expiration of three years from the date of the permission
3. The replacement entrance door and door panel shall be installed as per the details on approved plan FINAL/NL/170722/501-D and retained in that form thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to the installation of the air conditioning units hereby permitted, a noise assessment and scheme of acoustic mitigation shall be submitted to and approved in writing by the Local Planning Authority. The units shall then be installed in accordance with the approved scheme prior to first occupation and permanently maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
5. No noise generating construction/refitting 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.

(B) The application 22/00835/LB be **GRANTED** Listed Building Consent, subject to the following conditions:

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

Site Location Plan; FINAL-NL-170722-500; FINAL-NL-170722-502; NL-170722-101-A; NL-170722-102-A; FINAL/NL/170722/501-D; FINAL-NL-170722-503-C

2. The works for which consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

3. The replacement entrance door and door panel shall be installed as per the details on approved plan FINAL/NL/170722/501-D and retained in that form thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

4 **22/00834/AD - 67 - 69 HIGH STREET, STEVENAGE (DEAMERS)**

The Committee considered a report in respect of application 22/00834/AD seeking the installation of 1 externally illuminated fascia signs and 1 externally illuminated projecting sign.

The Senior Planning Officer advised Members that they had accepted the erection of signage on the listed building, and that this application was for the Committee whether the type of signage would be appropriate.

The Senior Planning Officer highlighted the changes that had been made by the applicant subject to comments and concerns from BEAMS. These concerns included the vinyl signs which BEAMS believed to be visually intrusive. She reminded Members that the applicant had amended the application following these concerns.

A Member asked whether or not the sign above the window was a lightbox, and whether this could be changed at a later date. It was advised that the sign was externally illuminated and would have some small lights but was not a light box. The applicant would have to apply for listed building consent and advertisement consent again to change any signage.

RESOLVED: That the application 22/00834/AD be **GRANTED** advertisement consent, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan; FINAL-NL-170722-500; FINAL-NL-170722-502; NL-170722-101-A; NL-170722-102-A; FINAL/NL/170722/501-D; FINAL-NL-170722-503-C
2. This consent shall be for a limited period only, expiring FIVE years after the date of this notice and on or before that date the advertisement shall be removed, and the building/land be restored to its former condition.
3. A. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

B. No advertisement shall be sited or displayed so as to:-
 - i) Endanger persons using highway, railway, waterway, dock, harbour or aerodrome (civil or military);

- ii) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- iii) Hinder the operation of any device used for the purpose of security of surveillance or for measuring the speed of any vehicle

C. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

D. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does no endanger the public

E. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

5 **INFORMATION REPORT - DELEGATED DECISIONS**

RESOLVED: That the report be noted.

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

RESOLVED: That the report be noted.

7 **URGENT PART I BUSINESS**

SG1 Development planning application

The Assistant Director (Planning & Regulation) updated Members on the SG1 application which was first debated two years ago. There had been an agreed resolution subject to a Section 106 agreement, which had been in negotiation for some time. He hoped that the Section 106 Agreement would be completed in the next few months, enabling the development to proceed. He informed Members that officers had reviewed the proposal against policies that had changed since the application last came to committee and the application still accorded with what Planning & Development had considered.

A Member asked what the time scale was for this development as it had not moved on much. It was advised that it was hoped that planning permission would be issues in the next month or two. Plots A and K had detailed planning permission and would be able to be progressed as soon as permission was granted. The other plots would require planning permission from the Committee.

8 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

9 **URGENT PART II BUSINESS**

There was none.

CHAIR