



PLANNING AND DEVELOPMENT COMMITTEE

Date 7 January 2025

SUPPLEMENTARY AGENDA

PART 1

2. MINUTES - 29 OCTOBER 2024 & 3 DECEMBER 2024

To approve as a correct record the Minutes of the previous meetings held on 29 October 2024 & 3 December 2024.

3 December 2024 Minutes to follow.
3 - 22

PART 2

11. PART II MINUTES OF PREVIOUS MEETING - 29 OCTOBER 2024 & 3 DECEMBER 2024

To approve as a correct record the Minutes of the meetings of the Planning and Development Committee held on 29 October 2024 & 3 December 2024.

3 December 2024 Minutes to follow.

Supplementary Agenda Published 7 January 2025

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STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 3 December 2024

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Claire Parris (Chair) (Chair), Nazmin Chowdhury (Vice-Chair) (Vice Chair), Julie Ashley-Wren, Stephen Booth, Rob Broom, Forhad Chowdhury, Kamal Choudhury, Peter Clark, Akin Elekolusi, Lynda Guy, Coleen Houlihan, Ellie Plater CC and Carolina Veres

Start / End Time: Start Time: 6.30pm
End Time: 9.20pm

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

Apologies for absence were received from Councillor Anne Wells.

There were no declarations of interest.

2 **MINUTES - 29 OCTOBER 2024**

It was **RESOLVED** that the Part I Minutes – 29 October 2024 be reviewed at the next meeting.

3 **23/00313/FP - LAND AT MAXWELL ROAD**

The Team Leader (AD) introduced the application.

The Committee heard that the site in question had been used for the storage and distribution of drainage products since August 2022. In April 2023, a retrospective planning application was submitted for a change of use to allow storage and distribution, alongside the enclosure of a car park with a 2.4-metre-high weld mesh fence. This application was granted in February 2024 but was quashed in October 2024 following a legal challenge from the owners of Broomin Green Farm, a Grade II listed property adjacent to the site. The challenge was based on the fact that the Council did not consider imposing conditions to control the hours of use. As a result, the application was now back before the Planning and Development Committee for a decision.

The Team Leader (AD) provided an overview of the site and identified the following locations within the site:

Location 1 - FIRA Building

Location 2 - Office Building

Location 3 - Former Vets Building

Location 4 - Former Vet / FIRA Car Park

Location 5 - Broomin Green Farm

The Committee heard that the site was bordered by Maxwell Road, a cul-de-sac with a public footpath running along its eastern side, and neighbouring properties, including Mozart Court (retirement flats) and Philbeck House (private dwelling).

The Chair invited the Objector's representative, Emilio Miranda-Graham (Goodenough Ring Solicitors) to address the Committee.

The Objector's advised the Committee that his presentation supplemented their written objections dated 2 December 2024. Their concerns focused on the adverse impacts of the proposed development on their residential amenity, including noise, safety, and visual impact.

The Objector highlighted the proximity of HGV movements and forklift operations to their home, particularly the kitchen, which served as their main living space. Noise was generated by engines, loading and unloading of goods, and reversing sounders from forklifts. An expert noise report commissioned by the Objector concluded that the proposal would result in a "significant adverse impact."

The Committee heard that the Council and the applicant had not conducted their own noise assessments. It was suggested that noise during operating hours (8 am to 6 pm) could be adequately controlled by planning conditions, and no such conditions had been proposed.

The Objector commented that the proposed use was incompatible with nearby residential properties and that the previous use of the site for research and development (Class E) was more appropriate.

The Committee heard that the operator, Sky Plastics, had not adhered to conditions requiring an operational management plan. Persistent plastic waste had been observed on-site and in surrounding areas, including nearby trees and footpaths. Waste observed on 1 November 2024 remained in place for over 27 days.

The Objector described the open storage car park at Location 4 as untidy and an "eyesore" for nearby residents, including those at Mozart Court, particularly now that trees had shed their leaves.

The Committee heard that forklifts had been reported to operate unsafely on Maxwell Road, a public highway. Issues included overloaded forklifts lacking licence plates, blocking the road, and incidents of goods falling into the roadway. Specific mention was made of a near-collision between a reversing forklift and a car.

The Objector concluded that the proposed development created conflicts between industrial and residential uses, which planning policy should avoid, and urged the Committee to refuse the application.

The Chair invited Councillor Lorraine Rossati to address the Committee.

Councillor Rossati, a Symonds Green Ward Councillor, spoke in opposition to the application, as a community advocate for the residents of Symonds Green, raising concerns about the impact of the proposed development on residential and environmental amenity.

Councillor Rossati commented that the site was zoned for research and development and clean, quiet industries. The proximity of the site to Broomin Green Farm, a Grade II listed building, was highlighted, with comment on past planning decisions that allowed industrial activity to surround the property.

The Committee heard that current operations were significantly affecting the quality of life for residents at the farmhouse, Maxwell Road, and Mozart Court.

Councillor Rossati advised the Committee that personal visits to the area revealed the persistent sound of forklift trucks reversing, which disrupted residents' ability to enjoy their gardens and was audible inside the listed farmhouse. They emphasised the negative impact this noise had on the mental and physical health of residents.

The site, particularly the former veterinary car park at Location 4, was described as untidy and an "eyesore" visible from Fairland's Way. Photos taken during visits confirmed the presence of significant waste, contributing to the visual harm.

Councillor Rossati referenced sections 7.2.3 and 7.3.1 of the officer's report and suggested that the proposal failed to align with the principles of high-quality design and modern environmental standards. They suggested the site would be better suited for STEM-related research and development activities that comply with environmental expectations and better support the community.

While acknowledging the applicant's need to operate a business, Councillor Rossati concluded by contending that Maxwell Road was an inappropriate location for this type of activity.

The Chair invited the Applicant, Mr Kramer, to address the Committee.

The Applicant presented their case in support of the planning application, emphasising their efforts to comply with regulations, address community concerns, and operate responsibly.

The Committee heard that Sky Plastics was a family-run business that had been operating in the Maxwell Road area for approximately two years, servicing customers locally and across the UK. Upon learning that planning permission was required, the applicant submitted an application to ensure compliance with Council regulations.

The Applicant informed the Committee that they had diligently addressed issues raised and continued to operate in accordance with local guidelines. An operational management plan had been implemented, with all staff briefed on its requirements. The Committee heard that the business maintained a deliveries and collections log to monitor incoming and outgoing materials and a cleaning log to ensure the site was kept clean and professional.

The Applicant advised the Committee that steps had been taken to mitigate concerns raised by neighbours, including relocating tall items within the car park to improve views and modifying delivery procedures. The Applicant highlighted their commitment to being a considerate neighbour.

The Committee heard that, despite their efforts, the business had faced hostility from neighbours, including allegations of harassment, trespassing, threats, and public disorder, all of which had been reported to the police. The negative environment had affected staff, with several employees leaving due to ongoing issues.

The Applicant emphasised the business's positive contributions to Stevenage, including providing essential products, creating local jobs, and supporting the community.

The Applicant expressed the importance of the planning permission for the continued operation of the business at Maxwell Road. They assured the Committee of their commitment to operating responsibly, maintaining open communication with the Council, neighbours, and law enforcement, and being good neighbours.

The applicant concluded by seeking approval to continue their business operations in a way that is efficient, cooperative, and respectful of all stakeholders.

The Chair thanked the speakers for their contributions and invited the Team Leader (AD) to present their report.

The Team Leader (AD) provided a detailed review of the issues surrounding the retrospective planning application, supported by photographic evidence, a response to late submissions by objectors, and an explanation of proposed planning conditions.

Photos displayed included:

- Storage of products in the rear yard of the former FIRA building.
- HGV deliveries being unloaded via forklift trucks at the former FIRA building access.
- Eastern surface car park used for storage of products, enclosed by a weld mesh fence.
- View of the site from Fairland's Way, showing its visibility from surrounding areas.

The Team Leader (AD) acknowledged the behaviour of the parties involved, including alleged hostility, but reminded the Committee that this was not a material planning consideration.

The Committee heard that forklift taxation, insurance, and registration plates were matters for the DVLA and not planning. The Team Leader (AD) advised the Committee that a Stage One Road Safety Audit and consultation with the Highway Authority raised no safety concerns regarding delivery and servicing arrangements and that forklift use on an adopted highway was permissible under law.

The Committee were informed that a Delivery and Servicing Management Plan had been agreed with the Highway Authority, subject to planning conditions, providing enforceable measures to manage operations. In addition, a proposed Operational Management Plan would regulate waste, litter, and spare packaging, improving the current unrestricted use.

Following a noise impact assessment, a site visit to Broomin Green Farm, and discussions with Environmental Health, it was determined that forklifts should be fitted with white noise reversing alarms to mitigate noise impact. This condition had been agreed by the applicant.

The Committee heard that proposed conditions limited the use of forklifts and HGV deliveries to 8am–6pm on weekdays, with no activity on weekends or public holidays.

The visibility of stored materials from neighbouring properties, including Mozart Court, was noted but deemed insufficient grounds for refusal. The site was designated as an employment area under the Local Plan, where such use is acceptable.

The Committee were advised that the impact on the Grade II listed Broomin Green Farm was assessed in detail. It was concluded that the proposal would not adversely affect the setting of the listed building due to its obscured views and the surrounding vegetation.

The Committee heard that the site was secured with a compound, CCTV surveillance, and regular security patrols.

The Team Leader (AD) summarised proposed planning conditions:

- Restrictions on new external lighting.
- Compliance with the Delivery and Servicing Management Plan.
- Restrictions on vehicle sizes (e.g., no vehicles exceeding 12 metres in length).
- Compliance with the Operational Management Plan for waste and litter control.
- Operating hours restricted to weekdays (8am–6pm).
- Mandatory use of white noise reversing alarms for forklifts.

The Team Leader (AD) concluded that the proposed conditions, would mitigate the impacts of the site's use on residential neighbours and represent an improvement on the current unrestricted use.

The Committee was asked to weigh the suggested conditions against the evidence presented by third parties to decide whether these measures would adequately mitigate the identified impacts.

The Chair thanked the Team Leader (AD) for their report and invited Members to ask questions.

Members commented on Heavy Goods Vehicles (HGVs) and forklift activities, raising issues about noise, traffic, and proximity to residential areas. Adjustments to operational hours were proposed (9:30 am to 5:00 pm for deliveries, forklift use, and other activities). The amendment to the pre agreed Condition 7 was agreed by the Applicant.

Screening measures were discussed to visually mitigate the impact, though it was noted that noise reduction from screening would be minimal.

Responding to a question regarding the current legal status of the site, the Head of Planning and Enforcement clarified that the current operations did not have planning permission. The site's lawful use remained as research and development (Class E), pending the committee's decision on the retrospective application for storage and distribution (Class B8). The Committee were advised that approval would permanently reclassify the site to Class B8 (storage and distribution), allowing similar operators to use it in the future without additional permissions unless a further change of use was proposed.

A recorded vote* was taken on the application and it was **RESOLVED** that application 23/00313/FP be granted planning permission subject to the draft conditions set out below (the detail of which had been delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor):

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
J0008735-23-01 (Site Location Plan); J0008735-23-01 (Security Fence Location Plan);
- 2 No external lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.
- 3 The use hereby permitted shall be carried out in accordance with the Delivery and Service Management Plan dated 5 January 2024 unless otherwise agreed in writing by the local planning authority.
- 4 Only LGVs or service vehicles no larger than 12m as identified on the approved swept path track drawing ref. 8230496/6205 shall enter the surface car park for the lifetime of the development.
- 5 The recommended measures for the management of commercial waste, retained packaging and litter, including storage and collection as set out within the Operational Management Plan dated March 2024 shall be implemented and permanently maintained in accordance with the approved details.
- 6 No servicing or deliveries shall be taken at or despatched from the site outside the hours of 09.30 and 17.00 Monday to Friday, nor at any time on Saturday and Sunday, Bank or Public Holidays.

- 7 There shall be no use of forklift trucks outside the hours of 09.30 and 17.00 Monday to Friday, nor at any time on Saturday and Sunday, Bank or Public Holidays.
- 8 Within 3 months of the date of this permission, any vehicles operating on the site shall be fitted with broadband (white noise) reversing alarms.
- 9 Within 3 months of the date of this permission, details of the fencing enclosing the surface carpark shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected within 3 months of the date of the condition discharge notice.

*** Recorded Vote**

For – Councillors Rob Broom, Kamal Choudhury, Forhad Chowdhury, Nazmin Chowdhury, Peter Clark, Akin Elekolusi, Lynda Guy, Coleen Houlihan, Claire Parris, Ellie Plater and Carolina Veres.

Against – Councillors Julie Ashley-Wren and Stephen Booth.

Abstentions – 0

Absent – Councillor Anne Wells.

4 24/00490/FP - 330 - 336 RIPON ROAD

At this juncture the Chair withdrew from the meeting and invited the Vice-Chair, Cllr Nazmin Chowdhury, to chair Item 4.

The Vice-Chair invited the Senior Planning Officer to introduce the application to the Committee.

The Senior Planning Officer advised the Committee that the site currently consisted of four individual premises operating as Houses in Multiple Occupation (HMOs), located south of The Leys Primary School.

The Committee heard that the application proposed:

- Three-storey extension on the current car park site.
- Relocation of car parking to the south of the site.
- Small rear extension to accommodate a staircase.
- Additional floor added to the existing buildings, including a green roof to reduce the visual impact and maintain separation from neighbouring properties.

The Committee were shown a visual presentation which included:

- Current Site Layout: Included car parking to the side, gardens, and surrounding land.

- Proposed Layout: Highlighted the extended building footprint, new car park location, and additional floor design.
- Elevations: Images comparing the current and proposed north and south elevations were shown, highlighting the stair core and set-back design to mitigate impact on nearby properties.
- Aerial View and CGIs: A superimposed image and computer-generated illustrations of the proposed development were provided to offer a clearer perspective.
- Photographs: Current photographs of the site were displayed for context.

The Chair invited Cllr Sandra Barr to address the Committee.

Cllr Barr, a Ward Councillor for St Nicholas, spoke on behalf of local residents, in opposition to the application. The Committee heard that one resident's property was 2.7 metres from the border of the current building with their front door 5.45 metres away.

Cllr Barr advised the Committee that the proposed three-storey development would set a precedent in St Nicholas, which currently had no three-storey buildings. They added that the existing two-storey structures already block light to Ms. Barker's property. Cllr Barr suggested that the addition of a third storey would severely diminish natural light further, violating the Right to Light under prescription laws for residents of 20+ years.

In addition to the light issues, Cllr Barr informed the Committee that the current buildings' windows already overlooked the resident's kitchen-diner and that an additional storey would compromise her upstairs privacy.

Cllr Barr highlighted that the developers had previously shown a lack of care in maintaining the site and that, although a temporary clean-up was observed before the planning application, residents believed it will revert to neglect.

The Committee heard concerns regarding the relocation of the car park as Cllr Barr highlighted that the proposed new car park location would be directly under children's bedroom windows in the flats behind the development, raising concerns about vehicle fumes impacting on residents, particularly children.

Cllr Barr spoke of the transient nature of HMO occupants and a subsequent lack of contribution to the local community arising by the presence of such dwellings. They concluded by acknowledging the need for new housing but suggesting a preference for two-storey developments rather than three-storey.

The Vice-Chair thanked Cllr Barr for their contribution and invited the Senior Planning Officer to present their report.

The Senior Planning Officer provided the Committee with an overview of the proposal:

- Development Type: Three-storey side and rear extensions, additional floor across existing buildings.

- Purpose: Retain existing HMOs, regularise two as lawful HMOs, and deliver six 2-bedroom flats and three 1-bedroom flats.
- Materials: Modern design with a mix of brickwork and cladding, recessed and open balconies.

The Committee heard that Stevenage had failed to meet its housing delivery targets, triggering the presumption in favour of sustainable development under Paragraph 11(d) of the NPPF and that the scheme addressed an identified local need for smaller 1-bedroom and 2-bedroom dwellings.

The Senior Planning Officer advised the Committee that the existing properties had functioned as HMOs for over six years, with certificates of lawfulness for two units and that emerging policy HO14 did not prohibit HMOs, provided they meet other policies.

The Committee were informed that the proposal consisted of a modern design with flat roofs and materials considered acceptable and that while there were currently no three-storey buildings in the area, this was not a policy constraint. The Senior Planning Officer added that the stepped-back third floor mitigated visual dominance.

The Senior Planning Officer advised that Committee that comprehensive assessments concluded that:

- Most properties and windows met BRE standards for daylight and sunlight. Minor failures fell within acceptable limits.
- Proposed conditions include screening for balconies/terraces and obscure glazing for specific windows to safeguard privacy.

Addressing separation distances, the Senior Planning Officer informed the Committee distances to neighbouring properties marginally failed by 3 metres but remained within tolerable limits under local design guidance.

The Committee heard that the overall amount of private outdoor space was below standard but, on balance, considered acceptable, given the shared HMO and flat nature. All flats and HMOs met internal floor space requirements.

The Committee were informed that the proposal made provision for 17 parking spaces, meeting local plan requirements after accessibility zone discounts. The Senior Planning Officer advised that a condition had been imposed to increase cycle parking provision to 24 spaces.

The Senior Planning Officer advised the Committee that the Highways Authority raised no objections, subject to a Construction Management Plan restricting vehicle access during school hours.

Regarding Biodiversity Net Gain, the Committee heard that the development could not achieve a 10% biodiversity net gain on-site. Subsequently, a Section 106 agreement would secure off-site biodiversity improvements. The Senior Planning Officer added that the proposal complied with existing and emerging policies on energy efficiency and climate change, subject to conditions.

The Senior Planning Officer concluded that proposal aligned with policies, and any conflicts (e.g., daylight/sunlight, separation distances) were within acceptable limits. The proposal addressed significant housing needs and enhanced visual amenities. The Senior Planning Officer recommended the application be approved subject to conditions and a Section 106 agreement for biodiversity net gain.

The Vice-Chair thanked the Senior Planning Officer for their report and invited the Committee to ask questions.

In response to a question regarding restriction on light, Officers advised that there was not a specific policy and that the Council assessed daylight and sunlight reports provided by professionals, which concluded minimal harm in this case within acceptable limits.

Members commented on the public benefits of the proposal, especially given its private ownership, lack of affordable housing provision, and concerns over setting a precedent for three-storey buildings in the area. In response, Officers clarified that the applicant was a private owner of HMOs and that as the project involved nine units, it was a minor planning application and was not legally required to include affordable housing. All housing, including private market housing, was considered a public benefit under planning frameworks. The Committee was reminded that precedents were not set in planning as each application was assessed on its own merits.

Members expressed concerns about high rental costs and whether private developments aligned with the Council's obligations to provide housing. Officers highlighted that the Council was under national pressure to meet housing delivery targets (currently delivering only 53% of the required amount). The lack of affordable housing was acknowledged, but the national planning framework prioritised housing delivery, including private developments, to address shortages.

The size of the proposed rooms was criticised as barely meeting minimum standards. Officers acknowledged the concern but reiterated that the designs complied with current guidelines.

Members commented on the lack of proactive measures to allocate land for biodiversity net gain and suggested a need to integrate such policies during local plan reviews. Officers noted this is a challenge due to limited available land in Stevenage and competing development priorities but agreed to explore options further.

Concerns regarding waste management in the area were raised, particularly for HMOs. Officers clarified that existing waste issues related to a strip of land used as storage by the applicant, not domestic waste, and would be resolved as part of redevelopment.

A councillor suggested including solar panels in the development for sustainability. Officers noted this could not be mandated due to the absence of policy requirements and the small scale of the project.

The issue of children potentially occupying bedrooms above car parks was raised, with concerns about exposure to vehicle fumes. Officers explained that planning decisions could not account for the potential occupancy of specific rooms and that car parking beneath residential windows was common practice.

A recorded vote* was taken on the application and it was **RESOLVED** that application 24/00490/FP be That planning permission be GRANTED subject to the applicant having first entered into a Section 106 Legal Agreement to secure the following:

- Securing the provision of a 10% net gain in Biodiversity off-site; and
- SBC s.106 Monitoring Fee – 2.5% of total financial obligations.

The detail of which be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, along with delegated powers to the Assistant Director in liaison with the Council's appointed solicitor to enforce the obligations set out in the S106 Legal Agreement on behalf of Stevenage Borough Council and / or appoint another Planning Authority to enforce planning obligations on behalf of Stevenage Borough Council as and where legally required to do so. In addition, 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 below, 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. These suggested conditions were as follows:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
6958(P)102-A; 6920(P)200-A; 6920(P)201-A; 6920(P)202-A; 6958(P)001 Site Location Plan; 2024/External Lighting Plan; 6958(P)104; 6958(P)002; 6958(P)100; 6958(P)101; 6958(P)103; 6958(P)104-01; 6958(P)105; 6958(P)106; 6958(P)107A; 6958(P)108; 6920(P)203; 6958(P)500; 6958(P)104-02-A;
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 4 Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.

- 5 External lighting shall be installed as shown on approved plan 2024/ and shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.
- 6 The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in the Ecological Impact Assessment by Morgan & Stuckey, Ref. No. 3227, dated 28.06.2024, unless otherwise agreed in writing by the Local Planning Authority.
- 7 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.
- 8 All planting, seeding and turfing 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.
- 9 Any trees or plants comprised within the approved plans 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.
- 10 The development hereby approved shall be carried out in accordance with the Construction Management Plan dated June 2024 with the amendment that construction vehicles shall be restricted on weekdays during term time to only visit the site between the hours of 09:30am and 15:00pm.
- 11 The development hereby permitted shall be carried out in accordance with the scheme of soft and hard landscaping as shown on approved plan (P)104-02-A, unless otherwise agreed in writing by the Local Planning Authority. The approved landscaping scheme shall be completed in accordance with the approved details prior to first occupation of any of the units within the development.
- 12 The development hereby permitted shall be carried out in accordance with the details of measures to address adaptation to climate change and energy efficiency detailed in Section 4.6 of the Design and Access Statement, in line with Policy FP1 of the Stevenage Local Plan (2019). These measures shall be implemented and permanently maintained in accordance with the approved details prior to first occupation of any of the units within the development.

- 13 No development shall take place (including demolition and site clearance) until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access no wider than the existing and associated highway works concerning the connectivity of the access road footways. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed prior to the first occupation of the development.
- 14 No development shall take place (including site clearance) until details of tree protection measures have been submitted in writing and approved by the Local Planning Authority for the existing trees shown as retained on the approved plans. The tree protection measures shall be implemented prior to development commencing and remain in place until the development has been completed. Within the tree protection areas to be fenced off in accordance with the AIA there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.
- 15 No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces of the development 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.
- 16 Prior to the first occupation of the first unit hereby permitted, the bird boxes and bat bricks or boxes as specified in the Ecological Impact Assessment by Morgan & Stuckey dated 28.06.2024 shall be erected accordingly and thereafter permanently retained and maintained.
- 17 Prior to the first occupation of the first unit hereby approved the parking, turning, and servicing areas shown on drawing number 6958-(P)104-01 shall be provided, marked out and hard surfaced ready for use and shall be retained in that form and kept available for those purposes thereafter. The hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.
- 18 Prior to the first occupation of the first unit hereby permitted, the parking spaces shown on approved plan 6958-(P)104-01 shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.
- 19 Prior to the first occupation of the first unit hereby permitted, details of the required 24 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The secure cycle parking facilities shall thereafter be implemented in accordance with the approved details and maintained for the lifetime of the development.

- 20 Prior to the first occupation of the first unit hereby permitted, the general waste and recycling stores and plant areas associated with the development shall be implemented in accordance with the details shown on approved plan 2023/P0221-001-G and retained and maintained accordingly for the lifetime of the development.
- 21 Prior to the first occupation of the first unit hereby permitted, the eastern facing window of bedroom 1 to apartment 9 shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above floor level and shall be retained in that form for the lifetime of the development.
- 22 Prior to the first occupation of the first unit hereby permitted, all eastern side elevations of all terraces and balconies shall be fitted with obscurely glazed panels to a height of 1.8m. The obscure glazing shall be retained throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
- 23 Notwithstanding the details shown on the approved plans, no access shall be provided to any additional areas of flat roof by way of windows, doors or staircases and nor shall they be used as a balcony or sitting out area.

INFORMATIVE

1 Public Information on Planning Applications

Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

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, Campus East, Welwyn Garden City, Hertfordshire, AL8 6AE.

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 **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>

5 **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

a) a Biodiversity Gain Plan has been submitted to the planning authority; and

b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

6 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.

7 Hertfordshire County Council as Highways Authority

Obstruction of public highway land: 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 website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

8 Hertfordshire County Council as Highways Authority

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

9 Hertfordshire County Council as Highways Authority

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.

10 Hertfordshire County Council as Highways Authority

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.

*** Recorded Vote**

For – Councillors Stephen Booth, Rob Broom, Kamal Choudhury, Forhad Chowdhury, Nazmin Chowdhury, Peter Clark, Akin Elekolusi, Lynda Guy, Coleen Houlihan, Ellie Plater and Carolina Veres.

Against – Councillor Julie Ashley-Wren.

Abstentions – 0

Absent – Councillors Claire Parris and Anne Wells.

5 INFORMATION REPORT - DELEGATED DECISIONS

At this juncture, the Vice-Chair handed back to the Chair to chair the remainder of the meeting.

It was **RESOLVED** that the Information Report – Delegated Decision be noted.

6 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

The Head of Planning and Enforcement provided the Committee with a brief verbal update to accompany the information report:

- **ICON Site**
A recent site visit was conducted by the inspector. A decision was expected imminently, with full details to be shared with the Committee once the decision was received.
- **40A Vinters Avenue**
An appeal related to enforcement and a Lawful Development Certificate was likely to go to a public inquiry in February. Legal advice was being sought, and further updates would be provided closer to the date.
- **Boxfield Green**
There had been no further communication from the Planning Inspectorate. The case was still waiting for an inspector to be assigned.
- **10 Aintree Way**
A site visit with the inspector was scheduled for Friday, 13 December 2024. A decision was expected a few weeks after the visit.

It was **RESOLVED** that the Information Report – Appeals/Called in Applications be noted.

7 **URGENT PART I BUSINESS**

There was no Urgent Part I Business.

At this juncture, the Chair paid tribute to Cllr Graham Snell, a long-standing and integral member of the committee, who passed away. The Chair added that his contributions were highly valued, his loss was deeply felt by the committee, his Liberal Democrat colleagues, and the Council as a whole. The Committee sent their condolences to his family.

The Chair advised the Committee that Zayd Al-Jawad, Assistant Director (Planning and Regulation) was leaving the Council was attending his final Planning and Development Committee meeting. The Chair expressed gratitude for the Assistant Director (Planning and Regulation)'s advice and guidance, particularly during their time together on the committee.

The Assistant Director (Planning and Regulation), responded, saying it had been a privilege to work with the committee.

8 **EXCLUSION OF THE PRESS AND PUBLIC**

It was **RESOLVED**:

1. That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

9 **PART II MINUTES - 29 OCTOBER 2024**

It was **RESOLVED** that the Part II Minutes – 29 October 2024 be reviewed at the next meeting.

10 **HMO ENFORCEMENT INVESTIGATION Q2 AND Q3 UPDATE**

The committee discussed a report on Houses in Multiple Occupation (HMOs), which was for noting.

It was **RESOLVED** that the HMO Enforcement Investigation Q2 & Q3 Update be noted.

11 **URGENT PART II BUSINESS**

There was no Urgent Part II Business.

CHAIR

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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