

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Thursday, 7 December 2023

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: Councillors: Michael Downing (Chair) (Chair), Claire Parris (Vice-Chair) (Vice Chair), Julie Ashley-Wren, Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Chris Howells, Graham Lawrence CC, Maureen McKay, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells

Start / End Time: Start Time: 6.30pm
End Time: 8.30pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were submitted on behalf of Councillor Adam Mitchell CC.

There were no declarations of interest.

2 MINUTES - 26 AND 31 OCTOBER 2023

It was **RESOLVED** that the minutes of the Planning and Development Committees held on 26 October 2023 and 31 October 2023 be approved as correct records and signed by the Chair.

3 REVISED CONTAMINATED LAND INSPECTION STRATEGY

The Council's Senior Environmental Health and Licensing Manager presented a report to the Committee relating to the Council's revised Contaminated Land Inspection Strategy.

The Committee was advised that Section 78(B) of Part 2A of the Environmental protection Act 1990 placed a duty on local authorities to inspect their areas to identify contaminated land and conferred regulatory powers to deliver against that duty. Published Statutory Guidance produced by the Department for Environment, Food and Rural Affairs set out how local authorities should meet this duty including a written strategy setting out the Council's strategic approach which had been formally adopted and published.

The committee was advised that the purpose of the Strategy had four main tasks:

- To establish the Council's aims, objectives and priorities with respect to contaminated land taking into account the characteristics of the area;
- To set out the Council's approach to strategic inspection, the prioritisation of detailed inspection and remediation activity;

- To describe how the statutory regime fits with the Council's broader approach for dealing with land contamination using other legislation and voluntary remediation or as part of wider regeneration work; and
- To elaborate on how the Council's approach would seek to minimise unnecessary burdens on the taxpayer, businesses and individuals where it is reasonably practical to do so.

Officers advised that the change in approach focussed on how the Contaminated Land regime fits with Planning and Development Control in particular. The new strategy appended to the officer's report had been updated to reflect the new guidance as well as the Planning Policy Framework and following the announcement of the ending of the National Contaminated Land Grants Programme by DEFRA a replacement scheme had not been announced requiring that the scheme be altered.

It was noted that previously some planning application sites had contaminated land and could be identified as having potential for concern. This would be addressed through the planning process required by the National Planning Policy Framework and a much greater number of sites to be addressed than under the previous regime.

It was **RESOLVED** that the publication of the Contaminated Land Inspection Strategy be approved for external consultation until 4 February 2024.

4 **NEW PROCEDURES FOR DEALING WITH TELECOMMUNICATIONS PRIOR APPROVALS**

The Committee received a verbal update from the Development Manager on the new procedures for dealing with Telecommunications Prior Approvals which had been agreed with the Chair and Vice-Chair of the Committee along with the Portfolio Holder for Environment and Performance.

The Committee was advised that although having been issued by Officers in a timely manner, a recent decision had not reached the Applicant in the required legislative timescale. This meant that the application had been allowed as under the legislation applications were automatically approved if the 56 day target was not met. The new procedure would reduce the timescale for determination of telecommunication applications to 45 days from 56 days. This would allow greater time for the decision notice to be received by the applicant which would be sent by post and also emailed to the applicant.

The Development Manager also advised that the weekly list of applications would now refer to a reduced call-in time for Members of 2 weeks for prior approval applications.

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

5 **DRAFT PROCEDURE FOR HOUSES IN MULTIPLE OCCUPATION (HMO) ENFORCEMENT**

The Development Manager gave the Committee a verbal update on a new draft

procedure for Houses in Multiple Occupation (HMO) enforcement.

The Committee was advised that the new draft procedure had been drawn up by both Planning and Environmental Health Officers as a result of concerns from both Members and Officers regarding HMO properties. All 310 properties would be reviewed and inspected in relation to the Article 4 Direction.

A 2 year programme would be undertaken to look at all records and information on these properties. Properties would then be written to where there could be a potential planning breach or to ascertain information from the land owner as to whether they were lawful. Any unlawful properties would be brought to the Committee for potential enforcement action.

A quarterly update report would also be produced to ensure Members were kept up to date with the ongoing work in this area.

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

6 **23/00482/FP - CINNABAR, OLD STEVENAGE**

The Committee considered an application for the change of use of parking bays to facilitate construction of an outdoor seating area associated with 56-58 High Street, Stevenage.

The Senior Development Officer reminded the Committee that the current application had been deferred by the Committee in October 2023 when Members sought clarity on the implications of the newly adopted Levelling Up and Regeneration Act 2023 in terms of the issuances of licences for outdoor seating on pavements. She advised that the key change from the new Act was that the time-limited pavement licence provisions were made permanent.

The Chair then invited Mrs Gray and Mr Hills, both objectors to the application, to address the Committee.

Mrs Gray advised that with the reduction of the parking spaces proposed, access to the shops would be made more difficult for disabled people who would not be able to park outside of the shops. There had been no consultation with the local businesses which would be impacted by the use and lack of parking. The High Street should remain a thriving area for all businesses and not just for a few.

Mr Hills recognised the need for cultural premises in the High Street but was concerned about other local businesses. In relation to the car park in Primett Road, in his opinion, this was not an alternative for elderly, disabled or wheelchair users as it was too far away. The weather was also not conducive for the use of outdoor tables for eating and drinking.

The Chair then invited Mr Russell Linnard, on behalf of the applicant to address the Committee. Mr Linnard advised that no objections had been raised by Herts County Council as Highways Authority, SBC Engineers Department or BEAMS and this application was a great opportunity to enhance the overall experience for residents

and wider users of the High Street.

The Chair thanked all speakers for their contributions to the meeting.

The Senior Planning Officer then advised Members that the issue of the change of use of the land would be covered by a pavement licence, therefore, this application was only concerned with the proposed engineering works which comprised the removal of 4no. on-street parking bays, construction of a widened public footpath and associated kerbs and ancillary works.

Members asked a number of questions and the following responses were given:

- Stevenage Borough Council would issue the pavement licence which was a separate function of the Council and not a planning matter;
- Officers could raise with the County Council the issue of the lack of disabled parking spaces in the area;
- The parking at the front of the premises was not a designated parking space although it was accepted that informal parking took place currently;
- Public safety was not a planning consideration;
- The new legislation encouraged businesses to have outdoor seating arrangements;
- In response to a request from members regarding a potential compromise regarding the parking at the front of the premises, Officers agreed they would speak to the applicant regarding the parking concerns.

It was **RESOLVED** that application 23/00482/FP – Cinnabar, Old Stevenage, be deferred to allow for further discussions and negotiations with the Applicant and Herts County Council as Highway Authority regarding the area to the front of the premises currently proposed for outdoor seating, remaining as allocated parking spaces with a further report back to Committee in February 2024.

7 **23/00734/FP - 1-4 AND 5-8 MOUNT PLEASANT FLATS, WESTON ROAD, STEVENAGE**

The Committee considered an application for the installation of external wall insulation in render finish and brick-effect render finish; re-roof with Solar PV array system; replacement of windows on stairwell façade, new windows and doors and an upgrade of ventilation and top up of loft insulation.

The application was before the Committee as the applicant was Stevenage Borough Council.

The Senior Planning Officer advised that the retrofit of the properties was being undertaken by the Council to improve the energy efficiency of the buildings and also contribute to the achievement of the Council's carbon emission targets. It would also improve the lives of the occupiers by reducing their energy bills and improve affordable warmth, thereby tackling fuel poverty.

The Committee was advised that the only issue in the assessment of the application was the impact of the character and appearance of the area. There were no

changes to the number of units within the building and no enlargement of the buildings or number and locations of fenestrations so there would be no change to the car parking provision nor any changes to existing impacts on neighbouring properties.

It was **RESOLVED** that application 23/00655/FPM 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; 7059-CTS-20-000-D-A-4103; 7059-CTS-20-000-D-A-4101; 7059-CTS-20-000-D-A-4104; 7059-CTS-20-000-D-A-4102; 7059-CTS-20-000-D-A-4404; 7059-CTS-20-000-D-A-4403-P02; 7059-CTS-20-000-D-A-4405-P02; 7059-CTS-20-000-D-A-4406-P02; 7059-CTS-20-000-D-A-4410; 7059-CTS-20-000-D-A-4411-P02; 7059-CTS-20-000-D-A-4412-P02; 7059-CTS-20-000-D-A-4403; 7059-CTS-20-000-D-A-4404-P02; 7059-CTS-20-000-D-A-4405; 7059-CTS-20-000-D-A-4406; 7059-CTS-20-000-D-A-4410-P02; 7059-CTS-20-000-D-A-4411; 7059-CTS-20-000-D-A-4412;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.

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, 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 **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 **23/00107/OPM - 18 NORTH ROAD, STEVENAGE**

The Committee considered an application for outline planning permission for the demolition of existing dwellinghouse and erection of an up to 76 bedroom care home (Use Class C2); detailed design of access with appearance, landscaping, layout and scale as reserved matters.

The application was before the Planning and Development Committee as it was a major development.

The Principal Planning Officer advised that the main issues in the assessment of the application were:

- The principle of the development;
- Standard of accommodation;
- Character and appearance of the area;
- Impact on neighbouring amenities;
- Parking;
- Highway Safety;
- Ecology, arboriculture and biodiversity;
- Flood risk and drainage;
- Climate change and sustainability;
- Land contamination;
- Developer obligations and CIL;
- Other material considerations.

The Committee was advised that the application proposed the erection of a four storey, 76 bed care home on the site which was currently in use as a (vacant) single family dwelling. 19 trees were proposed to be felled with a 3:1 replacement planting scheme with a biodiversity net gain of 12.51% (on-site).

The Chair invited Mr Khan and Ms Clarke both objectors to the application to address the meeting.

Mr Khan advised that his property shared a 25m boundary with No 18 North Road. He advised that along with the proposed development causing a loss of daylight and sunlight to his property there were a number of other flaws with the application. The large patio sized windows and south facing balcony would increase noise levels and overlooking and privacy issues. The BRE recommendations with regard to loss of light had not been adhered to. Mr Khan advised that it was disappointing that the developer had not been concerned with the loss of light to the neighbouring properties.

Ms Clarke, Case Manager Community Without Walls, then addressed the Committee on behalf of her client who lived in an adapted property adjacent to 18 North Road and had severe and complex disabilities, requiring 24 hour care. The development would have a severe impact on her client's health with the noise of the

development, the noise of cars and visitors to the proposed care home and the reduction of light and overlooking to the adapted property. She hoped that the Committee would take into consideration the impact the proposed development would have on her client if it were to be approved.

The Chair thanked both speakers for their contributions to the meeting.

The Principal Planning Officer then clarified to the Committee that in relation to loss of light, the 50% reduction in daylight referred to in Mr Khan's address was actually a 50% reduction in vertical sky component. Officers were of the view that there would be significant harm caused to neighbouring premises with the loss of daylight and the impact of noise, in particular for the disabled resident in 4 Daltry Road. In addition, Officers advised that as set out in detail in the officer report and addendum, there were unacceptable drainage proposals for the proposed development.

In response to a question, Officers advised that the Developer had engaged with the Council at the early stages of the application, however, when the situation became clear in respect of the impact on neighbouring properties the Developer advised that they would not be making any further changes to the application and had not had any further engagement with the Council.

Members expressed the view that any reasons for refusal should be as robust as possible, in view of the likelihood of the Council's decision being appealed. Members asked Officers if the grounds for refusal could be strengthened, particularly in relation to overdevelopment.

In relation to the environment, a Member expressed concern regarding the application not being supported by an energy strategy and that no detailed measures had been put forward in terms of adaptation to climate change. Also concerns had been raised by the Herts and Middlesex Wildlife Trust (HMWT) regarding bio-diversity net gain. Officers advised that initially, the issue of biodiversity had been overcome but although comments had not yet been received from HMWT, Officers had reviewed the application and had formed the view that the application met the statutory tests in this area.

Officers advised that in relation to Energy, although no strategy had been put forward at this stage, this could have been picked up at reserved matters stage.

It was **RESOLVED** that application 23/00107/OPM – 18 North Road, Stevenage, Herts be **REFUSED** for the following reasons:

1. The proposed development, by reason of its scale and siting, would unduly deprive the occupants of 4 Daltry Road of natural light, resulting in dark, gloomy, and ultimately intolerable living conditions. The proposal is therefore contrary to Policy GD1 of the Stevenage Borough Local Plan 2019, the Council's Design Guide SPD (2023) and the aims and objectives of chapter 12 of the NPPF 2023.
2. The proposed development, by reason of its scale and siting, would cause excessive noise throughout the construction and operational phases, resulting

in intolerable living conditions for the occupants of 4 Daltry Road. The proposal is therefore contrary to Policies GD1 and FP7 of the Stevenage Borough Local Plan 2019 and the aims and objectives of chapter 12 of the NPPF 2023.

3. The applicant has failed to demonstrate that the proposed development would adequately deal with surface water runoff, which could result in increased flood risk to the site itself and elsewhere. The proposal is therefore contrary to Policies FP11 and SP2 of the Stevenage Borough Local Plan 2019 and the aims and objectives of chapter 14 of the NPPF 2023.
4. The proposed development, by reason of the layout of the balcony and fenestration, and proximity to the shared boundary, would unduly deprive the occupants of 20 Daltry Road of privacy, resulting in unacceptable living conditions. The proposal is therefore contrary to Policy GD1 of the Stevenage Borough Local Plan 2019 and the aims and objectives of Chapter 12 of the NPPF 2023.

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