

STEVENAGE BOROUGH COUNCIL

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Thursday, 8 February 2024

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: Councillors: Michael Downing (Chair), Claire Parris (Vice-Chair) (Vice Chair), Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Chris Howells, Graham Lawrence CC, Maureen McKay, Ellie Plater, Graham Snell, Carolina Veres, Stephen Booth and Conor McGrath

Start / End Start Time: 6.30pm
Time: End Time: 7.40pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were submitted on behalf of Councillors Julie Ashley-Wren, Adam Mitchell and Anne Wells.

Councillors Stephen Booth and Conor McGrath were in attendance as substitutes for Councillors Ashley-Wren and Wells.

There were no declarations of interest.

2 MINUTES - 9 JANUARY 2024

It was **RESOLVED** that the Minutes of the Planning and Development Committee held on 9 January 2024 be approved as a correct record and signed by the Chair.

3 23/00482/FP - CINNABAR OLD STEVENAGE, 56-58 HIGH STREET

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 application was before the Committee for determination as the application had been called in by Councillor Loraine Rossati due to the potential impact on neighbouring properties, car parking and highway safety.

The Senior Planning Officer gave an introduction to the Committee. She reminded Members that the application had been deferred previously to seek amended plans to remove the proposed highways works to the front of the building.

The Chair then invited Mr Edward Veale, Chair of the Stevenage Old Town Business and Community Partnership to address the Committee. Mr Veale advised that he was concerned by the proposal, and expressed worries about both the loss of

parking, and the precedent that could be set for changing the space from public to commercial use.

The Chair then invited Russell Linnard, on behalf of the applicant to address the Committee. Mr Linnard advised that amended plans had now been submitted which had removed the previously sought works to the front of the property. The existing dropped kerb to the west of the proposed works would also be reinstated resulting in a net loss of 3no. parking spaces. Mr Linnard also advised that no objections had been raised by Herts County Council as Highways Authority, SBC Engineers Department or BEAMS.

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

The Senior Planning Officer confirmed that the applicant had provided an amended plan which no longer included the works to the front of the premises and also made clear with annotations that the existing dropped kerb to the west of the proposed works on the southern side of the property would be removed and made good. As a result of the removal of the dropped kerb, a parking space would be generated on the highway confirming the net loss of only 3no. spaces.

In response to a number of questions/comments from Members, the Senior Planning Officer advised:

- The change of use of the land would be covered by a pavement licence, the issuing of which is a separate function of the Council and not a Planning matter;
- This application was only concerned with the proposed engineering works, comprising the removal of parking bays, a widened public footpath and associated kerbs and ancillary works;
- Additional disabled spaces would be considered as part of the County Council's forthcoming Plan for the Old Town;
- The Reason for Condition 4 would be amended to refer to the application site being within a Conservation Area.

It was **RESOLVED** that application 23/00482/FP be **GRANTED** planning permission subject to the conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
RL3883-02; 457-09-Rev B
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 Prior to the first use of the seating area hereby approved, the removable bollards and removable banners shall be installed, the existing crossover to the west of the site shall be closed and double yellow lines shall be implemented as shown on approved plan 457-09-Rev C. No other furniture other than that shown on the attached plan shall be installed or erected unless an application for planning permission is first sought from the Local

Planning Authority.

- 4 The materials to be used in the construction of the built out seating area and the built out area to the eastern frontage of the application site shall be as per approved plan 457-09-Rev C to the satisfaction of the Local Planning Authority.
- 5 Unless otherwise agreed in writing by the Local Planning Authority, the outdoor seating area hereby approved shall not be in operation before 08:00 hours or after 23:00 hours on any day. Outside of these times, all tables and chairs shall be removed to leave a clear and unobstructed area to the front and side of the building.

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 . - 10 -

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>

5 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

23/00920/FPM - LAND TO THE WEST OF LYTTON WAY, STEVENAGE

The Committee considered an application for:

23/00920/FPM

Variation of Condition 1 (Approved Plans) to planning permission reference number 23/00655/FPM to remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Alterations to centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking spaces, amendment to affordable housing mix in block 7.

24/00009/S106

Variation of section 106 agreement to increase the number of affordable homes and Primary Education contribution approved under planning permission reference 19/00474/FPM.

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

The Principal Planning Officer advised that the prime driver behind the application was to remove the 49 enclosed/undercroft car parking spaces for fire safety reasons. The installation of the additional fire suppression systems required by Building Regulations had significant costs associated with subsequent viability challenges for the applicant.

Members were also advised that engagement with affordable housing providers had identified that the approved mix contained too many 1-bed affordable apartments for current requirements. The scheme was designed in 2018 when the demand for 1-bed affordable accommodation was higher than now. Consequently, to meet the current needs of affordable providers a change to the affordable mix within Block 7 was proposed to deliver more 2-bed apartments. Out of the 16 additional flats to be provided, 4 were to be affordable equating to 25% of additional units which is in accordance with the Council's affordable housing policy.

The Principal Planning Officer summarised the changes proposed to blocks 1 – 7. She advised that the removal of the car parking spaces would leave the remaining provision at 27% of the maximum standard within the SPD which although was at the lower end, was still within the required 25% - 50% range.

The following concerns were expressed by members of the Committee in response to the application:

- The ratio of parking spaces available for residents would be diminished which would result in an unacceptable increase in on-street parking in surrounding roads including, but not limited to, Kilby Road, Watson Road and Fairview Road;
- Scepticism around the fire safety reasons for removing the undercroft parking and that the application was purely to increase the number of flats and developer profits;

- Repeat subsequent applications to make amendments to previously allowed large scale developments were a concern;
- It was noted that the applicant would again have to appeal any refusal of this application or the application would default to the original approval which had been granted by the planning Inspectorate following an earlier Appeal.

Following further discussion, it was **RESOLVED** that Application 23/00920/FPM be **REFUSED** for the following reason:

The removal of the undercroft parking together with the increase in the number of flats would leave insufficient off-street parking for the proposed development, which would likely result in increased on-street parking on roads to the north and west of the site. This will likely result in a situation which would be prejudicial to the safety and operation of these roads. The development proposal is therefore contrary to the National Planning Policy Framework (2023) Paragraph 108 (e) and National Planning Practice Guidance 006 Reference ID; 42-006-20140306, Policies SP6 and IT5 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019) and the Council's Parking Provision and Sustainable Transport SPD (2020).

As the Committee voted to refuse the application for the residential development on the land to the West of Lytton Way, the application to vary the S.106 agreement was also **REFUSED**.

5 **23/00919/CC - FORMER PIN GREEN PLAYING FIELDS**

The Committee considered an application by Hertfordshire County Council for an adult day service facility (Class E) including the creation of new vehicular access off Hayward Close, circulation area, car parking, landscaping and associated development.

The application was before the Committee as it was a consultation from Hertfordshire County Council for a Minor Development in Stevenage.

The Principal Planning Officer gave an introduction to the Committee. She advised that the determining issues in the application related to the principle of development and land use policy considerations, design and layout of the development, impact on residential amenities and the environment.

The Committee was advised that the proposed day centre would provide a high quality facility for vulnerable adults within Stevenage and wider County. Whilst not in accordance with the designation of the site for housing, it would not compromise the remainder of the site from being developed to residential use at a later date.

It was noted that the proposed building would be of a high-quality, sustainable design bringing significant landscape and biodiversity benefits to the site. The proposed development would also not cause issues of flooding or generate environmental issues such as noise and air pollutants.

In response to a question, Officers confirmed that the Planning Authority would

request in their consultation response to HCC that the removed trees should be replaced on a 3 for 1 basis.

It was **RESOLVED** that the Council raises **No Objection** to the proposed development, subject to the County Council ensuring the proposed development does not prejudice highway safety and has an acceptable drainage strategy. Furthermore, the Council recommends that appropriately worded conditions are imposed to any permission issued as specified in the report.

6 **22/01052/ENF - 20 MARKET PLACE, STEVENAGE**

The Committee considered the unauthorised construction of a single storey extension.

The Development Manager advised that the site was located within the pedestrianised Town Square Conservation Area and comprised a ground floor retail unit with flats above. The unauthorised construction, a timber framed and finished in fibreboard timber with a Perspex roof was to the rear of the building.

The Chair then invited Mr Godwin, occupier of 20 Market Place to address the Committee.

Mr Godwin advised that he was keen to rectify the situation and work and co-operate with the Council. He had been unaware of the requirements for approval as neighbouring properties had existing extensions.

The Chair thanked Mr Goodwin for his contribution to the meeting.

The Development Manager advised the Committee that the existing extension, being an incongruous form of development being constructed in unsympathetic materials, significantly detracted from the historic character of the Town Square Conservation Area. The extension was deemed to have an impact which was at the upper end of the scale of 'Less than Substantial Harm' and that the extension's overall benefits did not outweigh the harm caused.

In response to a question from a Member of the Committee, the Development Manager advised that the remedy required was that within six months of the date of any Enforcement Notice served, the entirety of the structure as built in the service yard with the land made good should be returned to its previous state before the extension was constructed.

The Committee were keen to ensure Officers engaged with Mr Godwin to find an acceptable way forward for both the applicant and the Council.

It was **RESOLVED** that in relation to Application 22/01052/ENF:

1. An Enforcement Notice be issued and served by the Assistant Director (Planning and Regulation) and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring the removal of the existing extension located within the rear service to the property known as 20 Market Place. The precise terms of the

Enforcement Notice, including all time periods, to be delegated to the Assistant Director (Planning and Regulation).

2. That subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director (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 (Planning and Regulation) be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

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