

## STEVENAGE BOROUGH COUNCIL

### PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 11 August 2020

Time: 6.30pm

Place: Virtual (via Zoom)

**Present:** Councillors: Simon Speller (Chair), Maureen McKay (Vice-Chair), Doug Bainbridge, Sandra Barr, Laurie Chester, Michael Downing, Michelle Gardner, Jody Hanafin, Lizzy Kelly, John Lloyd, Graham Snell and Tom Wren

**Start / End Time:** Start Time: 6.30pm  
End Time: 8.00pm

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

Apologies for absence were received from Councillor Graham Lawrence. Councillor John Lloyd was present for Items 1, 2 and 3 only.

There were no declarations of interest.

The Chair informed the Committee that he was shocked and saddened on hearing news about the sudden death of Dave Rusling (Development Control Manager) on 9 August 2020. Strategic Director (TP) described the late Dave Rusling as a committed, professional and deeply trusted team member, friend and mentor to officers and Members. Dave was highly regarded for his expertise on planning matters. The Strategic Director reported that development control and wider planning teams were shell shocked by the tragic news. The Council would assess the needs of the team and provide appropriate support to team members. TP thanked Members for messages of support. The Strategic Director advised the Committee to bear with the team while the Council assessed resources requirements and work plans for the Planning team. Assistant Director (Planning and Regulation) informed the Committee that the passing of Dave Rusling was a massive shock.

In her tribute, Councillor Michelle Gardner described Dave Rusling as an amazing human being and a great teacher. She remembered Dave's patience and understanding when dealing with new Members of the Planning and Development Committee. Dave Rusling was a pivotal member of the Planning Team. Councillor Maureen McKay echoed comments that Dave Rusling was thorough, patient and professional. She noted that Dave displayed a common touch towards Members and officers.

Councillor Michael Downing informed the Committee that when he came back to Council after a four year break, Dave Rusling was one of the few points of constancy in the Council. Councillor Downing remembered Dave for his support and invaluable

expertise. Councillor Graham Snell said Dave Rusling was the “go to” person on planning matters and he always provided clear explanations to Member queries.

Councillor Simon Speller described Dave Rusling as an exemplary officer. The Committee expressed condolences to the family of Dave Rusling and the Planning and Regulation team.

2 **MINUTES - 13 JULY 2020**

It was **RESOLVED** that the Minutes of the meeting of the Planning and Development Committee held on 13 July 2020 be approved as a correct record and signed by the Chair.

3 **20/00290/FP - FORMER DUPONT WEDGWOOD WAY STEVENAGE HERTS**

The Committee considered an application for a change of use from commercial (use classes A1/A2/A3/D1) to 6 no: one-bed units and 3 no: two-bed units with associated facade alterations, cycle parking, 12 car parking spaces and 3 visitor spaces.

The application was before the Committee for determination as it was called in at the request of Councillor Barr.

The Chair invited Mr Sam Woodrow, an objector, to address the Committee. Mr Woodrow highlighted parking problems in the area. He informed Members that he believed the parking provision was below guidelines set in the Council’s Parking SPD. Due to inadequate parking at the site, some drivers were resorting to parking on narrow streets. It was reported that this practice posed challenges to service vehicles and public transport.

Mr Woodrow suggested that the units be converted to additional parking spaces. The objector was of the opinion that the application should be considered in conjunction with previous applications for the site.

The Chair thanked Mr Woodrow and invited Mr Alan Ward, the applicant, to address the Committee. Mr Ward pointed out that the units had been comprehensively marketed. In view of competition from established retailers near the development site, it was fortunate that Budgens had moved into one of the available retail units. The applicant advised Members that the proposal would provide homes and improve the appearance of the area. Mr Ward indicated that residents were aware of the parking provision at the development when they decided to move into the area. It was stated that parking provision for the application exceeded Council guidelines by one space. The applicant reminded the Committee that had the commercial units been successfully marketed, there would have been additional demands for parking spaces for retail employees and customers.

Assistant Director (Planning and Regulation) gave an introduction to the Committee. The main issues for consideration in the determination of the application were its acceptability in land use policy terms, design and visual impact on the surrounding area, impact upon neighbouring amenities, amenities of future occupiers, parking provision and highway implications.

This application was originally submitted with no details of off street car parking. Following a second public consultation, a revised car parking plan was submitted allocating an additional 3 spaces for visitor parking. The Assistant Director informed the Committee that the principle of the proposed change of use had been established to be acceptable as the applicant has demonstrated sufficient evidence to confirm that parts (b) and (e) of Adopted Local Plan Policy HC2 had been satisfied. The Highways Authority had raised no objections to the application.

The Council's Environmental Health section had no objections subject to the imposition of a condition relating to hours of construction. This was addressed by Condition 3 in the report. The Assistant Director advised the Committee that Community Infrastructure Levy was not applicable because the application was part of an existing building. It was reported that the site was conveniently located to access local facilities.

The Assistant Director informed the Committee that as a windfall site, the proposed residential flats were considered acceptable in principle and met the requirements of Policy HO5. It was acknowledged that only one of the six 1 bedroom flats would comply with the recommended standards for bedroom sizes. However, the flats that were slightly below the standards were not significantly under the recommended floor space such that they would create a substandard living environment.

In conclusion, the Assistant Director informed the Committee that the principle of the proposed change of use had been established to be acceptable.

In response to a question, the Assistant Director advised that there was no requirement for social housing provision for this type of application. The Assistant Director also indicated that there was no requirement to provide disabled parking spaces for an application of less than 10 units. It was suggested that the application be put on hold while efforts taken to market the units continued. The Assistant Director informed the Committee that evidence from the applicant and a report by Savills showed that an extended and appropriate marketing exercise had been carried out, that no realistic tenants had come forward (notwithstanding the convenience shop) and that there was little prospect of letting the remaining units in the future. The application was submitted after over two years of unsuccessful marketing for the commercial units.

The Committee highlighted parking problems at the site. It was reported that Giles Crescent and Ely Close received traffic overspill from the site. Members also noted the disparity in parking provision between private property owners and housing association residents at the site. The Committee agreed that this development was to be considered on its own merits. However, they advised the applicant to liaise with Ward Members and local residents to try to address the parking concerns.

It was **RESOLVED** that Planning permission be GRANTED subject to the following conditions:-

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

following approved plans:

20 0105-1000 G; 20 0105-1001B; 20 0105-1002; 20 0105-1001 E

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The building works required to implement this permission shall be carried out only between the following times:

0730 to 1800 Mondays to Fridays

0900 to 1300 Saturdays

And not at all on Sundays and Bank Holidays.

The hours specified relate to activities which are audible at the site boundary.

4. The parking spaces as shown on drawing ref. 20 0105-1001 E shall be provided in accordance with the approved plan.

### **Informative**

1. Community Infrastructure Levy

Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020.

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at [www.stevenage.gov.uk/CIL](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk).

### **Pro-active statement**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England)

Order 2015.

#### 4 **25 THE OVAL, STEVENAGE**

The Committee considered an application for a change of use from Class A1 (Dry Cleaners) to Class A5 (Hot Food Take Away).

This application was before the Committee for determination as the property owner was Stevenage Borough Council and there had been more than 5 objections to the proposal.

The Chair invited Mr Bekir Polat, an objector, to address the Committee. Mr Polat informed Members that there was a high concentration of similar units in the areas. He reported that business for hot food takeaways was generally low due to the Covid-19 pandemic. Some of the businesses were already struggling financially before the pandemic.

The Assistant Director gave an introduction to the Committee. The main issues for consideration in the determination of this application are its acceptability in land use policy terms, design and visual impact on the surrounding area, impact upon neighbouring amenities and adequacy of car parking.

The Assistant Director advised that there were no plans for any external alterations to the premises, save for measures to introduce extraction equipment within or at the premises to deal with cooking odours. An assessment revealed that the proposed development would result in the reduction of the total number of units currently in A1 use from 17 to 16. It was noted that whilst the proposal would reduce the overall retail mix with the centre, it would still ensure that at least 50% of the units would be within the A1 use class.

In response to concerns relating to competition between similar units, the Assistant Director indicated that this was not a material planning consideration. Similarly, the type of use within use class A5 was not something that could be controlled by planning legislation. Members were informed that there was no evidence to suggest that anti-social behaviour would be worsened by allowing this additional take away establishment. The Assistant Director reported that planning application had been publicised by way of a site notice and letters to the occupiers of adjoining properties. It was clarified that developments below the 300 sq.m floor area threshold set out under Policy TC13 of the Adopted Local Plan were classed as "Main Town Centre Use".

Members were advised that should permission be granted a condition would need to be imposed requiring details of the extraction system to be submitted to the Council for approval. With regards to opening hours, it was considered that the recommended hours of operation would not harm the amenities of nearby residential properties and would reflect the similar opening hours afforded to similar surrounding businesses. The Assistant Director stated that there were a number of refuse bins in the Local Centre and additional bins would be provided in front of the proposed development.

In conclusion, the Assistant Director indicated that the proposed development would be acceptable in land use policy terms and any alterations to the appearance of the building by way of extraction could be controlled by the imposition of a condition. The development was located such that it would not harm the amenities of nearby residential properties. There was sufficient car parking serving the Local Centre to accommodate users of the premises and staff.

It was **RESOLVED** that Planning permission be GRANTED subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, proposed layout plan.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. Notwithstanding the details of the proposed extraction system which has been submitted with this application, prior to the commencement of the development hereby permitted, details of how the plant, ducting and extraction system are to be installed to the rear of the building shall be submitted to and approved in writing by the local planning authority. The approved system shall thereafter be installed in accordance with the approved details prior to the first use of the development and the extraction system shall be maintained in accordance with the manufacturer's specification.
4. The use of the premises for the purposes hereby permitted shall operate only between the hours of 11.00 and 23.00 Mondays to Thursdays, Sundays and Bank Holidays and 11.00 to midnight Fridays and Saturdays and at no other time.

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### **5 INFORMATION REPORT - DELEGATED DECISIONS**

The Committee noted the Delegated Decisions.

The Chair reminded Members that the Committee had a wide range of responsibilities including the monitoring and review of performance in relation to the provision and development of planning and development services and facilities. Members raised concerns regarding the cutting of valuable trees following change of land use from public amenity to private residential land. The Chair reported that the Committee would be analysing the trend of land use change. The Committee would consider working with the Environment and Economy Select Committee on the review of some planning issues.

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

Noted.

### **7 URGENT PART I BUSINESS**

None.

### **8 EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

### **9 URGENT PART II BUSINESS**

None.

### **CHAIR**