

STEVENAGE BOROUGH COUNCIL

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Thursday, 26 May 2022

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Michael Downing (Chair) (Chair), Adrian Brown (Vice Chair), Julie Ashley-Wren, Sandra Barr, Adrian Brown, Teresa Callaghan, Matt Creasey, Chris Howells, Graham Lawrence CC, Mrs Joan Lloyd, Maureen McKay, Adam Mitchell CC, Claire Parris, Graham Snell and Anne Wells

Start / End Start Time: 06:30 pm
Time: End Time: 07:15 pm

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

Election of Vice-Chair

It was moved by Councillor Michael Downing and seconded by Councillor Sandra Barr that Councillor Adrian Brown be appointed as Vice-Chair of the Committee for municipal year 2022/23. After being put to the meeting and a vote taken, the motion was declared carried.

There were no apologies for absence.

Councillor Chris Howells declared an interest on item 3 of the agenda. He did not take part in the debate and not voted on the item.

2 **MINUTES - 5 APRIL 2022**

It was **RESOLVED** that the minutes of the Planning and Development Committee meeting held on Tuesday 5 April 2022 be approved as a correct record and signed by the Chair.

21/00717/ENF - 134 MARYMEAD DRIVE, STEVENAGE

Application No:	21/00717/ENF
Location	134 Marymead Drive, Stevenage
Proposal	Unauthorised use of the property as a House of Multiple Occupation (HMO); unauthorised erection of bollards on SBC land; flytipping; unauthorised erection of outbuildings and front extensions.
Applicant:	N/A
Recommendation:	Serve an enforcement notice

The Planning Manager presented the application seeking permission to serve an enforcement notice to the owner of 134 Marymead Drive, Stevenage. During the presentation, he displayed a map, plans and photographs to demonstrate the location and character of the site. The enforcement site was located on the junction of Marymead Drive and Broadwater Crescent which forms part of the Broadwater Conservation Area. The site comprised a two-storey, end of terrace property with a gable-end roof.

The Development Manager explained that the site had a long history of enforcement investigation which had been undertaken by the Council. The site was being investigated for further potential breaches in planning control which related to the unauthorised use of HMO (House of Multiple Occupation), unauthorised erection of bollards on the Council land, fly tipping and unauthorised erection of outbuilding and front extension which was harmful to the Conservation Area. The Development Manager advised the committee that the two matters they were seeking enforcement action against was the outbuilding and conservation area. This is because the other matters investigated by officers, as set out in the Committee Report, had been identified that there was no breach in planning control.

The registered speaker, Mr John Kirbyshire, spoke in support of the application. He had advised the committee that he was not sure why he was at the Meeting. However, he explained to members that he utilised his property as an agricultural holding as well store his cars. In addition, he advised the Committee that he erected the outbuilding and extension to deal with anti-social activities within the property by his tenants i.e. to ensure they were conducted outside of the house, not hanging out of windows etc.

The key issues in the determination of the application were outlined in the officer report.

Members debated the application taking in to account the Development Manager presentation, the officer report and the statement from the registered speaker. Members agreed and supported the officer recommendation to serve an enforcement notice.

In response to a question by a Member, the Development Manager advised that

whilst the property was currently being used as a HMO, there was an ongoing investigated by the Council's Environmental Health Team as Mr Kirbyshire is on the Rogue Landlord Register. Furthermore, the enforcement notice outcome would be followed closely, and the Council may seek prosecution.

A motion was proposed and seconded that the enforcement notice period should be amended to three months instead of originally purposed six months. After being put to the meeting and a vote taken, the motion was declared and carried.

Members then voted on the amended motion, a vote was taken and the amended motion was declared carried.

It was **RESOLVED** that an enforcement notice be issued and served subject to conditions as per the recommendations set out below, and an amendment to the condition relating to the notice period as follows:

- An enforcement notice must be served within three months.

That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring the removal of the existing structure in the rear garden and the front extension. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.

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

REMEDY REQUIRED

Within three months of the date of any Enforcement Notice served, the entirety of the structure as built in the rear garden area with the land made good and the front extension to also be removed in its entirety with the elevation of the dwellinghouse the extension is attached to make good following its removal.

4 **21/01366/FPM - STAMFORD HOUSE, PRIMETT ROAD, STEVENAGE**

Application No:	21/01366/FPM
Location	Stamford House, Primett Road, Stevenage
Proposal	Extension to roof, with alterations to openings and materials, to facilitate conversion of existing office building to 11 residential apartments.

Applicant:	Mr Howell
Recommendation:	Grant planning permission

The Committee received an application seeking permission for conversion of existing office building to 11 residential apartments. During the presentation, the Principal Planning Officer displayed maps, plans and photographs to demonstrate the location and character of the site.

The Principal Planning Officer explained that the application site was irregularly-shaped, located between Primett Road and the High Street. The site was located within the Old Town High Street Conservation Area and Area of Archaeological Significance. He advised Members that an objection was received, and the plans were amended to add obscure glazed windows, however, after the amendment there were no other objections received by the Council.

Herts Fire and Rescue and Thames Water did not have any objections on the application.

The report addressed in detail all the key issues and Officer opinion was that:

- The main issues for Members to consider were the acceptability in land use policy terms. Affordable housing, the mix of dwelling sizes;
- The standard of the proposed accommodation were acceptable.
- The impact on heritage assets, design and other visual considerations, impact on the amenities of neighbours and the impact on highway safety and parking. These were all acceptable and neutral matters.
- The proposed development would provide 11 dwellings contributing to the aim of boosting housing supply through the redevelopment of sustainable brownfield sites.
- The proposed development was therefore considered to be in accordance with the development plan.

Officer recommendation was therefore that planning permission be granted for the reasons detailed within the Officer report.

Members debated the application, taking into account the Officer report and the Officer presentation. Members agreed and supported the officer recommendation to grant permission to the application.

In response to a question, the Principal Planning Officer clarified that originally the applicant proposed 12 flats but because of the size and design, it was reduced to 11 flats with 12 car parking spaces.

It was **RESOLVED** that planning permission be granted, subject to the conditions as per the recommendations set out below:

That planning permission be GRANTED subject to the following conditions and the transfer of

the signed S106 legal agreement which has secured and/or provides:

- Employment and Apprenticeship Opportunities

1. With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the obligation detailed above (including triggers where appropriate) as part of the Section 106 Agreement in order to mitigate the developments impact on infrastructure as well as secure the planning benefits which this scheme seeks to deliver. 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 in this report, 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.

Conditions

General

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2132-001; 2132-004B; 2132-005B; 2132-006B; 2132-007B.

REASON:- For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Mondays to Fridays, 08:00 hours to 13.00 hours on Saturdays and shall not operate on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.

REASON:- To ensure the demolition of the existing buildings and the construction and maintenance of the development does not prejudice the amenities of occupiers of nearby premises due to noise pollution.

4. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the local planning authority.

REASON:- In order to protect the amenities and operations of neighbouring

properties, to ensure any external lighting does not prejudice highway safety and in the interests of minimising light pollution.

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.

REASON:- To ensure that the site does not pose any risk to human health and to ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.

Prior to Commencement

6. No development shall take place (including site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:
 - a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to site;
 - c) Traffic and pedestrian management requirements;
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
 - k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures,

noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.

- l) Dust control measures during demolition and construction from plant and machinery, and vehicles.

REASON:- In order to protect highway safety and the amenity of other users of the public highway and rights of way, in the interests of amenities of neighbouring properties, to ensure suitable, safe and satisfactory planning and development, in order to reduce the level of waste generated during groundworks and construction phases of development and to recycle all waste materials where possible.

7. No development shall take place (excluding demolition and site clearance) until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - 1) Detailed infiltration tests conducted to BRE Digest 365 standards and geotechnical investigations to confirm the feasibility of discharge via infiltration and groundwater levels on site.
 - 2) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
 - 3) Final post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change event with half drain down times.
 - 4) Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.
 - 5) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON:- To prevent the increased risk of flooding, both on and off site.

Prior to Work above Slab Level

8. 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 and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

REASON:- To ensure the development has a high quality appearance.

9. No development shall take place above slab level until details of the refuse stores as shown on the approved plans have been submitted to and

approved in writing by the Local Planning Authority. The approved refuse stores shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

REASON:- To ensure the proper disposal of waste for the lifetime of the development

10. No development shall take place above slab level until details of the cycle parking stands as shown on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The approved cycle stands shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

REASON:- To ensure adequate secure and covered cycle parking provision is available at all times to promote sustainable modes of transport.

11. No development shall take place above slab level until details of the specification and siting of the active electric vehicle charging points (EVCP) have been submitted to and approved in writing by the Local Planning Authority. The approved EVCPs shall be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

REASON:- To ensure adequate provision of active EVCPs within in the development and for all types of drivers is available at all times to promote sustainable modes of transport.

12. No development shall take place above slab level until an addendum to the submitted noise assessment, taking into account the amendments to flat 11, has been submitted to and approved in writing by the local planning authority. Any recommended measures in the approved addendum shall then be implemented in full prior to beneficial occupation of the development and permanently maintained thereafter unless otherwise agreed in writing by the local planning authority.

REASON:- To ensure satisfactory living conditions for future occupants of the development.

Prior to Occupation/Completion

13. Prior to occupation of the development an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until implementation of the approved Travel Plan. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

REASON:- To ensure that sustainable travel options associated with the development are promoted and maximised.

14. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number 18081_001 Rev A. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON:- To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety.

15. Prior to the first occupation of the development hereby permitted the proposed access arrangements, on-site car and cycle parking, and turning areas shall be implemented in accordance with the approved plans and retained thereafter available for that specific use.

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety.

16. Prior to the first occupation of the development, the noise mitigation measures detailed in Section 5.2 of “Stamford House, Primett Road, Planning Noise Assessment” Report Reference RK3174/20439/Rev1, Dated 10/12/2021 by Spectrum Acoustic Consultants shall be implemented in full. The measures shall be permanently maintained thereafter unless otherwise agreed in writing by the local planning authority.

REASON:- To ensure satisfactory living conditions for occupants of the development.

17. Prior to the first occupation of the development hereby permitted the proposed communal outdoor amenity space shall be implemented in accordance with the approved plans and retained thereafter available for that specific use.

REASON:- To ensure construction of a satisfactory development and in the interests of the living conditions of future occupants.

18. Upon completion of the drainage works for the site and in accordance with the timing/phasing arrangement, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of a complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

REASON:- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Informatives

1. The applicant is advised that the storage 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

2. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

3. 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.

4. The proposed development should achieve Secured by Design (SBD) accreditation in order for it to comply with current Building Regulations. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227

5. 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).

6. 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.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead 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 20

5 INFORMATION REPORT - DELEGATED DECISIONS

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

6 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

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

7 URGENT PART I BUSINESS

None.

8 EXCLUSION OF THE PRESS AND PUBLIC

Not required.

9 URGENT PART II BUSINESS

None.

CHAIR