

STEVENAGE BOROUGH COUNCIL
PLANNING AND DEVELOPMENT COMMITTEE
MINUTES

Date: Tuesday, 6 September 2022

Time: 6.30pm

Place: Council Chamber

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

Start / End Start Time: 6.30pm
Time: End Time: 8.15pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were submitted on behalf of Councillor Julie Ashley-Wren.

Councillor McGuinness was in attendance as substitute Member.

There were no declarations of interest.

2 MINUTES - 26 JULY 2022

It was **RESOLVED** that the minutes of the Planning and Development Committee held on 26 July 2022 be approved as a correct record and signed by the Chair.

3 MINUTES - 9 AUGUST 2022

It was **RESOLVED** that the minutes of the Planning and Development Committee held on 9 August 2022 be approved as a correct record and signed by the Chair.

4 22/00463/FP - LAND ADJACENT TO 68 STIRLING CLOSE

The Committee considered an application for the erection of 1no four bedroom dwelling.

The application was before the Committee for determination as the applicant and landowner was Stevenage Borough Council and there had been more than five objections.

The Assistant Director Planning and Regulation gave an introduction to the Committee. He advised that the determining issues with the application related to the principle of development, the loss of the public open space, the impact of the proposal on the character and appearance of the area, residential amenity, car parking provision and highway safety.

The Chair then invited Mr Blythe, an objector to address the meeting. Mr Blythe's concerns related to the fact that the site was not allocated for residential development, overlooking and loss of privacy, loss of open green space, car parking and access issues and the increase in levels of traffic and pollution. Mr Blythe requested that if permission was granted, the replacement trees should be planted in locations to ensure there was no overlooking of his property.

The Chair then invited Mrs Bonti, also an objector to the application to address the Committee. Mrs Bonti advised that her concerns were similar to those reported by Mr Blyth but in addition she had concerns regarding the access to the alleyway at the rear of the property specifically in relation to the safety of the layout of the proposed access to the garden.

The Chair then invited Ash Ahmed, Assistant Director Housing Development Stevenage Borough Council to respond to the concerns raised. Mr Ahmed reminded the Committee of the need for housing in the town and advised that the proposed dwelling would not overburden the space as it was a single house. Parking would be improved and although it would be necessary to remove 5 cherry trees, they were coming to the end of their lives and would be replaced by 5 new trees plus a further 10 trees would be planted in the wider Kenilworth development. Mr Ahmed confirmed that the location for the re-planting of the 5 trees would be in consultation with the Council's Arboricultural Manager and would take into account the comments of the local residents regarding their concerns of overlooking. Mr Ahmed also advised that he would have discussions with Mrs Bonti regarding her access concerns.

The Assistant Director Planning and Regulation advised that it was considered that the public benefits of the proposal in the form of social housing, additional trees, and an increase in car parking provision, improving the communal parking area would outweigh any harms and therefore considered acceptable.

Members requested that consideration be given to the timing of the cutting down of the trees. The Assistant Director advised that the trees would not be removed until a start date for the development had been confirmed.

It was **RESOLVED**:

That planning permission be **GRANTED** subject to the applicant having first entered into a S106 Unilateral Undertaking to secure/provide contributions towards:-

- Funding of 10no. new trees in the Bragbury End area of the Borough.
- S.106 monitoring fee.

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as 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. These suggested conditions are as follows:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
20166_S-001A; 20166_P004-G;
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match the materials used in the construction of the original neighbouring dwellings to the satisfaction of the Local Planning Authority.
- 4 Prior to the first occupation of the dwelling hereby permitted the parking provision as shown on approved plan 20166-P004-G to serve both the existing and new dwellings, shall be constructed, hardsurfaced and made ready for use. The parking areas shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.
- 5 Prior to the occupation of the dwellinghouse hereby permitted, the parking spaces shown on approved plan 20166-P004-G 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.
- 6 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.
- 7 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
- 8 The first floor windows in the eastern rear elevation of the new dwellinghouse hereby approved 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 thereafter and no additional windows shall be installed at first floor level in the eastern rear elevation.
- 9 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 prepared in accordance with the requirements of condition 13 which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, as required under condition 9, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
- 12 Prior to the first occupation of the dwelling hereby permitted, the cycle storage as detailed on plan 20166-P004-G shall be implemented accordingly. The cycle storage shall be retained and maintained accordingly during the lifetime of the development.
- 13 Prior to the first occupation of the dwelling hereby permitted, the general waste and recycle store associated with the development hereby permitted shall be implemented in accordance with the details as specified on plan number 20166-P004-G.
- 14 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.
- 15 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.

- 16 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.
- 17 Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling hereby permitted. The approved boundary treatments shall be completed before the dwelling is occupied.
- 18 Notwithstanding the provisions of Class B of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) no extensions, enlargements, alterations or dormer windows to the dwellinghouse hereby permitted shall be erected unless permission is granted on an application made to the Local Planning Authority.

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 or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk .

2 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).

3 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>

4 Hertfordshire County Council as Highways Authority

The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. Prior to commencement of the construction of any development the applicant should submit a construction management plan for LPA's approval in consultation with the highway authority.

5 Hertfordshire County Council as Highways Authority

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide 126 (2011)". 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/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047

5 **22/00468/FPM - MBDA, SIX HILLS WAY**

The Committee considered a report in respect of application 22/00468/FPM seeking planning permission for the demolition of an existing storage facility and erection of a 3-storey Research and Development facility at MBDA UK, Six Hills Way, Stevenage.

The Principal Planning Officer advised that the main issues for consideration in the determination of the application were its acceptability in land use policy terms, impact on visual amenity, impact on neighbouring amenities, parking provision, means of access and highway safety, impact on the environment and flood risk.

An addendum report had been circulated to members with an update on landscaping with a response from the Council's Arboricultural and Conservation Manager and also an update on flood risk and drainage from the Council's Flood Risk consultant.

The Committee was advised that the proposed development would contribute to building a strong, responsive and competitive economy by replacing redundant storage on the MBDA site with a new R&D facility. The proposed development would increase the number of employees by approximately 15-20 and would support MBDA's role as a key employer in the Town.

In response to a question relating to landscaping and natural drainage, Officers confirmed that the applicant would be submitting a revised drainage scheme which would need to be approved by the Local Planning Authority prior to implementation.

It was **RESOLVED** that application 22/00468/FPM be granted planning permission, subject to the following conditions the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:

- Apprenticeships and construction jobs;

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of the Planning and Development 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 and subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 0209799-HRL-XX-XX-DR-E-708001-S03-P01; 5100-FDG-ZZ-00-DR-A-08005-S2-P02; 5100-FDG-ZZ-ZZ-DR-A-08001-S0; 5100-FDG-ZZ-ZZ-DR-A-08002-S0; 5100-FDG-ZZ-ZZ-DR-A-08003-S0; 5100-FDG-ZZ-ZZ-DR-A-08004-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-08006-S0; 5100-FDG-ZZ-ZZ-DR-A-08007-S0; 5100-FDG-ZZ-RF-DR-A-08008-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-08008-S0; 5100-FDG-ZZ-ZZ-DR-A-08010-S2-P02; 5100-FDG-ZZ-ZZ-DR-A-11202-S0-P01; 99571-DCL-XX-00-DR-C-10001-P3; 5100-FDG-ZZ-ZZ-DR-A-55100-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-51100-S4-P07;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. Notwithstanding Section 55 of the Town and Country Planning Act (as amended) and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the development to which this permission relates shall be used for purposes falling within Class E(g)(ii) of the Schedule to the Use Classes Order 1987 (as amended) (or within any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification).
4. No site clearance or construction work relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
5. No external lighting shall be installed on the site other than in accordance with External Lighting Layout reference 0209799-HRL-XX-XX-DR-E-708001 Rev. P01 unless otherwise agreed in writing by the local planning authority.
6. 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.
7. The development to which this permission relates shall be carried out in accordance with the Energy Statement as set out at Appendix A of report reference REP-2324512-05-WN-20220414-Climate change and energy

statement-Rev01 unless otherwise agreed in writing by the local planning authority.

Prior to Commencement

8. 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.

9. No development shall take place (excluding site clearance and demolition) until a final design of the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

The scheme shall include the following:

- infiltration testing in accordance with BRE Digest 365 to be carried out to determine whether infiltration rates are suitable to form part of the surface water disposal strategy;
- updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year + 40% climate change event, including allowance for infiltration, should testing demonstrate sufficient infiltration capacity exists at the site;
- appropriate stages of treatment in accordance with SuDS Manual requirements;

- an updated full detailed surface water drainage plan showing the proposed discharge points, the location of the proposed SuDS features, any pipe runs and size; and
- detailed engineering drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs;
- evidence that Thames Water has given agreement (of principle and rates) for the surface water from the site to discharge into their network; and
- evidence that the proposed CCTV drainage survey of the surrounding surface water sewerage network which it is proposed to discharge into has been undertaken, and that this has shown that the drainage proposals for this site can be accommodated.

Prior to Work above Slab Level

10. 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.
11. No development shall take place above slab level until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.
12. The development shall be carried out in accordance with the approved landscaping plan 5100-FDG-ZZ-ZZ-DR-A-55199-S4-P03. The approved plan shall be implemented in the first planting and seeding season following completion of the development unless otherwise agreed in writing by the local planning authority.

Prior to Occupation/Completion

13. The parking, turning and servicing areas shown on drawing number 5100-FDG-ZZ-ZZ-DR-A-51100-S4-P07 shall be provided, marked out and hard surfaced ready for use prior to the first occupation of the building 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.
14. Prior to the construction of the car parking spaces shown on approved plan 5100-FDG-ZZ-ZZ-DR-A-51100-S4-P07, details of the specification and siting of active electric vehicle charging points (EVCP) shall be 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.

15. Prior to the first occupation of the development hereby permitted the proposed access arrangements, on-site car and cycle parking, servicing, loading, and turning areas shall be implemented in accordance with the approved plans and thereafter kept free from obstruction and retained for their intended purposes.
16. Prior to the beneficial occupation of the development to which this permission relates, a management and maintenance plan for the approved SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - (a) provision of a complete set of as built drawings, including the final drainage layout for the site drainage network;
 - (b) maintenance and operational activities;
 - (c) arrangements for adoption; and,
 - (d) any other measures necessary to secure the operation of the scheme throughout its lifetime.

The approved plan shall be fully implemented from the date of approval and thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Post Occupation/Completion

17. Any trees or plants comprised within the approved scheme of landscaping, 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.
18. No tree shown on the approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.

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.

6 **22/00385/FPM - UNIT 4A, ROARING MEG RETAIL PARK, LONDON ROAD**

The Committee received a report considering the Variation of Condition 6 (range of goods restriction) attached to planning permission reference number 14/00680/FPM, external alterations to existing retail unit and ancillary works for Unit 4A, Roaring Meg Retail Park, London Road, Stevenage.

Officers advised the Committee that this report would be taken in conjunction with item 7 on the Agenda – 22/003869/FPM also relating to 4A Roaring Meg Retail Park as they dealt with the same site although a vote would be taken separately for each application.

The Chair invited Scott Stephenson from TKMaxx, the Applicant to address the Committee. Mr Stephenson advised that the existing TKMaxx store at Unit 10, The Forum would be closing by Spring 2023 as the landlord of the property had served notice confirming that they were opposing the request for a new lease on the grounds of redevelopment.

Mr Stephenson stated his hope that TKMaxx could remain in the Town and advised that if the application to move TKMaxx to the Roaring Meg retail Park was approved, all existing 40 jobs would be retained and an additional 25 jobs created. If refused, TKMaxx would be forced to leave the Town as the alternative sites suggested by the

Local Planning Authority were not suitable.

The chair thanked Mr Stephenson for his contribution.

Officers advised that the main issues for consideration in the determining the application were its acceptability in retail policy terms, the sequential test, its impact on the vitality and viability of the Town Centre, design and impact (external alterations), flood risk and draining and highways parking.

The Committee was advised that Officers had recommended Refusal of the application to vary the condition to enable the sale of clothing, footwear and fashion goods and the ancillary sale of foodstuffs, external alterations and ancillary works was considered unacceptable on the basis that the submitted sequential test failed to consider the broad type and proposed use which was proportionate and appropriate for the given proposal.

In addition, the Planning Authority considered that there were preferable sites which were available within the Town Centre that could accommodate the broad type, format and scale of the proposed land use subject to this application.

Members expressed concern that the loss of TKMaxx would be to the detriment of the Town's shopping opportunities. They were of the view that the proposal to move to the Roaring Meg Retail Park would be good for the people of Stevenage, the local economy and local jobs.

Members gave consideration to the loss of this principal retail chain from the Town centre but were of the view that the retention of TKMaxx in the Town by the move to the Retail Park would outweigh the concerns regarding the harm to the Town Centre.

Members were also keen to ensure that if approved, the permission should be specifically to TKMaxx. If TKMaxx were to vacate the space the premises would revert to the previous conditions for the site in relation to retail warehousing as per the original condition.

Following further debate it was **RESOLVED** that the recommendation to refuse the application be rejected.

Following further debate, it was moved, seconded and **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:
2264-U4A-L01; 2264-U4A-P01; 2264-U4A-P02; 2264-U4A-P03; 2264-U4A-X01; 2264-U4A-X02; 2264-U4A-X03;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The range of goods to be sold from the development shall be confined to

retail warehousing of comparison goods to exclude expressly the sale of all foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport), or other fashion goods. Notwithstanding, Unit 4A hereby permitted may also be used for the sale of clothing, footwear and other fashion goods from up to a maximum sales area of 1,323 sqm (net), and the ancillary sale of associated confectionary and seasonal/gift food items from up to 141sqm. The extended range of goods may only be sold on the basis the floorspace is operated as a single, amalgamated unit.

4. Unit 4A hereby permitted shall only operate as one large amalgamated premise with internal connections maintained, as indicated on drawing no. 2264-U4A-P02 Proposed Ground Floor Plan.
5. The occupation of Unit 4A hereby permitted shall be by named retail operator TK Maxx / Homesense or other retail brand under the TJX parent company as agreed with the Council in writing. Should TK Maxx / Homesense or other retail brand under the TJX parent company as agreed with the Council in writing cease to trade from Unit 4A hereby permitted, the range of goods to be sold should revert to retail warehousing of comparison goods only as per condition 6 of planning permission 14/00680/FPM.

7 **22/00389/FPM - UNIT 4A, ROARING MEG RETAIL PARK, LONDON ROAD**

The Committee received a report considering the installation of mezzanine floorspace for Unit 4A, Roaring Meg Retail Park, London Road, Stevenage.

The Committee gave consideration to this application along with the previous item (6 - 14/00680/FPM, external alterations to existing retail unit and ancillary works for Unit 4A, Roaring Meg Retail Park, London Road, Stevenage)

Following debate it was **RESOLVED** that the recommendation to refuse the application be rejected.

Following further debate, it was moved, seconded and **RESOLVED** that planning permission be granted, subject to the following legal Agreement and conditions:

Legal Agreement for Application 22/00389/FPM Mezzanine

A £1,200 per annum for a period of 5 years (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed.

Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
2264-U4A-L01; 2264-U4A-P10; 2264-U4A-P11; 2264-U4A-P12; 2264-U4A-P13; 2264-U4A-X01; 2264-U4A-X02; 2264-U4A-X04

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The range of goods to be sold from the development shall be confined to retail warehousing of comparison goods to exclude expressly the sale of all foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport), or other fashion goods. Notwithstanding, Unit 4A hereby permitted may also be used for the sale of clothing, footwear and other fashion goods from up to a maximum sales area of 1,323 sqm (net), and the ancillary sale of associated confectionary and seasonal/gift food items from up to 141sqm. The extended range of goods may only be sold on the basis the floorspace is operated as a single, amalgamated unit.
- 4 Unit 4A hereby permitted, including any mezzanine floor, shall only operate as one large amalgamated premises with internal connections maintained, as indicated on drawing no. 2264-U4A-P11 Proposed Ground Floor Plan.
- 5 The mezzanine floorspace hereby permitted shall at no time be utilised as an independent retail unit.
- 6 The occupation of Unit 4A hereby permitted shall be by named retail operator TK Maxx / Homesense or other retail brand under the TJX parent company as agreed with the Council in writing. Should TK Maxx / Homesense or other retail brand under the TJX parent company as agreed with the Council in writing cease to trade from Unit 4A, the range of goods to be sold should revert to retail warehousing of comparison goods only as per condition 6 of planning permission 14/00680/FPM.
- 7 Before first occupation of Unit 4A hereby approved, a Travel Plan in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council as Highway Authority. The approved Travel Plan shall be in place from the first occupation/use until 5 years post occupation/use or until the retail operator TK Maxx / Homesense or other retail brand under the TJX parent company as agreed with the Council in writing cease trading whichever is sooner.

8 CIL GOVERNANCE REPORT

The Committee received and noted an oral update from the Assistant Director Planning and Regulation in respect of Community Infrastructure Levy (CIL) Governance.

The Assistant Director advised the Committee of the following key points:

- CIL was introduced in 2020 and would be reviewed next year;
- Any Expenditure above £75,000 would be submitted to both the Planning and Development Committee and Executive for agreement;
- Each Neighbourhood Area would be allocated £15,000 funding which would

be the responsibility of the Local Ward Councillors as to how to allocate the funds.

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

9 **INFORMATION REPORT - DELEGATED DECISIONS**

Noted.

10 **INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

Noted.

11 **URGENT PART I BUSINESS**

None.

12 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

13 **URGENT PART II BUSINESS**

None.

CHAIR