

STEVENAGE BOROUGH COUNCIL

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Tuesday, 3 October 2023

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

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

Start / End Time: Start Time: 6.30pm
End Time: 8.49pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Ellie Plater.

Councillor Claire Parris declared an interest in relation to Item 9 and 10 due to her being a Ward Councillor in St Nicholas.

2 MINUTES - 18 JULY 2023 AND 8 AUGUST 2023

It was **RESOLVED:** That the Minutes of the Meeting of the Committee held on 18 July 2023 and 8 August 2023 be approved as a true record of the proceedings and be signed by the Chair.

The Assistant Director (Planning & Regulatory) gave an update on a question raised at the recent Council meeting in relation to consultation on small land sales. He noted that the Portfolio Holder for Environment and Performance, Councillor Simon Speller was also in attendance. He confirmed with Members whether they had concerns surrounding the amount of people being consulted or the time at which Councillors were engaged with. Councillors agreed that it was important to engage with local Members and residents as Ward Councillors were not always aware when pieces of land were being sold, and residents or neighbours weren't aware until it happened.

3 23/00066/FP - LAND TO THE REAR OF 48, 49, AND 50 CONIFER WALK, STEVENAGE

The Committee considered a report in respect of application 23/00066/FP seeking the erection of one 1-bed and one 2-bed dwelling houses and provision of publicly accessible open space.

The Senior Planning Officer presented photos of the site location and site layout.

The application sought to build two houses with the open space being retained a publicly accessible privately owned open space. There would be a one-bed house at the top of the site and a two-bed house at the bottom. The trees displaced would be replanted as part of the landscape strategy. There would also be hedgerow replaced and extended to enclose the site but would allow site access.

The Chair introduced Mr Paul Raymond, an objector, to address the Committee.

Mr Raymond, a resident of Conifer Walk, expressed issues with the application. Firstly, it was his view that the development would have a negative effect on the wildlife and residents. The small area of land was used regularly with children playing and people walking their dogs. Established conifer trees were also being removed. Secondly, as a neighbour to the proposed development, the boundary of his home was 1m away from the new house. He believed there would be a significant loss of light into his home.

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

The Senior Planning Officer informed Members that the application did not meet policy H05 as it was not previously developed or an urban site, however, it met policy H09 as it was supplying smaller dwellings. The development would contribute to the housing supply and would have an economic benefit during construction. She reminded Members that the land was privately owned and was publicly accessible private land, not public open space. Conditions could be imposed in terms of the access to the open space, that it must still be publicly accessible and who would conduct landscaping and maintenance, but they could not force the developer to do this.

Conifer Walk had no uniformity in terms of size, design, or materials, so the properties would be constructed in line with the elevation of the other properties. The one-bed would have a steep garden, but this was similar to other properties in the area due to the topography. She noted there would be some overlooking but this would not be different to semi-detached or terraced buildings. The separation distances all meet or exceed the minimum requirements set out in the design guide, and there would be no side windows. The Hertfordshire Highways Authority had agreed the proposal was acceptable.

There would be new trees planted and the applicant had agreed a financial contribution for a 3-for-1 tree planting and a 10% biodiversity net gain contribution. There had been suggestions for the trees to be planted in Chells Park. A more detailed design strategy had been asked for and this was determined under condition 17.

The Chair asked a question in relation to comments made by Hertfordshire Police. The Senior Planning Officer advised that the comments were regarding a blank gable wall that would potentially reduce opportunities for surveillance but was deemed acceptable as to install windows in the side elevations would result in overlooking and loss of privacy to neighbouring properties. The boundary treatments would be done via conditions, such as a recessed rear gate which created a small alleyway.

A Member asked whether the financial contribution in relation to the trees would be done before the development. It was advised that the financial contributions were done through the Section 106 legal agreement.

A Member raised concerns around the shape of roads and car parking situations. The Senior Planning Officer advised that the car parking provision was policy compliant, and the Committee could not refuse the application on parking grounds when it complied with the policies. In relation to the impact on highway safety, the Planning Officers had to take the advice of the statutory consultee which were the Herts Highways Authority who deemed it acceptable.

Another Member asked questions in relation to the loss of space and the owner of the land. It was advised that the land was owned by Moody Homes who built that area of Chells Manor. It was then sold at auction last year. The Assistant Director (Planning & Regulatory) stated that it was common to have private estates like this that were passed onto developers. Mr Raymond also added that the land didn't sell at auction the first time and was sold for cheaper a second time. He also added that the parking would make a difference and there would be off road parking lost in a very busy area.

A Member raised concerns surrounding the construction and the impacts on traffic and parking in the area. There were also questions around the loss of lighting. The Senior Planning Officer advised that there was a condition for a construction management plan which would be submitted to Hertfordshire County Council (HCC) which detailed when and how many construction vehicles there would be, the hours they work, etc. In terms of the lighting, the daylight and sunlight were all deemed to be acceptable and because the new properties were in line with current properties there wouldn't be any significant overshadowing.

A Member asked whether it could be specified that the properties could not be multiple occupancy. It was advised that properties could not be converted into multiple occupancy HMOs without planning permission. The Assistant Director (Planning & Regulatory) added that there was a planning library with all the planning policies that could be sent out to Members.

A Member asked a question about the 10% biodiversity contribution, and the conditions for maintenance. It was advised that the 10% biodiversity contribution was not on site, instead there would be a financial contribution to Chells Park. There were conditions in the report for a landscaping and maintenance strategy to be submitted.

A Member asked who would maintain the public access. It was advised that there was no legal mechanism to impose on private land owners, but there was a condition that it needed to be maintained as publicly accessible. The Assistant Director (Planning & Regulatory) advised that because the land wasn't required by this development there was nothing Stevenage Borough Council (SBC) could do if the developer wanted to withdraw access.

Another Member asked whether there were lots of drainage issues in the area. It

was also asked whether the design of the houses could be flipped so the garages were next to each other, and the garden moved so the open space would be wider. The Assistant Director (Planning & Regulatory) reminded Members that they had to consider what was before them. Officers challenge applicants and ask a lot of questions and this was the application that had been put forward. The developer was offering to keep the open space publicly accessible but did not have to do so and did not affect planning policy. Any issues with drainage were considered in the application.

It was **RESOLVED**: That the application 23/0006/FP be **GRANTED** planning permission subject to the applicant having first entered into a S106 legal agreement and the conditions and reasons set out in the report.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2021/72/03; 2021/72/01/A; 2021/72/02/A;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. 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 of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. 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.
5. No demolition or construction work which is audible at the site boundary 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.
6. Prior to the first occupation of the dwellings hereby permitted the parking provision, access and visibility splays as shown on approved plan 2021/72/02/A, shall be constructed, hardsurfaced and made ready for use. Any new areas of hardstanding created, or existing areas which are replaced, 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.
7. Prior to the occupation of the dwellings hereby permitted, the parking spaces shown on approved plan 2021/72/02/A 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.

8. 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.
9. Prior to the first occupation of the dwellings hereby permitted, the cycle storage as shown on plan 2021/72/02/A shall be implemented accordingly. The cycle storage shall be retained and maintained accordingly during the lifetime of the development.
10. Prior to the first occupation of the dwellings hereby permitted, the general waste and recycling storage associated with the development shall be implemented in accordance with the details as specified on plan number 2021/72/02/A.
11. 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.
12. 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.
13. 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
14. No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting.
15. No development shall take place above slab level until a detailed scheme of the open space provision, management and maintenance of, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, dimensions/size and layout of the open space, its regular maintenance of, and how the space will be managed to ensure its continued availability to the public. The open space shall thereafter be provided and maintained in full accordance with the approved details.
16. The area of open space as identified on the approved Site Location Plan and 2021/72/02/A and in accordance with condition 15 shall be used only for the provision of publicly available open space and for no other means, at any time.
17. Prior to first occupation of the development hereby permitted, a landscape management plan, including long term design objectives, management

responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

18. 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 commencement of development. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.
19. No development shall take place (including demolition and site clearance) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. 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:
 - a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to the site;
 - c) Traffic 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) Demolition and construction works between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays only (These times relate to works which are audible at the boundary)
 - l) hours of construction operations including times of deliveries and removal of waste;
20. Notwithstanding the provisions of Classes A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) no extensions or loft conversions including dormer windows / roof extensions shall be constructed on the dwelling hereby approved unless permission is granted on an application made to the Local Planning Authority.
21. The parking and garaging facilities shown on drawings 2021/72/01-A and 2021/72-02A shall be retained in that form and kept available for those purposes for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

4 **22/00838/FPM - LAND TO THE WEST OF NORTH ROAD**

The Committee considered a report in respect of application 22/00838/FPM seeking

a Section 73 application to permission reference: 21/00529/FPM – amendments to condition 1 (approved plans), condition 2 (timing), condition 3 (construction management plan), condition 5 (drainage strategy), condition 6 (drainage management and maintenance), condition 7 (travel planning), condition 8 (hydrants), condition 9 (acoustic fence), condition 12 (materials), condition 14 (external lighting), condition 15 (access), condition 16 (service yards and car park), condition 17 (bin storage), condition 18 (electric vehicle charging), condition 20 (landscaping drawings), condition 22 (hard surfacing) and conditions 27 & 28 (unexpected contamination).

The Principal Planning Officer informed Members that the original application for three warehouse buildings with access, parking, and landscaping was granted planning permission in 2022 and construction was currently underway. Due to the site proximity to the Cygnet Hospital, it was established through the original planning permission that an acoustic fence along the boundary was needed.

The approved layout could not be built as the original flood risk assessment did not consider the acoustic fence would have on floodwater as an impermeable barrier across the flood plain. The established ground conditions were also not suitable for ground infiltration and so changes needed to be made to the scheme to reduce the flood risk. There were also some other minor changes. These amendments included:

- Maintain the 3-metre easement between the brook and the development site.
- Change the design of the acoustic fence to have 1m gaps at the base to allow flood water through.
- Some minor amendments to the site levels but the buildings remained unchanged.
- Unit C being moved slightly to allow for the easement.
- Remove the trees under the pylon.
- 1.2m high acoustic fence along the spine road

The Committee was informed that there were also temporary changes to the approved access. Some parking had to be relocated and there was a reduction in the width of the cycleway. The approved shared signalised access with the housing site opposite was not ready to be built as the housing is coming forward at a slower timescale than the employment site. This had impacted the application site, so they submitted a temporary access proposal for 18 months to 2 years where the southern access was widened as a priority T junction with the provision of a pedestrian refuge.

The Chair asked a question in relation to the approved access. The Principal Planning Officer advised that the approved access was linked with the permanent access with the housing development to the north. This had planning permission but was currently going through the Section 278 process.

Some Members asked why the flood risk was reassessed and the issue was only discovered after building started. The Principal Planning Officer advised that the original assessment took into account the acoustic fence but didn't assess what a

continuous permanent barrier would do and where the water would go. The initial flood risk was agreed as recommended. The original drainage strategy relied on the site being able to infiltrate water, however following permission testing was carried out and this was not viable.

Members noted that there had been amendments to 18 separate conditions, and they did not want to set a precedence that applications could come back to be amended after approval, decisions should be final. However, they acknowledged that there were exceptional circumstances in this case.

Some Members raised concerns that there was a lot of pressure on the Brook with surface run off and whether there was a permanent lagoon to collect drainage water. The Principal Planning Officer advised that some of the water would be captured in the swale, some would be infiltrated, and some would be runoff into the Brook. The applicant seeking to discharge the original drainage condition triggered the need for the S73 application, and the developer had submitted up-to-date modelling to show it would work.

A Member asked whether a roundabout could be put on the junction rather than traffic lights. The Assistant Director (Planning & Regulatory) advised that the new junction would allow traffic to flow north/south but would also allow for the new traffic from the development site and the application. They would most likely be automated or responsive traffic signals. There was a delay in the approved junction as they were designing the road north of the site and the current HCC active travel works on North Road.

Another Member asked whether there was adequate drainage on the development site across the road. It was advised that the housing development application came to the Committee after this application, so this was considered. The drainage plan for this application would be coming back to the Committee at a later date.

A Member asked whether the trees under the pylon were being removed and was advised that they were being replanted.

It was **RESOLVED**: That the application 22/00838/FPM be **GRANTED** planning permission subject to the conditions and reasons set out in the report, with any amendments to the conditions listed in this report be delegated to the Assistant Director of Planning and Regulation.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 4594-CA-00-00-DR-A-00060; 4594-CA-00-00-DR-A-00001; M1548-BWM-ZA-01-DR-L-100020-REV K; M1548-BWM-ZA-01-DR-L-100021-REV K; M1548-BWM-ZA-01-DR-L-100022-REV K; M1548-BWM-ZA-01-DR-L-100023-REV K; M1548-BWM-ZA-01-DR-L-100024-REV K; 20-024-SK-EX-099 P1; 4594-CA-00-00-DR-A-00061_PL6; M1548-CWA-ZAXX-DR-A-200015_PL1; M1548-CWA-ZB-XX-DR-A-200025_PL1; M1548-CWA-ZC-XX-DR-A-200035_PL1; 4594-CA-00-00-DR-A-00066_PL2; M1548-CWA-ZB-00-DR-A-200020_PL1; M1548-CWA-ZC-00-DR-A-200030_PL1; M1548-CWA-ZA-00-DR-A-200010_PL1; M1548-CWA-ZA-RF-DR-A-270010_PL1; M1548-CWA-ZB-RF-DR-A-270020_PL1; M1548-CWA-

ZCRF-DR-A-270030_PL1; M1548-CWA-ZA-ZZ-DR-A-220010_PL1; M1548-CWA-ZA-ZZ-DR-A220020_PL1; M1548-CWA-ZC-ZZ-DR-A-220030_PL1; 4594-CA-00-XX-DR-A-00350_PL3; M1548-CWA-XX-XX-DR-A-900002_PL3; M1548-CWA-ZA-ZZ-DR-A-200011_PL1; M1548-CWA-ZB-ZZ-DR-A-200021_PL1; M1548-CWA-ZC-ZZ-DR-A-200031_PL1; M1548-CWA-ZAZZ-DR-A-210011_PL1; 4594-CA-00-ZZ-DR-A-00151_PL2; M1548-CWA-ZB-ZZ-DR-A-210021_PL1; 4594-CA-00-ZZ-DR-A-00156_PL2; M1548-CWA-ZC-ZZ-DR-A-210031_PL1; M1548-HYD-XX-XX-DR-C-900001_C08; M1548-HYD-XX-XX-DR-C-920002_C05; M1548-HYD-XX-XX-DR-C-900003_C07; M1548-HYD-XX-XX-DR-C-900004_C05; M1548-HYD-XXXX-DR-C-900005_C04

2. The development hereby approved shall be constructed in accordance with the Construction Management Plan (CMP) approved under condition discharge application reference 22/00292/COND.
3. The development permitted by this planning permission shall be carried out in accordance with the approved Site Specific Flood Risk Assessment prepared by Sweco Consulting Engineers Ltd reference 66202061-SWE-ZZ_XX-RP-C-0001 Revision 3, dated 28 July 2021, the Surface Water Drainage Strategy and Water Quality Treatment drawing number 66202061-SWE-ZZXX-DR-C-9020 Revision P02 dated 09 September 2021 prepared by Sweco Consulting Engineers Ltd, and the following mitigation measures detailed within the FRA:
 - a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off during the 1 in 100 year event plus 40% for climate change event.
 - b) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event in a minimum of 2914.80 m³ (or such storage volume agreed with the LLFA) of total storage volume impermeable paving, infiltration basins, pond, swales and geocellular tanks.
 - c) Discharge of surface water from the private drain to ground via infiltration.The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing /phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
4. No above ground works shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, 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.
 - a) Provision of infiltration tests to BRE Digest 365 standards at the exact locations and depths of all proposed infiltration features.
 - b) 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.
 - c) Full, detailed drawings of all works proposed to the ordinary watercourse Ash Brook including any realignment, reprofiling and regrading, etc.
 - d) Provision of robust SuDS management and treatment.
 - e) Relocation of surface water pipes from under buildings.
 - f) Final detailed post-development network calculations for all storm events up

to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours. The calculation should consider the worst case infiltration rates.

- g) Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.
- h) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 5. Upon completion of the drainage works for each unit in accordance with the timing, phasing arrangements, a management and maintenance plan for 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 complete set of as built drawings for site drainage.
 - b) Maintenance and operational activities.
 - c) Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

Details of the complete site wide as built drawings for site drainage shall be provided and approved prior to the first occupation of the final unit.

- 6. Prior to occupation of Units A and C, an updated Travel Plan(s) shall be submitted to and approved in writing by the Local Planning Authority to take account of individual occupiers of the units as necessary. No part of Units A and C 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. The measures within the Travel Plan for Unit B approved under application reference: 23/00203/COND shall be permanently maintained in accordance with the approved details.
- 7. Prior to the first occupation of the development hereby permitted, the details of water supplies and fire hydrants as shown on drawing DS0039972-01 Rev C1 shall be installed and retained in accordance with said drawing.
- 8. The acoustic fencing to be installed will be as shown in the Sharps Redmore Technical Note 2 (Revision A) (dated 11 May 2023) and architectural layout 4594-CA-00-00-DR-A-00061_PL6. The fence must be effectively installed, to perform as stated within the Sharps Redmore Technical Note 2 (Revision A) (dated 11 May 2023) and shall be retained in accordance with those details thereafter.
- 9. Prior to first use of each static plant or machinery, a scheme shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that the cumulative sound rating level of all fixed plant within the Development shall not exceed the current typical background sound levels at any time at the nearby noise sensitive receptors as specified in Table 14 Target Sound Criteria, of Report reference 66202764-SWE-ZZ-XX-RP-YA-0001 Revision C02. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise resulting from its operation shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014+A 2019.
- 10. Prior to the first occupation / use of individual units within the development a plan

agreeing the appropriate Servicing and Delivery arrangements for the each unit shall be submitted to and approved in writing by the Local Planning Authority. Subsequent occupiers of the building are required to also update the Servicing and Delivery Plan for their unit.

11. The buildings hereby approved shall be constructed in accordance with the materials and finishes as set out in Drawing numbers: M1548-CWA-ZC-ZZ-DR-A-220030 Rev PL1, M1548-CWA-ZA-ZZ-DR-A-220010 Rev PL1 and M1548-CWA-ZB-ZZ-DR-A-220020 Rev PL1 to the satisfaction of and unless otherwise agreed in writing by the Local Planning Authority.
12. No site clearance 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 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.
13. The development hereby approved shall be carried out in accordance with the External LED Lighting Assessment Report July 2021 Revision P4 and associated drawing number 20-024-SK-EX-099 P1 External Lighting Layout, unless otherwise agreed in writing by the Local Planning Authority. No alterations or changes to the approved lighting shall be made without written agreement from the Local Planning Authority, following submission of further details.
14. Prior to the first occupation of the development hereby permitted the vehicular access from North Road shall be provided as shown on drawing 21-T020-15 Rev D in Appendix A1 of the Icení Projects Technical Note dated 11 September 2023. The access on Drawing number 4594-CA-00-00-DR-A-00061 PL6 shall be fully implemented within two years of the first occupation of the development. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
15. Prior to the first occupation of each unit hereby permitted the service yards and car parking areas for each unit as detailed on Drawing number 4594-CA-00-00-DR-A-00061_PL6 shall be surfaced and marked out or completed as applicable, in accordance with the approved plan and thereafter retained for the sole use of servicing and parking for the development hereby permitted.
16. Prior to the first occupation of each unit hereby permitted the secure and covered cycle parking stores and bin storage areas as detailed on Drawing numbers 4594-CA-00-00-DR-A-00061_PL6; M1548-CWA-ZA-XX-DR-A-200015_PL1; M1548-CWA-ZB-XX-DR-A-200025_PL1; M1548-CWA-ZC-XX-DR-A-200035_PL1 and 4594-CA-00-XX-DR-A-00350_PL3 shall be fully completed for that unit and ready for use in accordance with the approved plan and thereafter retained for the sole use of cycle parking and bin storage for the development hereby permitted.
17. Prior to the first occupation of each unit hereby permitted the passive infrastructure and active Electric Vehicle Charging Points (EVCP) shall be installed and ready for use, in accordance with the approved plan Drawing Number 4594-CA-00-00-DR-A-00061_PL6 and thereafter retained for the sole use of electric car charging for the development hereby permitted.
18. The development hereby approved shall be constructed in accordance with the

measures to address adaptation to climate change as laid out in the Design and Access Statement to include the following:

Passive design measures –

- a) Efficient building envelope with enhanced U-values;
- b) Enhanced air permeability to reduce heating demand;
- c) Glazed facades to provide natural daylighting and reduce reliance on artificial lighting;
- d) Balanced g-value for translucent elements to ensure optimised internal conditions.

Active design measures –

- e) High efficiency mechanical ventilation heat recovery (MVHR) systems to serve office areas;
- f) High efficiency LED lighting;
- g) Passive infrared (PIR) presence detection and daylight dimming control for lighting;
- h) Solar Voltaic Roof Panels

These measures shall then be permanently maintained in accordance with the approved details.

19. The development shall be carried out in accordance with the scheme of soft and hard landscaping, including all hard surfacing, rain garden features, retained, felled and new trees and shrubs as detailed on Drawing numbers: M1548-BWM-ZA-01-DR-L-100020-REV K, M1548-BWM-ZA-01-DR-L-100021-REV K, M1548-BWM-ZA-01-DR-L-100022-REV K, M1548-BWM-ZA-01-DR-L-100023-REV K, M1548-BWM-ZA-01-DR-L-100024-REV K.
20. All planting, seeding and turfing comprised in the approved landscaping details as specified in condition 19 of this approval shall be carried out in the first planting and seeding seasons following the first occupation of the development hereby permitted or, the completion of the approved development whichever is the sooner.
21. All hard surfacing for each unit comprised in the approved landscaping details as specified in condition 19 of this approval shall be carried out prior to the first occupation of each unit hereby permitted. All hard landscaping across the Site as shown in the approved landscaping details in condition 19 shall be fully complete prior to the first occupation of the final unit.
22. Any trees or plants comprised within the 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.
23. No tree shown retained on the approved plans, or subsequently 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.
24. 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.

25. Following removal of the identified trees in the Arboricultural Impact Assessment (AIA) and from the date of this permission, including any site clearance, all retained trees identified in the AIA shall be protected in accordance with the details as approved in the AIA and detailed on the Tree Protection Plan 10918 TPP 01 Rev C contained therein. The protection measures shall be maintained until the conclusion of all site and building operations remain in place, unless otherwise agreed by the Local Planning Authority
26. In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the original submission (21/00529/FPM) and the condition discharge application (22/00380/COND) 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 27 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 27.
27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the original submission (21/00529/FPM) and the condition discharge application (22/00380/COND), 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.
28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the original submission (21/00529/FPM) and the condition discharge application (22/00380/COND), as required under condition 26 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.
29. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 (as amended), and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Orders revoking or re-enacting these Orders) this permission shall only permit the use of the premises as Class E(g)(iii), B2 and B8 and for no other uses or purposes whatsoever, including any uses or purposes within the same use Class.

The Committee considered a report in respect of application 23/00655/FPM seeking a variation of condition number 2 (approved plans) attaching to planning permission reference number 23/00239/FPM to alter the position of the stair and lift cores to ensure maximum travel distance for means of escape are improved.

The Principal Planning Officer informed the Committee that this application was an amendment for an approved scheme to comply with new fire safety regulations and was similar to a previous application for the same site that came to the Committee. The new regulations stated that buildings over 18m in height needed to have two stair and lift cores, which affected blocks 2, 5, and 7 in this development. There were no other changes other than the additional stair and lift cores.

The additional stair and lift cores couldn't be within the original space to keep the size of the flats the same so the blocks had to be extended and altered slightly but were similar to what had already been approved. Blocks 2 and 5 remained the same in length and height, but the depth of the buildings had increased but over 1m. Block 7 remained the same in depth and height, but the length had increase to 240m.

A Member asked whether the size of the flats would increase. It was advised that the stair and lift cores were just being added, there were no changes to the flat sizes.

Another Member asked why it was only three blocks and whether this could be done to all the blocks. It was advised that because they were over 18m high they were required by the new safety laws to include this. There was a similar amendment in May which added the stair and lift cores into the other blocks.

A Member asked whether there were solar panels and what solar gains meant. The Assistant Director (Planning & Regulatory) advised that they were unsure if solar panels were being added, but it was not a requirement if they didn't have it in their application before. Passive solar gain was the heat of the building from the sun or outside temperatures.

It was **RESOLVED**: That the application 23/00655/FPM be **GRANTED** planning permission subject to the conditions and reasons set out in the report.

Conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of the appeal decision APP/K1935/W/20/3255692 whereby planning permission was granted on 15th July 2022.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 16-019 D – 050 C01; ICON-2-PS-200 – Site Plan; 502686-IWD-XX-XX-DR-A-2320_P1 A3 - Proposed Site Elevations ICON-PS-1-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS- 1-101 - Proposed GA Plan - Level 01, 03,05 – RevB; ICON-PS-1-102 - Proposed GA Plan - Level 02,04 – RevB; ICON-PS-1-103 - Proposed GA Plan - Level 06,08,10 – RevB; ICONPS- 1-104 - Proposed GA Plan - Level 07,09 – RevB; ICON-PS-1-105 - Proposed GA Plan - Level 11 – RevB; ICON-PS-1-106 - Proposed GA Plan - Level 12,14 – RevB; ICON-PS-1- 107 - Proposed GA Plans - Level 13,15 – RevB; 502686-IWD-B1-XX-DR-A-2310_P2 A3 Elevations Sheet 1; 502686-IWD-

B1-XX-DR-A-2311_P2 A3 Elevations Sheet 2; 502686-IWD-B1-XX-DR-A-2312_P2 A3 Elevations Sheet 3; ICON-PS-2-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-2-101 - Proposed GA Plan - Level 01,03,05,07 – RevB; ICONPS- 2-102 - Proposed GA Plan - Level 02,04,06 – RevB; ICON-2-PS-2-103 – Proposed Elevations; ICON-PS-3-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-3-101 - Proposed GA Plan - Level 01,03,05,07,09 – RevB; ICON-PS-3-102 - Proposed GA Plan - Level 02,04,06,08,10 – RevB; ICON-PS-3-103 - Proposed GA Plan - Level 11 – RevB; ICON-PS-3-104 - Proposed GA Plan - Level 12 – RevB; 502686-IWD-B3-XX-DR-A-2310_P2 A3 Block 3 - Elevations Sheet 1; 502686-IWD-B3-XX-DR-A-2311_P2 A3 Block 3 – Elevations Sheet 2; 502686-IWD-B3-XX-DR-A-2312_P2 A3 Block 3 - Elevations Sheet 3; ICON-PS-4-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-4-101 - Proposed GA Plan – Level 01,03,05,07,09 – RevB; ICON-PS-4-102 - Proposed GA Plan - Level 02,04,06,08,10 – RevB; ICON-PS-4-103 - Proposed GA Plan - Level 11 – RevB; ICON-PS-4-104 - Proposed GA Plan - Level 12 – RevB; 502686-IWD-B4-XX-DR-A-2310_P3 A3 Elevations Sheet 1; 502686-IWD-B4-XX-DR-A-2311_P3 A3 Elevations Sheet 2; 502686-IWD-B4-XX-DR-A-2312_P3 A3 Elevations Sheet 3; ICON-2-PS-5-100 - Proposed GA Plan - Level 00; ICON-2-PS-5-101 - Proposed GA Plan - Level 01,03,05,07; ICON-2-PS-5-102 - Proposed GA Plan – Level 02,04,06,08; ICON-2-PS-5-103 - Proposed Elevations; ICON-PS-6-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-6-101 - Proposed GA Plan - Level 01,03,05 – RevB; ICON-PS-6- 102 - Proposed GA Plan - Level 02,04 – RevB; ICON-PS-6-103 - Proposed GA Plan – Level 06,08,10 – RevB; ICON-PS-6-104 - Proposed GA Plan - Level 07,09 – RevB; ICON-PS-6- 105 - Proposed GA Plan - Level 11 – RevB; ICON-PS-6-106 - Proposed GA Plan – Level 12,14 – RevB; ICON-PS-6-107 - Proposed GA Plans - Level 13,15 – RevB; 502686-IWD-B6- XX-DR-A-2310_P3 A3 Elevations Sheet 1; 502686-IWD-B6-XX-DR-A-2311_P3 A3 Elevations Sheet 2; 502686-IWD-B6-XX-DR-A-2312_P3 A3 Elevations Sheet 3; ICON-2-PS- 7-100 - Proposed GA Plan - Level 00; ICON-2-PS-7-101 - Proposed GA Plan – Level 01,03,05; ICON-2-PS-7-102 - Proposed GA Plan - Level 02, 04; ICON-2-PS-7-103 - Proposed GA Plan - Level 06; ICON-2-PS-7-104 - Proposed GA Plan - Level 07; ICON-2- PS-7-105 - Proposed GA Plans - Level 08; ICON-2-PS-7-106 - Proposed Elevations.

3. Upon commencement of construction works the methods of construction and all associated mitigation measures as detailed in the approved Construction Method Statement (CMS) as submitted and approved under planning reference 23/00054/COND shall be strictly adhered too until conclusion of all site and building operations unless otherwise agreed in writing by the Local Planning Authority.
4. No development, excluding demolition and site clearance, shall commence until all trees within the development which are to be retained as identified in the Tree Protection Plan (Plan 67135-02, Appendix 4 of the Arboricultural Impact Assessment (AIA) dated 31/10/2018 reference 67135 (V2)) have been protected by fencing or other means of enclosure in accordance with Appendix 4 and 8 of the AIA. Tree protection measures shall be retained until conclusion of all site and building operations. Within the tree protection areas, there shall be no alterations to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery
5. The surface water drainage strategy shall be carried out in accordance with drawing numbers 10336_1602C2 and 10336_1601C2 which shall be retained thereafter with the drainage strategy maintained in accordance with Appendix F of the Drainage Statement prepared by gta civil and transport (document

reference: 10336 dated 8 February 2023).

6. Prior to commencement of works above slab level, a scheme for protecting the proposed dwellings from noise from road, rail and air transport sources shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained thereafter.
7. Prior to commencement of works above slab level, samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
8. Prior to commencement of work above slab level, details of any external lighting, including the intensity of illumination and predicted light contours, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the approved details and be retained thereafter.
9. Prior to commencement of works above slab level, an energy strategy to achieve 65% carbon reduction against Part L of the Building Regulations 2013 when assessed using SAP10 emission factors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained thereafter in accordance with the approved details of the energy strategy and in accordance with the water consumption targets contained within the Whitecode Design Associated Energy Strategy 10293-S-ENER-0001 Revision 5 dated 30 July 2019.
10. Prior to the commencement of works above slab level, details of the ramped access into the amenity garden to the south of block 7 shall be submitted to and approved in writing by the Local Planning Authority. The ramped access shall be carried out in accordance with the approved details prior to the first use of the amenity garden and be retained thereafter.
11. Prior to commencement of works above slab level, a detailed scheme of Secured by Design Section 2: Physical Security of the Home measure for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme prior to occupation of each block and be retained thereafter.
12. Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, no works shall take place until revised plans, including the details of any external cycle stores, showing the provision of 948 cycle parking spaces together with the details of their type and design have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or place and in accordance with the approved details before first occupation of that particular block or phase of the development and be retained thereafter.
13. Notwithstanding condition 2, details of the treatment of all boundaries, including details of any walls, fences, gates or other means of enclosure and timing of their delivery shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works take place. The approved boundary treatments shall be completed in accordance with the approved details and be

retained thereafter. No part of the development shall be occupied until an Armco or similar barrier has been installed in positions where vehicles may be in a position to drive or roll onto the railway.

14. Prior to the first occupation of any dwelling within the development, written confirmation shall be provided to the Local Planning Authority that either:-
 - a) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
 - b) A housing and infrastructure phased plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed, no occupation shall take place than in accordance with the agreed housing and infrastructure phasing plan.

15. Prior to first occupation of any dwelling within the development, details of a scheme to provide at least 20 bird and 30 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of provision. The development shall be carried out in accordance with the approved scheme and be retained thereafter.

16. Prior to first occupation of any dwelling within a block, the refuse and recycling stores for that block as shown on the approved plans shall be carried out in accordance with the approved details and be retained thereafter.

17. 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, including a programme for implementation, must be submitted to the Local Planning Authority and approved in writing. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to the Local Planning Authority for approval.

6 **23/00393/FPM AND 23/00350/S106 - UNIT 7B, ROARING MEG RETAIL PARK**

The Committee considered a report in respect of application 23/00393/FPM and 23/00350/S106 seeking external alterations and insertion of a mezzanine floorspace and the variation of S106 agreement dated 4 December 2014.

The Principal Planning Officer informed Members that Sports Direct was looking to locate their main store and their fashion store USC from the town centre. As Sports Direct sells bulky goods and sports items, they could occupy the space without planning permission, however as they also want to include USC, this was not in line with the original bulky goods restriction for the retail park, so it came to Committee for permission. They were also seeking planning permission to increase the sales area with a new mezzanine floor which included minor changes to the glazing and cladding. These were separate applications that they were taking together but voting on separately. The applicant had also submitted a retail impact assessment which deemed that there was no impact on the vitality and viability of the town centre, there were no other suitable sites in the town centre, and it complied with the relevant retail policies.

A Member expressed concerns that this was a loss of trade for the town centre. It was advised that Sports Direct could occupy the unit without needing to vary the terms of the retail park. They had also completed a retail impact assessment and it wouldn't lead to an adverse impact on the town centre.

It was **RESOLVED**: That the applications 23/00393/FPM and 23/00350/S106 be **GRANTED** planning permission subject to the conditions and reasons set out in the report and the amended wording of Condition 3 set out in the Addendum Report, and that the modification of Obligation 5 of the Third Schedule of Section 106 Agreement dated 4 December 2014, as set out in Paragraph 9.1 of the report, be agreed.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2264-U7B-L01; 2264-U7B-X01; 2264-U7B-P01-A; 2264-U7B-P02-A; 2264-U7B-P03-A; 2264-U7B-X02-A
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 7B hereby permitted may also be used for the same of clothing and footwear from up to a maximum sales area of 446m² (net) and the sale of athleisure, and other clothing and footwear typically associated with a sports retailer. The extended range of goods may only be sold on the basis the floorspace is operated as a single unit.
4. Unit 7B hereby permitted, including any mezzanine floor, shall only operate as one unit with internal connections maintained, as indicated on drawing no. 2264-U7B-P01-A Proposed Ground Floor Plan.
5. The mezzanine floorspace hereby permitted shall at no time be utilised as an independent retail unit.

7 **23/00528/FPH - 115 HAYCROFT ROAD. STEVENAGE**

The Committee considered a report in respect of application 23/00528/FPH seeking a single storey front extension and construction of a driveway with associated dropped kerb.

The Senior Planning Officer informed Members that the applicant was related to a member of staff, so the application had to come to the Committee. There was a small hardstand to the front, which was similar to other properties in the area. The size was within acceptable limits and the materials would be a match to the property. The application would alleviate on street parking. HCC raised no concerns.

It was **RESOLVED**: That the application 23/00528/FPH be **GRANTED** planning permission subject to the conditions and reasons set out in the report.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2333-P001; 2333-P002A;
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 front extension hereby permitted shall match the materials used in the construction of the original dwelling to the satisfaction of the Local Planning Authority.
4. The proposed hardstanding 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 dwellinghouse.

8 23/00621/CLED - 7 DOVE ROAD, STEVENAGE

The Committee considered a report in respect of application 23/00621/CLED seeking a Certificate of Lawfulness for (existing development) for the enlargement and conversion of a garage into an annexe.

The Assistant Director (Planning & Regulatory) informed Members that Items 8, 9 and 10 were different to normal planning applications as they were not assessed on planning policies but were certificates of lawfulness and looked at whether they were within the criteria of the Town and Country Planning Act General Permitted Development Order (2015), (as amended).

The Senior Planning Officer informed Members that the application was a garage conversion which was slightly extended to the front. The applicant was also an employee of the Council. A bay window replaced the garage which had been turned into a bedroom. This was done in 2009.

Under Class A they had a right to undertake certain conversions, which garage conversions fell under, so they could convert it without planning permission. However, they needed planning permission for the extension. In accordance with planning legislation, after 4 years of no action a development could be deemed as acceptable and lawful due to the passage of time.

Some Members asked whether there would be more developments like this and why they don't just seek retrospective planning permission. It was advised that SBC didn't have the capacity to look at whether people have completed developments without planning permission, it was only looked at when people inform SBC. Building control issued a certificate, which are separate to the Council, and SBC were not notified. As it had been over 4 years a Certificate of Lawfulness was the equivalent to retrospective planning permission.

Another Member asked why it came to the Committee now. It was advised that the applicant was selling their house and the solicitors wanted proof of the conversion. Due to the passage of time SBC could issue a Certificate of Lawfulness.

It was **RESOLVED**: That the application 23/00621/CLED be **GRANTED** a certificate of lawfulness subject to the conditions set out in the report.

Conditions:

1. On the balance of probabilities, the evidence that has been provided has demonstrated that the enlargement and conversion of the garage at No. 7 Dove Road occurred more than 4 years ago. Therefore, for the purposes of S.171B of the Town and Country Planning Act 1990 it is considered that the enlargement and conversion of the garage is now lawful and exempt from enforcement action.

9 **23/00631/CLEU - 127 RIPON ROAD, STEVENAGE**

The Committee considered a report in respect of application 23/00631/CLEU seeking a Certificate of Lawfulness for (existing use) for the use of the property as a 6-bed House of Multiple Occupation (Use Class C4).

The Chair took Item 9 and Item 10 together, but Members voted separately.

The Senior Planning Officer informed Members that in 2015 the owner converted the house into a house of multiple occupancy (HMO) for up to 6 people. Permitted development rights allowed C3 developments to be converted into HMOs so at the time the owner did not need planning permission.

In 2020 an Article 4 direction was created to cover Stevenage Borough and removed permitted development rights to turn C3 properties into HMOs without planning permission. The applicant was seeking a Lawful Development Certificate to confirm that at the time of the creation of the HMO, planning permission was not required. They have submitted evidence to show they converted the property into an HMO before 2020. The Senior Planning Officer advised that Members could not be shown the evidence as it would breach GDPR laws.

There was a similar application which was taken to appeal, and SBC lost. If the conversion was done before the Article 4 then the Council must issue a lawful development certificate.

The Chair introduced Councillor Sandra Barr, Ward Councillor for St Nicholas, to address the Committee and speak in objection to both Item 9 and Item 10.

Cllr Barr acknowledged this was a formal decision on whether the existing properties proposed uses were lawful. These applications were unlike other planning applications as there were no consultations. A property must have a license to rent out a large HMO which was to 5 or more people who form one or more household and where some or all tenants share one bathroom and kitchen. These properties were once 4-bed homes and now had 7 bedrooms and a property of that size needed a lot of parking spaces in an already overcrowded cul-de-sac. If original planning permission was sought there would have been consultations and the concerns would have been met. She raised concerns of the rise of HMOs in St Nicholas and the shortage of larger, 4-bedroom family homes. She believed there should be further investigation into these properties.

The Chair thanked Cllr Barr for her contribution to the meeting.

The Senior Planning Officer reminded Members that at the time the property was converted, the owner didn't need planning permission so there was nothing the Council could do at the time. If they changed from C3 to C4 after 2020 they would need planning permission and it would have to be assessed. In terms of parking the requirement was 0.5 spaces per bedroom, not people. Ripon Road would require 3 spaces and York Road would require 4 spaces. Environmental Health would look at the number of occupants, not planners.

A Member asked why planning law couldn't be applied retrospectively. It was advised that when the properties were converted there was nothing that could stop it from happening. That's why the Article 4 was created so we could apply it now but not before.

Members asked questions in terms of the licenses for the properties and why they weren't investigated before. It was advised that in terms of Item 9 it was unclear whether they had a license as this wasn't necessary evidence. Item 10 had a license, but these were issued by Environmental Health. When the HMO licenses were first introduced in 2018, they were inundated with applications, but HMOs didn't need licenses before this. He advised that HMO licenses did not have anything to do with planning.

Members raised concerns around not being able to view the evidence. The Assistant Director (Planning & Regulatory) suggested that advice could be sought from the Monitoring Officer regarding this. It was advised that the evidence had been shared with a minimal amount of people and if it went to appeal would only be shown to a single inspector who would make a decision.

A Member asked why the applications had come to Committee and it was advised that both applications were called in by Cllr Barr.

Some Members asked what would happen if they refused and what the costs would be. It was advised that they could appeal, and SBC would lose as SBC had been directed by the planning inspectorate from a previous refusal. The Assistant Director (Planning & Regulatory) advised that any appellant could issue costs against SBC.

A Member suggested that when legal applications came to the Committee it would be useful to have a Monitoring Officer present.

It was **RESOLVED**: That the application 23/00631/CLEU be **DEFERRED** for the following reasons:

- To seek legal advice regarding the evidence submitted in relation to GDPR laws.
- To investigate whether the property had an HMO licence.

The Committee considered a report in respect of application 23/00618/CLEU seeking a Certificate of Lawfulness for (existing use) for the use of a property as a 7-bed House of Multiple Occupation (Use Class Sui-Generis).

The Principal Planning Officer informed Members that this application was for a large HMO and was slightly different from Item 9 as it was for more than 6 people and therefore was in a planning use class of its own. This application did not benefit from permitted rights and needed planning permission originally to become a large HMO. The applicant was seeking a lawful development certificate to determine if it had been operating as a large HMO for at least 10 or more consecutive years. Evidence had been submitted to prove it had been in use for more than 10 years which included:

- A statement of truth from the owner.
- A statement of truth from the builder who also handled the maintenance.
- Tenancy agreements which dated back to 2011.
- An HMO licence obtained in 2018.

The property was currently being used as a large house of multiple occupancy with 7 bedrooms. It was deemed that the evidence successfully demonstrated continuity in excess of 10 years and met the relevant tests. The Principal Planning Officer added that a certificate application for this property was refused earlier in the year due to a lack of evidence. The applicant had provided further evidence and on the basis of this additional evidence, it was considered to meet the test on the balance of probability.

The debate on this Item was considered with Item 9 above.

It was **RESOLVED**: That the application 23/00618/CLEU be **DEFERRED** for the following reasons:

- To seek a formal opinion from the Borough Solicitor regarding the evidence submitted in relation to GDPR laws.
- To investigate the evidence further, including in relation to the length of time the property had been used as an HMO.

11 **INFORMATION REPORT - DELEGATED DECISIONS**

It was **RESOLVED**: That the Committee note the information report.

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

A Member asked for more information on an appeal lost due to an enforcement document being written incorrectly. The Assistant Director (Planning & Regulatory) advised that this application would have to come back but the enforcement document would have to be more specific. The Senior Planning Officer advised that the application was brought to the Committee asking for permission for an enforcement notice for a car port and it was insisted to replace the trees. The enforcement wasn't correct for this, and the Committee could not ask for mitigation measure for things outside of the specific site. The wording of the enforcement

notice was too ambiguous, and the appellant could not be legally sure what was being asked from him and so was deemed null and void.

Another Member asked for an update on 134 Marymead Drive. The Senior Planning Officer advised that this was an enforcement that the Development Manager was dealing with. A site visit had been completed on the 15th August 2023 and they were waiting for the planning inspectorate to come back as to whether the enforcement notice was valid. The Assistant Director (Planning & Regulatory) advised that the legal challenge was successful in terms of the signage and environmental health legislation. There was also an injunction against him.

It was **RESOLVED**: That the Committee note the information report.

13 **URGENT PART I BUSINESS**

There was none.

14 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

15 **URGENT PART II BUSINESS**

There was none.

CHAIR