

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Tuesday, 31 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, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells

Start / End Start Time: 6.30pm
Time: End Time: 7.45pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence and no declarations of interest.

2 MINUTES - 3 OCTOBER 2023

It was **RESOLVED** that the minutes of the meeting of the Planning and Development Committee held on 3 October 2023 be approved as a correct record and signed by the Chair.

3 23/00482/FP - CINNABAR, HIGH STREET, STEVENAGE

The Committee considered a report in respect of application 23/00482/FP for the change of use of parking bays to facilitate construction of outdoor seating area associated with 56 -58 High Street, Stevenage.

The Principal Planning Officer informed the Committee that the application did not take account of the actual proposed seating arrangements but only the use of the land for this purpose more generally.

Councillor Loraine Rossati had called the application in due to the potential impact on neighbouring properties, car parking and highway safety.

The Chair invited Councillor Rossati to address the Committee.

Councillor Rossati expressed concern regarding the current parking and traffic situation in the area. She advised that the area was already short of parking spaces and that the traffic was often queuing to get into the spaces outside Tesco. The reduction in spaces would force drivers to park on yellow lines and pedestrians to navigate the pavements unsafely. The reduction in parking would also have a

negative impact on the local businesses in the area.

The Chair then invited Dr. Veal from the Old Town Business and Community Partnership to address the meeting.

Dr. Veal advised that although he was keen to see the Old Town flourish, the decision on this application should be delayed until the Herts County Council (HCC) plans for the High Street along with the decisions for similar premises at the South end of the High Street were known.

Mr Linnard, Planning Agent on behalf of the applicant advised the Committee that the premises had a temporary licence since 2021. As there had been no objections from consultations with HCC, SBC Environmental Health or BEAMS he hoped that the Committee would support the application as the hospitality sector played an important role in the Old Town.

The Chair thanked all speakers for their contributions.

Members asked a number of questions relating to the loss of the spaces and were concerned regarding the potential similar issues with premises at the south end of the High Street.

The Development Manager advised the Committee that the recent adoption of the new Levelling-Up and Regeneration Act 2023 encouraged Local Authorities to support local businesses relating to outdoor seating. However, due to the Act being so new, the implications for the Council on this issue had yet to be fully drawn out.

Following further consideration, it was moved by Councillor Broom and seconded by Councillor Claire Parris and **RESOLVED** that application 23/00482/FP be deferred for Officers to provide to the Committee, at their next meeting, clarity on the implications for the application of and direction following the adoption into Law of the new Levelling-Up and Regeneration Act 2023.

4 **23/00477/OP - LAND BETWEEN 146 & 225 HOPTON ROAD, STEVENAGE**

The Committee considered an application for outline planning permission with all matters reserved for the erection of 1 no. detached three bedroom dwelling with associated car parking. Officers advised that since all matters were reserved, the application was principally concerned with the principle of the development whereas access, appearance, landscaping, layout and style would be considered at a later date.

The application was before the Committee for determination as the applicant was Stevenage Borough Council.

The Principal Planning Officer gave an introduction to the Committee. He advised that the main issues for consideration were the principle of the development, standard of accommodation, character and appearance, impact on neighbouring properties, parking, highway safety, ecology, arboriculture and biodiversity, flood risk and drainage, climate change and sustainability, developer obligations and CIL.

The Committee was advised that Officers considered that the land was suitable for the provision of housing as a small underused site, with the play equipment having been removed a number of years ago, with no fundamental unacceptable impacts on the environment or surrounding properties. The development would also make a small contribution towards meeting the Council's housing needs.

In response to questions from members, Officers gave the following responses:

- There would be no access to the property from Clovelly Way;
- The position of the fence line of a property adjoining the site was down to the Council selling a small portion of land to the property owner a number of years ago;
- If the property was sold to a developer, the reserved matters would only come back to the Committee for approval if it was called in. If the Council retained the property, the reserved matters would be submitted to Committee;
- The land currently had no formal use and there was a much larger green space in the vicinity which was used as a play/recreational area;
- If a developer wished to put forward an alternative proposal for the site, for example the construction of flats, they would be required to submit a fresh application for the Council to make its decision.

It was **RESOLVED:**

That planning permission be granted subject to the following conditions and the completion of a memorandum of understanding to provide:

- Off-site habitat creation equal to 0.55 units

With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of the Planning and Development Committee to negotiate and secure the obligation detailed above (including triggers where appropriate), and to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve.

Conditions

General Conditions

1. The development to which this permission relates shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:

01 Rev A
02
03 Rev A
2. Approval of the details of the layout, scale and appearance of the building,

the means of access thereto and the landscaping of the site (hereinafter “the reserved matters”) shall be obtained in writing from the local planning authority before any development is commenced.

3. In the case of any reserved matter, application for approval must be made to the local planning authority not later than the expiration of three years from the date of this permission.
4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
5. Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.
6. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.
7. 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.
8. The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Section 5 of “Preliminary Ecological Appraisal” authored by CSA Environmental and dated June 2023 unless otherwise agreed in writing by the Local Planning Authority.

Prior to Commencement

9. No development shall take place (including site clearance or demolition) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved construction management 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) Measures to deal with environmental impacts such as vehicle emissions, dust, noise, vibration, light, and odour.
10. No development shall take place (including site clearance or demolition) until a tree protection plan has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plan.

Prior to Occupation

11. Prior to the beneficial occupation of the development to which this permission relates, the car parking shall be provided as shown on the approved plans. It shall be permanently kept free from obstruction and maintained for its intended purpose thereafter unless otherwise agreed in writing by the Local Planning Authority.
12. Prior to beneficial occupation of the development to which this permission relates, details of cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be provided prior to beneficial occupation and shall thereafter be permanently kept free from obstruction and maintained for its intended purpose unless otherwise agreed in writing by the Local Planning Authority.
13. Prior to beneficial occupation of the development to which this permission relates, details of refuse stores, including drawings of the elevations of any enclosures and the number, type, size and siting of bins, shall be submitted to and approved in writing by the Local Planning Authority. The refuse stores shall then be provided in accordance with the approved details prior to beneficial occupation and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
14. Prior to beneficial occupation of the development to which this permission relates, a scheme for low and zero carbon technologies, detailing the savings in regulated carbon dioxide emissions to be achieved versus Part L of the Building Regulations, shall be submitted to and approved in writing by

the Local Planning Authority. The approved scheme shall be implemented in full prior to beneficial occupation and permanently retained as such thereafter unless otherwise agreed in writing by 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.

4. 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).

5. 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 .

5 **23/00631/CLEU - 127 RIPON ROAD, STEVENAGE**

The Committee considered a report in respect of application 23/00631/CLEU for a Certificate of Lawfulness for (Existing Use) for the use of the property at 127 Ripon Road, Stevenage, as a 6-bed House of Multiple Occupation (Use Class C4).

The application was originally submitted to the Planning and Development Committee on 3 October 2023 but following debate was deferred to enable a selection of redacted evidence documents to be shared with the Committee. The applicant had submitted evidence of rental agreements, bank statements and property management invoices and inspections which corroborated the application and in the opinion of the Officers proved that on the balance of probabilities, the property had been in continuous use as an HMO since 2015.

The Committee was reminded by the Borough Solicitor that any debate referring to the redacted evidence documents would have to be considered in Part II of the meeting once the Press and Public had been excluded.

It was **RESOLVED** that the Certificate of Lawfulness is approved for the following reason:

On the balance of probabilities, the evidence that had been provided has demonstrated that No.127 Ripon Road was operating as a C4 House of Multiple Occupation prior to 20 September 2017 when the Council's Article 4 Direction came into force, and is, therefore a lawful use that is exempt from enforcement action.

6 **23/00618/CLEU - 45 YORK ROAD, STEVENAGE**

The Committee considered a report in respect of application 23/00618/CLEU for a Certificate of Lawfulness for use as a 7 bedroom HMO (Use Class Sui-Generis) at 45 York Road, Stevenage.

The application was before the Planning and Development Committee as it had been called-in by local Ward Councillor Sandra Barr.

The application had originally been considered by the Committee on 3 October 2023 when it had been deferred to enable a selection of redacted evidence documents to be shared with the Committee.

The Committee was again reminded by the Borough Solicitor that, as in the previous item, any debate referring to the redacted evidence documents would have to be considered in Part II of the meeting once the Press and Public had been excluded.

Officers reminded Members that for the purposes of Section 171(b) (3) Time Limits, of the Town and Country Planning Act 1990 (as amended), which states that in the case of any other breach of planning control, no enforcement action may be taken

after the end of the period of ten years beginning with the date of the breach. Therefore, providing the applicant could demonstrate through the submission of sufficient evidence, the large HMO, the subject of this application, was operating for more than 10 years, in line with the Act, they would be immune from enforcement action. Officers considered that the evidence submitted with the application demonstrated the continuity of the existing use in excess of this time period and the evidence was sufficiently precise and unambiguous to justify the Grant of a Certificate of Lawfulness. Officers advised that in their professional opinion, the evidence met the relevant required test of 'on the balance of probability' from the Statutory Declarations and other documents provided.

In response to a question Officers confirmed that in compliance with the Town and Country Planning Act, the Council could not take any enforcement action on the property after the end of the ten year period beginning with the date of the breach.

It was **RESOLVED** that the Certificate of Lawfulness is approved for the following reason:

On the balance of probabilities the evidence that had been provided has demonstrated that No.45 York Road has been continually operating as a Large House of Multiple Occupation for a period of at least 10 years from the date of the application and is, therefore a lawful use that is exempt from enforcement action.

7 **INFORMATION REPORT - DELEGATED DECISIONS**

Noted.

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

Noted.

9 **URGENT PART I BUSINESS**

None.

10 **EXCLUSION OF THE PRESS AND PUBLIC**

It was **RESOLVED**:

1. That under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in Paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.
2. That the reasons for the following reports being in Part II were accepted, and that the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

11 **URGENT PART II BUSINESS**

None.

CHAIR