

STEVENAGE BOROUGH COUNCIL
PLANNING AND DEVELOPMENT COMMITTEE
MINUTES

Date: Tuesday, 3 March 2020

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete

Present: Councillors: David Cullen (Chair), Michelle Gardner (Vice-Chair), Doug Bainbridge, Sandra Barr, Jody Hanafin, Liz Harrington, Lizzy Kelly, Graham Lawrence, John Lloyd, Maureen McKay, Graham Snell and Tom Wren.

Start / End Start Time: 6.30pm
Time: End Time: 9.09pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Sarah-Jane McDonough.

There were no declarations of interest.

2 MINUTES - 4 FEBRUARY 2020

It was **RESOLVED** that the Minutes of the meeting of the Planning and Development Committee held on 4 February 2020 be approved as a correct record and signed by the Chair.

3 19/00474/FPM - LAND TO THE WEST OF LYTTON WAY, STEVENAGE

The Committee considered an application for the demolition of the existing office building (Use Class B1) and structures, and the construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works on land to the west of Lytton Way, Stevenage.

The application was before the Committee for consideration as it was a major application.

The Chair invited Mrs Wheeler, an objector to the application, to address the Committee. Mrs Wheeler referred to the objections to the application, including the one from the Police Crime Prevention Team and the UK Power Network, who considered that one of the proposed flat blocks would be too close to a Sub-Station and would experience a frequent humming sound.

Mr Wheeler commented that two of the tower blocks were twice the height of nearby blocks. Part of the application site was not owned by the owners of the Icon building, and she considered that the layout of the site would not be conducive for

access by fire appliances should a fire break out in Block 1 or in the nearby Petrol Station.

Mrs Wheeler advised that the marketing of the site had referred to its location in the Bedwell Ward, whereas it was in fact located in the Old Town Ward. She felt that this was very undemocratic.

Mrs Wheeler was of the view that the Tower Blocks would change the appearance of the Old Town and would present an intimidating appearance. There was a lack of parking provision, which limited the number of families being able to reside in the flats, and there was no provision for deliveries or loading bays. She expressed concerns that the local GP surgeries would be able to cope with another influx of new residents.

Mrs Wheeler explained that she was not against development, but that it should be within reason. She felt that there were insurmountable issues in respect of this scheme and asked Members to refuse the application.

The Chair thanked Mrs Wheeler for her presentation, and invited Councillor Jim Brown, Old Town Ward Councillor, to address the Committee.

Councillor Brown advised that, even if the Committee was minded to grant the application and change the use of the site from employment to residential, he questioned whether the Icon site was the correct location for the development.

Councillor Brown was of the opinion that the flats would be priced beyond the means of most locals and would be used by commuters for easy access to London. He questioned, therefore, whether the development would meet the needs of young adults and families. SBC would be able to meet its 5 Year Land Supply without the need for the scale of the development proposed on the Icon site.

Councillor Brown questioned the reasons why the full allocation of affordable housing had not been offered by the developer and commented that the bus route information supplied was incomplete. He was concerned with the proposed Design and Access Statement, which showed a possible vehicular access onto Trinity Road. He asked the Committee to reject the application.

The Chair thanked Councillor Brown for his presentation, and invited Mr Mitch Tredgett, the applicant, to address the Committee.

Mr Tredgett advised that the application represented an opportunity for a high quality residential development, which provided much needed affordable housing and regularised an underutilised site in poor condition. The 576 new homes proposed would support the Council's SG1 aspirations, would be within walking distance of the town centre and would provide employment opportunities.

Mr Tredgett explained that the site had been marketed extensively for employment use for a number of years, but with no interest due to its poor condition and dated layout. The 576 new homes would be constructed to excellent environmental standards and electric vehicle charging points would be provided on the site.

Mr Trdegett stated that significant infrastructure improvements to the value of £1.66M would be provided via a Section 106 Agreement, including health, education and sustainable transport. The developer had a long standing association with the town and had provided other high quality developments across the Borough. He asked the Committee to grant the application planning permission.

The Chair thanked Mr Tredgett for his presentation.

The Development Manager gave an introduction and visual presentation to the Committee. He drew Members' attention to a document tabled at the meeting, which showed a revised Condition 1 (including two additional drawing numbers); an additional condition on car parking; and an amendment to paragraph 7.3.11 of the report, with the total figure for financial contributions totalling £1,663,076.00 and not £1,662,322.00 as stated).

The Development Manager advised that the main issues for consideration in the determination of the application were its acceptability in land use policy terms; housing policies and planning obligations; the impact on the character and appearance of the area generally; the impact on both existing amenities and proposed occupants; the effect of the proposals on the highway network; and the adequacy of parking provision, trees, ecology and landscaping and climate change.

The Development Manager considered that the principle of residential development had been established as being acceptable on this windfall site. In addition, whilst considered a high density scheme, the development was located within a sustainable location with access to local buses, train station, the nearby cycle and pedestrian network and was in close proximity to both the Old Town and Stevenage Town Centre and the facilities which they provided. In view of this, the proposal was considered to accord with the Council's adopted District Plan policies which related to windfall developments.

The Development Manager was of the view that the design and layout of the development would not significantly harm the amenities of the occupiers of neighbouring residential properties and the residents of the proposed development would enjoy an acceptable level of amenity (as set out in Paragraphs 7.5.1 to 7.5.8 of the report). In design terms, it would represent a high quality development resulting in landmark buildings in this prominent town centre location.

The Development Manager was of the opinion that the proposal would have adequate off-street parking, in line with the Council's adopted standards, as well as an appropriate level of cycle parking provision in a convenient location (as set out in Paragraphs 7.7.1 to 7.7.4 of the report). Issues relating to construction management, materials and landscaping, could be satisfactorily addressed through the use of conditions

In terms of the provision of affordable housing and developer contributions, the Development Manager explained that the application had been accompanied by a viability appraisal which had been assessed and which had demonstrated that the scheme was not capable of delivering the full amount of obligations normally

required (see Section 7.3 of the report). However, the applicant had made a significant offer towards affordable housing provision and other Section 106 obligations and this offer was considered acceptable.

In conclusion, the Development Manager recommended that, subject to a Section 106 Agreement, application 19/00474 be granted planning permission.

In response to issues raised by Members, the Development Manager, supported by the Assistant Director (Planning and Regulatory) commented as follows:

- the walking route to Stevenage Train Station was explained;
- SBC had a 5 year land supply without the 576 dwellings proposed, although windfall sites of this nature were a useful bolster to the housing numbers;
- the national “default position” was that sustainable development was acceptable, and that Members had to prove the unacceptability of such applications;
- the provision of the level of electric vehicle charging points proposed in the development was policy-compliant, especially as there were sustainable transport linkages to the town centre and the Old Town;
- the separation distance between the Power sub-station and the nearest proposed tower block met the requirements of the UK Power Network;
- which of the two options for affordable housing recommended for acceptance could be determined by officers or brought back to the Committee;
- the level of Section 106 contributions offered by the applicant had been tested against the viability of the scheme and were considered acceptable;
- a landscaping condition would protect a number of the trees on the site;
- a Secure by Design informative could be added to any grant of permission;
- the site was not designated for employment purposes in the Local Plan, even though it had previously been used as such;
- there was currently no zero carbon requirement in the Local Plan, notwithstanding the Council’s resolution to take steps to reach this point by the year 2030.

The Committee debated the application. Having acknowledged the views expressed by the speakers earlier in the meeting and the opinions of officers, Members voted against the officer’s recommendation to grant planning permission.

The Committee considered that the height, design and appearance of the development would be harmful to the visual amenities of the area. Members were also of the view that the proposed 576 dwellings in 7 flatted blocks on this constrained site would result in overdevelopment, which would be harmful to the character and appearance of the area. The Committee was of the further view that proposal would fail to provide the necessary mitigation required to deal with the impact that the proposed development would have on the demand on the infrastructure required to support it. It was therefore moved, seconded, and agreed that planning permission be refused for the above reasons.

It was **RESOLVED** that application 19/00474/FPM be refused planning permission for the following reasons:

1. The proposed development by virtue of its height, design and appearance would result in an incongruous form of development which would be harmful to the visual amenities of the area. The proposal would, therefore, be contrary to policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011-2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design.
2. The proposal comprising 576 dwellings in 7 flatted blocks on this constrained site would result in an overdevelopment of the site which would be harmful to the character and appearance of the area. The proposal would, therefore, be contrary to policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011-2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design.
3. The proposal would fail to provide the necessary mitigation required to deal with the impact that the proposed development would have on the demand on the infrastructure required to support the proposed development. The proposal would, therefore, be contrary to policy SP5 of the Stevenage Borough Local Plan 2011-2031.

4 19/00283/FP - BARNWELL MIDDLE SCHOOL. SHEPHALL GREEN, STEVENAGE

The Committee considered an application for an extension and resurfacing of playing courts, erection of 12no. 8m high floodlights, installation of 4.5m high fencing and siting of storage container at Barnwell Middle School, Shephall Green, Stevenage.

The application was before the Committee as it had been called-in by Councillor Sarah Mead for the reasons set out in Paragraph 3.3 of the officer report.

The Chair invited Mr Jeffrey Goodwin, an objector to the application, to address the Committee. Mr Goodwin advised that his objection centred around pollution in the Shephall Green area. He was aware of the reduction in floodlighting, but considered that there would still be light spillage.

In terms of noise pollution, Mr Goodwin commented that local residents were prepared to accept an element of daytime noise due to school activities, but did not want this noise to be extended into the evenings and weekends. This had been recognised by the School, as a Noise Management Plan had been prepared dealing with issues such as shouting, whistling, balls hitting the fence and vehicles entering and leaving the car park.

Mr Goodwin queried how some of these issues could be managed effectively, especially the shouting and balls hitting the fence, and in view of the fact that the playing courts were close to residential properties. He felt that it was important for the character of the Shephall Green Conservation Area to be maintained. There were public benches in Shephall Green, which allowed people to relax and reflect on their surroundings. This would be adversely affected by shouting from the playing courts and balls hitting the fence should the application be granted.

The Chair thanked Mr Goodwin for his presentation, and invited Councillor Sarah Mead, Shephall Ward Councillor, to address the Committee.

Councillor Mead advised that there were existing challenges to local residents, which were tolerated, in respect of parking issues relating to the School and nearby Church.

Councillor Mead stated that, if approved, this planning application would continue and increase the noise generated from the School into the evenings and weekends. She was in favour of improved physical wellbeing, but in this case not at the expense of the amenity of residents.

Councillor Mead asked the Committee to consider the overbearing impact of the application on local residents and the wider Shephall Green area, and questioned whether even a 12 month temporary permission would be appropriate. She was also concerned that the School had not consulted local residents prior to the submission of the application.

Councillor Mead concluded by stating that neither she nor the local residents were against the School improving its facilities, but she felt that the proposal before the Committee would result in an overbearing effect on the residents for seven days a week, including evenings.

The Chair thanked Councillor Mead for her presentation, and invited Mr Alex Petit, the applicant, to address the Committee.

Mr Petit advised that the School had large playing fields, which were often difficult to use due to weather conditions. The condition of the existing hard surface playing areas had deteriorated and were unfit for use, hence the application for a 3G surface to provide all year round activities.

Mr Petit stated that lighting and acoustic surveys had been carried out, and both had met the requirements of SBC Environmental Health. The planning application had been adapted to revise the hours of operation of the facility. The playing court was 68m to the closest property, and the noise survey had concluded that the decibel level would be 43, well below the 50 decibel limit.

Mr Petit was conscious of the impact of the proposal on local residents, but referred to the Noise Management Plan, whereby a lettings management company would monitor the site and act on complaints received. There was ample parking for the level of activity envisaged, and he hoped that the site would be primarily used for specific School events rather than open hire.

The Chair thanked Mr Petit for his presentation.

The Principal Planning Officer (RE) gave an introduction and visual presentation to the Committee. She advised that the application description had been amended, as the applicant was now seeking permission for 4no. (as opposed to 12no.) 8m high floodlights.

The Principal Planning Officer (RE) advised that the main issues for consideration in the determination of the application were its acceptability in land use policy terms, the impact on the character and appearance of the area and the setting of the conservation area, impact upon neighbouring amenity, impact on the highway network and parking provision.

The Principal Planning Officer (RE) considered that the proposed development would provide suitable facilities in order for the school to meet its PE curriculum requirements. In addition, the proposed development would also help to address the shortage of Artificial Grass Pitch (AGP) facilities as identified in the Council's Sports Facility Assessment and Strategy 2014 – 2031 (2014). She felt that the development would not have a detrimental impact on the visual amenities of the street scene or the historic character setting of the conservation area (as explained in Paragraphs 7.3.1 of the report). Furthermore, and through appropriate conditions, the development was not considered to have a detrimental impact on the amenities of nearby residents (for the reasons outlined in Paragraphs 7.4.1 to 7.4.5 of the report). Moreover, the scheme would have sufficient off-street parking and would not prejudice the safety and operation of the highway network.

Given the above conclusions, the Principal Planning Officer (RE) was of the opinion that the proposed development accorded with the Policies contained within the adopted Local Plan (2019), the Council's Supplementary Planning Documents, the NPPF (2019) and NPPG (2014). She therefore recommended that application 19/00283/FP be granted planning permission.

Members were generally supportive of improvements to school facilities, although not at the expense of the amenity of local residents. The Committee considered that a compromise solution could perhaps be sought regarding the proposed hours of operation of the facility. Members felt that determination of the application should therefore be deferred to enable the submission of such a compromise solution.

It was **RESOLVED** that the determination of application 19/00283/FP be deferred to enable the applicant to liaise with local objectors, with a view to the consideration of revised proposed hours of operation of the sports facility (including clarity as to proposed hours of operation on Bank Holidays), and that the outcome be reported back to the next meeting of the Planning & Development Committee.

5 20/00102/ENF - LAND BETWEEN WATERCRESS CLOSE, COOPERS CLOSE AND WALNUT TREE CLOSE, STEVENAGE

The Committee considered a report seeking authorisation to serve an enforcement notice regarding land between Watercress Close, Coopers Close and Walnut Tree Close. Late letters of representation from two objectors were tabled for Members' consideration.

The Principal Planning Officer (RE) gave an introduction and visual presentation to the Committee. She advised that the site was in private ownership, and that the current owner had applied for planning permission to build three detached houses with associated access and car parking in 2019 (Planning Reference:-

19/00002/FP). Officers were recommending refusal and the application was subsequently withdrawn at the request of the applicant before a decision was issued.

The Principal Planning Officer (RE) further advised that, on 25 January 2020, contractors arrived on site and erected 2m high hoarding panels across the entrance of each pedestrian access to the land. The agent had been contacted seeking removal of the hoarding and the owner of the land believed the works to be legal for planning purposes and was not willing to remove the enclosures.

The Principal Planning Officer (RE) stated that the approval of the residential estate off Walnut Tree Close and beyond that off Edmonds Drive was approved in 1986. As part of the approved plans the area of land was annotated as a 'play area'. However, no Section 106 Agreement was signed to specify that the land be used as such, or for agreement of the land to be adopted by the Council. Furthermore, there were no stipulations placed on the decision notice by way of condition that protected the area of land in question. Notwithstanding this, the area of land had been open for public use since the estate was built and it was considered by officers that the open space had acquired a public right of way and access over the land. This was because of the length of time in which it had been in use by the general public.

In terms of the hoarding erected on site, the Principal Planning Officer (RE) explained that each of the three entrances had been blocked up and enclosed by approximately 2m high hoarding. Each area of hoarding had been set back from the highway edge by approximately 1.5m to 2m maximum. Most visible at the cul-de-sac of Watercress Close, this hoarding and the hoarding at the end of Coopers Close were very prominent as viewed from the public realm and were considered harmful to overall the character and appearance of the street scene. Furthermore, these two areas of hoarding were considered to be adjacent to a vehicular highway for the purposes of Class A, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and thus would not benefit from permitted development rights as they were over 1m in height.

The Committee noted that whilst the Order did not specify a given distance by which something was considered adjacent to a highway, planning case law and appeal decisions had generally taken a viewpoint that if the boundary treatment or enclosure in question was the first line of boundary on a site it would be classed as being adjacent to a highway. At only between 1.5 and 2m in distance from the highway verge, the hoardings at Watercress and Coopers Close were deemed to be adjacent to the highway.

In terms of the hoarding erected at the Walnut Tree Close entrance, the Principal Planning Officer (RE) reported that this was set behind an existing area of 1.8m high close boarded fencing similar in appearance to the rear garden fencing along this stretch of the road. Similarly, there was a 1m high area of close boarded fencing actually closing off the opening into the open space. The hoarding was then set back approximately 3m to 4m from the initial fencing and highway edge. In this case the hoarding was not considered to lie adjacent to a highway. Notwithstanding this, the placement of the fencing precludes the public from accessing a public right of way over the land and this was not deemed acceptable in this instance.

In view of the above comments, the Principal Planning Officer (RE) recommended that an Enforcement Notice be issued requiring the removal of the three areas of hoarding and the reinstatement of the land to its original open state.

The Principal Planning Officer (RE) and Assistant Director (Planning & Regulatory) answered a number of Members' questions regarding the report.

It was **RESOLVED**:

1. That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence, requiring the removal of the three areas of hoarding and to reinstate the land to its original open state. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
2. That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
3. That, in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

6 COMMUNITY INFRASTRUCTURE LEVY (CIL) - UPDATE

The Principal Planning Officer (DH) gave an update presentation on the Community Infrastructure Levy (CIL). He reminded Members that the CIL had been introduced by the Planning Act 2008, and was a £/m² charge on new floorspace to help fund infrastructure required to support growth. All developments of at least 1 dwelling or that created over 100m² net gain in floorspace would be required to pay CIL (subject to some exceptions). It replaced Section 106 agreements in part, but some Section 106 contributions would still be required. CIL money could be used to fund any infrastructure, such as transport schemes, schools, community facilities, parks and leisure facilities.

The Principal Planning Officer (DH) advised that the evidence base for CIL had been prepared as part of the production of the Local Plan, with updates in 2017 and 2019. The Council's CIL scheme had been examined by an independent examiner in September 2019, and the CIL Charging Schedule had been approved by the Council on 29 January 2020, with an implementation date of 1 April 2020.

The Principal Planning Officer (DH) referred to a table showing the CIL rates for the Borough, which would be non-negotiable charges on all development granted planning permission after 1 April 2020. He outlined the various CIL charging zones across the Borough.

The Committee was informed that, from 1 April 2020, all new developments may be subject to a CIL charge, not just larger schemes (although there were options for exemptions and relief available); Section 106 agreements would be simpler, only covering site-specific requirements, such as primary school provision or site access; Less time would be spent in negotiating between developers and service providers during the application stage; SBC would receive the money and control what it was spent on; and The County Council and other infrastructure providers could bid to receive CIL funding.

The Principal Planning Officer (DH) explained that the CIL was being implemented to help fund the infrastructure required by development in the Local Plan. Expenditure would be 80% core fund, 15% local spend and 5% CIL administration. The Council's Infrastructure Delivery Plan was likely to be updated to give an accurate overview of infrastructure requirements and cost, and it was likely that an Infrastructure Priority List would be produced to guide spend. Governance arrangements would be finalised at a later date. The Executive had agreed that the Planning and Development Committee would authorise expenditure of CIL funds of £75,000 or more.

In response to a Member's question, it was confirmed that CIL expenditure below £75,000 would be approved by the Assistant Director (Planning & Regulatory), following consultation with the Executive Portfolio Holder for Environment & Regeneration.

It was **RESOLVED** that the update on the Community Infrastructure Levy (CIL) be noted.

7 PARKING PROVISION AND SUSTAINABLE TRANSPORT SUPPLEMENTARY PLANNING DOCUMENT (SPD) - UPDATE

The Principal Planning Officer (DH) gave an update presentation on the draft Parking Provision and Sustainable Transport Supplementary Planning Document (SPD). He commented that SPDs added detail to the policies in the adopted Local Plan. The Parking SPD was not part of the Development Plan, but was a material consideration in decision making for all developments. The SPD would set the requirements for parking that should be provided by developments. The Local Plan committed the Council to updating its existing Parking Provision SPD (adopted in 2012) in line with up to date policy. Therefore, the 2020 draft version sought to promote a modal shift from the current dependence on privately-owned vehicles to more sustainable types of transport.

The Principal Planning Officer (DH) referred to the revised Accessibility Zones across the Borough, and the reduced percentage of car parking that could be required on future residential and commercial development schemes, according to in which Zone each development was located.

The Committee noted that the SPD also included a requirement that 20% of vehicular parking spaces had an Electric Vehicle (EV) Charging Point; all other spaces to have the underlying infrastructure (cables and connections to electricity supply) for EV Charging Points; increased cycle spaces to match the

recommendations of the Stevenage Cycle Strategy; 5% of communal parking spaces for residential developments to be for Disabled parking; a range of disabled parking , depending on building type, for non-residential developments, incorporating staff, guests, visitor and future provision; and Transport Strategy Schemes, such as Park & Ride, Liveable Streets, Bike Hire Schemes and Bike Hubs.

The Principal Planning Officer (DH) advised that public consultation on the SPD would take place until 23 March 2020. All representations would be considered and any necessary amendments made to the document. It was planned that the proposed final SPD would be adopted in July 2020, and would therefore be able to be used in decision-making from that point.

In response to a Member's question, the Principal Planning Officer (DH) advised that the travel to work issue in respect of east-west links across the Borough was beyond the remit of the SPD.

It was **RESOLVED** that the update on the Parking Provision and Sustainable Transport Supplementary Planning Document (SPD) be noted.

8 INFORMATION REPORT - DELEGATED DECISIONS

It was **RESOLVED** that the report on Delegated Decisions be noted.

9 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

It was **RESOLVED** that the report on appeals/called-in applications be noted.

10 URGENT PART I BUSINESS

None.

11 EXCLUSION OF THE PRESS AND PUBLIC

Not required.

12 URGENT PART II BUSINESS

None.

CHAIR