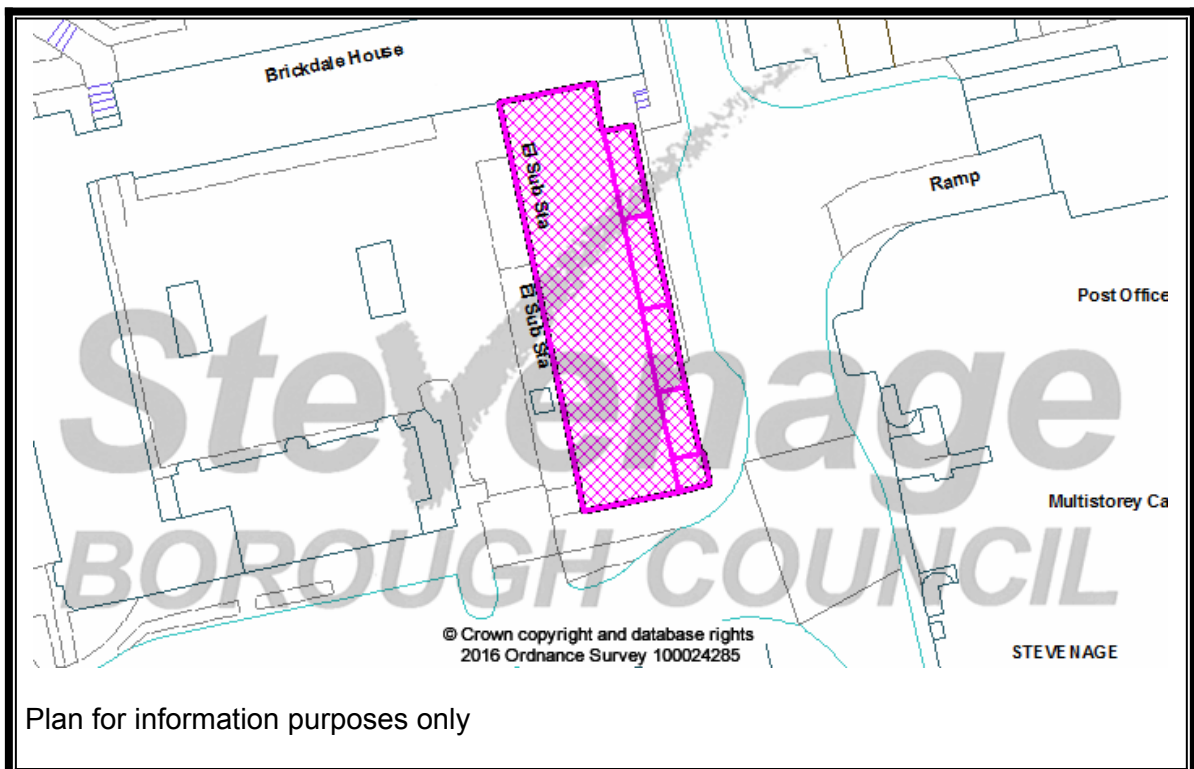


**Meeting:** Planning and Development Committee      **Agenda Item:**  
**Date:** 14 August 2018  
**Author:** Clive Inwards      01438 242837  
**Lead Officer:** Chris Berry      01438 242257  
**Contact Officer:** Clive Inwards      01438 242837

Application No:	18/00469/ENF Related prior approval reference 13/00443/CPA and planning application reference 14/00078/FPM
Location:	Brickdale House, Stevenage
Proposal:	Authorisation to serve an enforcement notice.
Drawing Nos.:	
Applicant:	
Date Valid:	
Recommendation:	SERVE AN ENFORCEMENT NOTICE



## **1. BACKGROUND**

- 1.1 The structure in question is a wooden clad refuse store that has been erected at the front of Brickdale House close to the corner of Danestrete and Swingate. Brickdale House was formerly in an office use but was allowed to convert to residential use under the Central Government introduced prior approval procedure. This part of the Brickdale House complex was converted under reference number 13/00443/CPA which provided 20no. one bed flats and 16 no. two bed flats. Under this procedure at this time the Local Planning Authority could only consider flooding, contamination and highways issues and provided these issues were suitably addressed the Local Planning Authority could not refuse the application. No details of a refuse store were shown and were not required under this procedure.
- 1.2 Following this approval, planning permission was also granted for external alterations, recladding of the existing four storey building and the addition of two new storeys on top of the existing building to create 17 new dwellings under reference number 14/00078/FPM. As a planning application the Local Planning Authority had full control over this proposal and could require both cycle store and refuse store details. A cycle storage area was provided in the basement area and two external refuse stores were provided; one at the rear of the building close to the vehicular access and one in the north-eastern corner of the building, at the front but set against another part of the Brickdale House complex, that part of the building which is opposite the Tesco supermarket. Whilst the first external refuse store has been built in the correct place, the second refuse store that was proposed in the north-east corner has now actually been provided on the south-eastern corner where it is prominent in the Danestrete street scene. Accordingly, the bin store in this location is not in accordance with the approved drawings and is unauthorised.

## **2. DISCUSSION**

- 2.1 As set out above the refuse store in question is unauthorised in this location and thus it needs to be considered if it has a harmful impact in this location.
- 2.2 The wooden clad refuse store is situated close to the junction of Danestrete and Swingate and is also set right up to the back edge of the pavement which is a well-used thoroughfare down to the supermarket and The Forum in the town centre. Accordingly, the refuse store is in a highly prominent location and it is considered to detract from the appearance of the building which has been extended and clad in modern materials. The refuse store in this location is considered to have a detrimental visual impact and therefore adverse impact on both the Danestrete and Swingate street scenes. The Local Planning Authority has written to the owner of the building on two occasions and has sent a formal Section 330 Notice in an attempt to open a dialogue with the owner of the building regarding possible solutions to this issue. However, no response has been received and the Section 330 Notice was refused to be signed for. Accordingly, the Local Planning Authority is now left with little alternative but to instigate formal enforcement action to seek to remedy the harmful visual impact as a result of the unauthorised refuse store.

## **3. RECOMMENDATION**

- 3.1 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 unauthorised refuse store. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.

- 3.2 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.
- 3.3 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.

#### **4. REMEDY REQUIRED**

- 4.1 Within three months of the date of any Enforcement Notice served, the unauthorised refuse store to be removed.

#### **5. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents associated with application references 13/00443/CPA and 14/00078/FPM.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Central Government advice contained in the revised National Planning Policy Framework July 2018 and Planning Policy Guidance.