

|                         |   |                     |
|-------------------------|---|---------------------|
| <b>Meeting:</b>         | <b>Planning and Development Committee</b> | <b>Agenda Item:</b> |
| <b>Date:</b>            | <b>10 February 2022</b>                   |                     |
| <b>Author:</b>          | <b>Rebecca Elliott</b>                    | 01438 242836        |
| <b>Lead Officer:</b>    | <b>Zayd Al-Jawad</b>                      | 01438 242257        |
| <b>Contact Officer:</b> | <b>Rebecca Elliott</b>                    | 01438 242836        |

|                 |  |
|-----------------|--|
| Application No: | 20/00790/FP & 20/00791/FP  |
| Location:       | 107A-109A High Street, Stevenage.  |
| Proposal:       | Retrospective planning permission to retain Flats 6 and 7 as two bedroom units       |
| Drawing Nos.:   | PL01, PL02, PL03, PL04, PL05, PL06, PL07, PL08, PL09, PL10, PL11, Site Location Plan |
| Applicant:      | Mr S Orlinski  |
| Date Valid:     | 12 January 2021  |
| Recommendation: | REFUSE PLANNING PERMISSION AND SERVE AN ENFORCEMENT NOTICE.                          |



## **1. SITE DESCRIPTION**

- 1.1 The application property is situated to the rear of a courtyard of flat conversions behind the original buildings fronting the High Street. The property is largely visible from Church Lane to the rear and east of the High Street. The property is set within the Old Town Conservation Area, and although not a listed building, it is surrounded by listed buildings on the High Street frontage and some on Church Road. The street scene is a variety of differing roof heights. Planning permission was approved in 2017 for conversion and alterations to the roof to provide 2no. one bedroom flats.
- 1.2 The ground floor of no's 107-109 High Street fronting the road is currently in A5 use, with residential accommodation above and within the three storey buildings projecting eastwards forming the small courtyard type area. The 2017 application included the introduction of improved headroom to the lower and northern end roof to Church Lane by raising the ridge to be coincidental with the ridge to Shepherds Path. The conversion and works have taken place and the internal layout subsequently being changed to provide two bedrooms within the flat.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 The site has historic records for various applications relating to different flats within the address, and also the ground floor uses. For clarity the below applications relate to the flats in question.
- 2.2 13/00488/FP Alterations to existing roofscape to form 2no. 1 bedroom flats. 23.12.2013 application permitted.
- 2.3 17/00305/FP Alterations to existing roof to form 2no. 1 bedroom flats. 04.07.2017 application permitted.

## **3. THE CURRENT APPLICATION**

- 3.1 The current applications seek retrospective permission for the retention of the second bedroom in flat 6 (Unit A) and flat 7 (Unit B). The works have been partially carried out with the installation of timber beams and some stud work.
- 3.2 The application comes before the Planning and Development Committee because should the Committee be minded to agree with the officer's recommendation to refuse planning permission then in accordance with the Council's Constitution, the Planning Committee will need to consider whether it is expedient to take further action in relation to the breach in planning control as outlined in Sections 10 through to 12 of this report.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 The application has been publicised by neighbour letter, site notice and a newspaper advert. No observations received.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council as Highways Authority**

- 5.1.1 The Local Highway Authority does not wish to restrict the grant of permission.

### **5.2 Environmental Health**

- 5.2.1 No specific comments relating to the planning applications. However, we are in the process of ascertaining whether or not the building complies with building regulations. If it does not comply with the building regulations, it may be classed as a section 257 HMO.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the development plan**

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

### **6.2 Central Government Advice**

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 and 2019 versions of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

### **6.3 Planning Practice Guidance**

The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

### **6.4 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

Policy GD1: High Quality Design;  
Policy NH10: Conservation Areas;  
Policy IT5: Parking and Access;

### **6.5 Supplementary Planning Documents**

Parking Provision and Sustainable Transport SPD (2020)  
Old Town Conservation Area Management Plan (2012)

### **6.6 Community Infrastructure Levy (CIL)**

Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development.

## **7. APPRAISAL**

7.1.1 The principle of residential development in the roof area of the respective building has already been established and internal alterations substantially completed following approval of application ref: 17/00305/FP. Therefore, the main issues for consideration in the two applications presented are the visual impact of the amended layout, impact on neighbouring amenity, impact on the amenities of future occupiers and parking provision.

7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **7.2 Visual Impact of the Amended Layout**

7.2.1 The proposed alterations do not include or require any external alterations to the property, and therefore the proposals would preserve the external appearance of the property and the wider conservation area.

### **7.3 Impact on Neighbouring Amenity**

7.3.1 Given the siting of the flats in the roof space of the building with mainly roof lights for light and ventilation the amended layout would not have a detrimental impact on the amenity of any neighbouring properties in terms of loss of privacy/overlooking.

### **7.4 Impact on the Amenities of Future Occupiers**

7.4.1 The layout changes see the provision of a second bedroom within part of the approved bedroom and bathroom areas. Changes to the hallway have also been made to make more space for the re-positioning of the bathroom within the flat. Both bedrooms would have a window and /or roof light.

7.4.2 A site visit was carried out viewing the internal layout of the flats. This was completed due to concerns over the resultant usable living space within the second bedroom, due to the sloped eaves of the roof within the mansard design. On plan, the bedroom would appear to exceed the national standards at 9.8 square metres, with the original master bedroom measuring 14 square metres. However, as witnessed on site, the room is largely restricted by the positioning of the support timbers, as the flat is within the roof space.

7.4.3 Consequently, the usable living space, with headroom of at least 1.5m is questioned. Some of the floor plans show a possible representation of the eaves, although it is difficult to distinguish if this is the case. Further plans have been requested from the agent, over several emails and is the reason for the application taking so long to reach a decision. No further details have been provided and as it is not clear on the submitted plans that the proposed alterations, which have been started on site but have not been completed, would result in two bedrooms of a size that meets the minimum space standard requirements of 7.5 and 11.5 square metres.

7.4.4 Therefore, the proposal fails to demonstrate it meets this requirement, as adopted by the Local Plan and this cannot be overcome at this time. It is therefore considered that insufficient information is available to approve the application.

### **7.5 Parking Provision**

7.5.1 In respect of parking provision, there is no on-site parking provision and this was deemed acceptable in the 2017 application. The 2020 parking standards SPD allows for a further

reduction in parking than the previous 2012 standards for the High Street because of its sustainable location. Given the level of available car parks in close proximity of the site, along with excellent bus, cycle and footpath links, the lack of a car parking space is considered acceptable in this case.

## **8. CONCLUSIONS**

- 8.1 The further conversion of flat 6 and 7 to provide 2no. two bedroom flats instead of 2no. one bedroom flats as approved under ref: 17/00305/FP is considered to be unacceptable as it has not been evidenced that the internal alterations would not prejudice the living standards of future occupiers by ensuring adequate head height and room size standards as required by the National Technical Standards and the Local Plan. This is based on the established positioning of internal beams and the eaves slope of the mansard roof impacting on the proposed positioning of the second bedrooms.
- 8.2 Should the Committee be minded to refuse the application then it will be necessary to consider further action as outlined in sections 10, 11 and 12 of this report below.

## **9. RECOMMENDATIONS**

- 9.1 That planning permission be REFUSED based on the following reasons, and that following refusal the Local Planning Authority be authorised to serve an Enforcement Notice to seek the development be completed in accordance with the approved plans of application ref: 17/00305/FP.
- 1 The proposed development fails to demonstrate that the provision of two bedrooms would meet the minimum space standards for bedroom sizes as required under the Technical Standards and if approved the development would fail to provide an acceptable standard of living for its future occupiers. The proposal does not accord with Policy GD1 of the Stevenage Borough Local Plan 2011-2031 (2019), Nationally Described Space Standards (2015)(as amended), National Planning Policy Framework (2021) and National Planning Practice Guidance (2014).

## **10. FURTHER CONSIDERATIONS**

- 10.1 Having recommended refusal of the retrospective planning applications, a decision needs to be made as to whether or not the Council should undertake enforcement action against the breach of planning control which has occurred in this instance.
- 10.2 As set out previously in this report, it is considered that the existing development, by way of the lack of supporting evidence showing adequate living space standards for the second bedrooms, because of the internal supporting timber beams structure and mansard roof eaves, that the provision of a second bedroom in each flat would result in a poor and substandard living arrangement for future occupiers.
- 10.3 Given the aforementioned comments, should the Committee agree with the recommendations set out in section 9 of this report to refuse planning permission, authorisation is sought to take enforcement action to secure the removal of any internal works carried out to provide each second bedroom. It is considered that a period of four months from the date of the Enforcement Notice being issued is deemed reasonable in line with the Government's Planning Practice Guidance (2014).

## **11. FURTHER RECOMMENDATION**

- 11.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation, subject to the Borough Solicitor being satisfied, requiring the removal of all internal alterations that have taken place in flats 6 and 7 at 107A - 109A – High Street, Stevenage to provide two bedrooms be removed. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- 11.2 That, subject to the Borough Solicitor being satisfied with 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.
- 11.3 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.

## **12. REMEDY REQUIRED**

- 12.1 Within four months of the date of the Enforcement Notice being served all internal alterations that have taken place to provide a second bedroom in each flat shall be removed.

## **13. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.