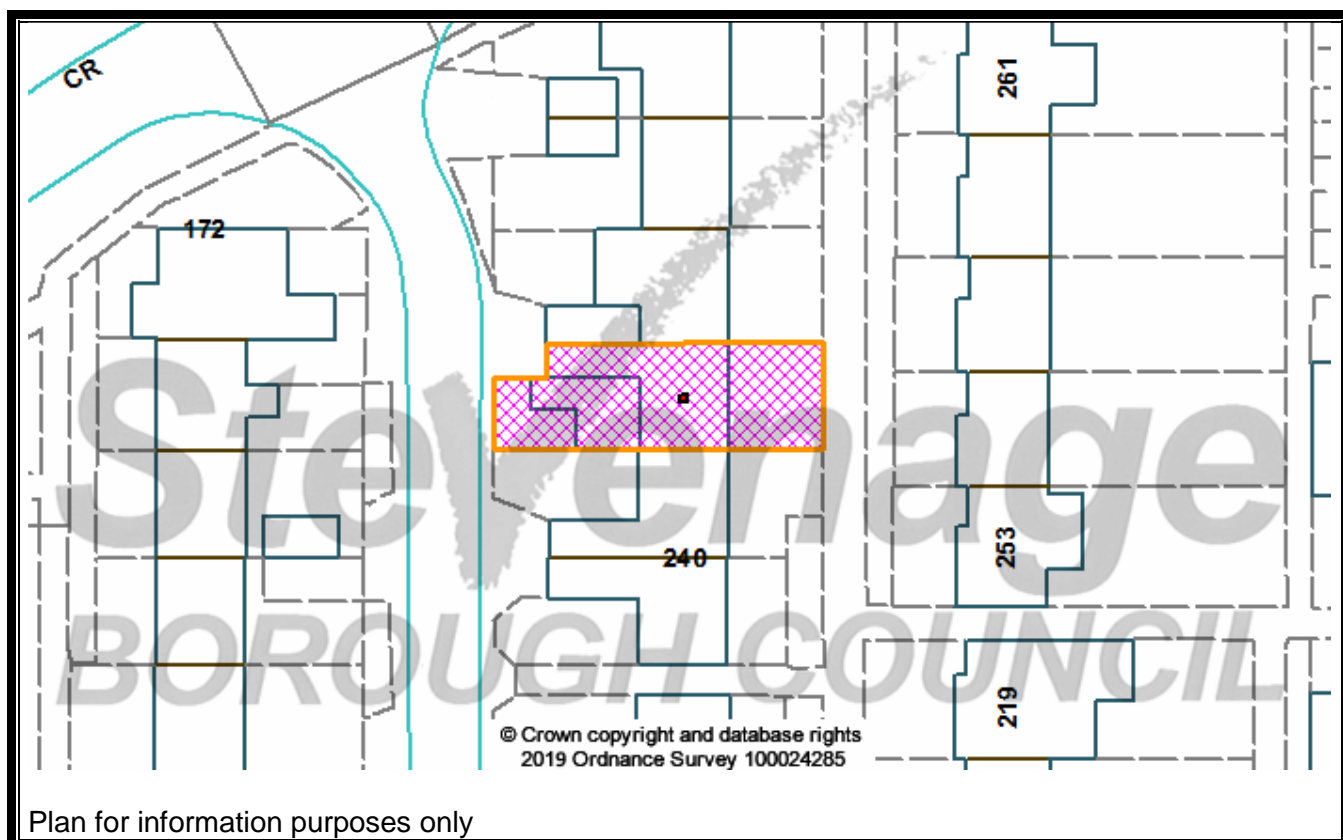


<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>4 October 2022</b>	
<b>Author:</b>	<b>Rebecca Elliott</b>	01438 242836
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<b>Contact Officer:</b>	<b>Rebecca Elliott</b>	01438 242836

Application No:	22/00664/FP
Location:	244 Canterbury Way, Stevenage.
Proposal:	Change of use from dwellinghouse (Use Class C3) to a HMO (Use Class C4).
Drawing Nos.:	Location Plan; 879150.
Applicant:	Mr Lee Kitching
Date Valid:	18 July 2022
Recommendation:	GRANT PLANNING PERMISSION.



## 1. SITE DESCRIPTION

- 1.1 The site is located on the eastern side of a side spur arm off the main highway of Canterbury Way to the north. The mid-terraced dwelling faces eastwards on to a shared footpath with the row of terraces to the east. The rear of the property has a single storey garage projection, a feature on all the properties in this area, as well as an area of off-street parking. The vehicular

access for this row of terraces and those to the west is narrow and is known to have parking issues.

- 1.2 The area is predominantly residential in character, with the St Nicholas neighbourhood centre in close proximity to the north east along Canterbury Way providing amenities and community services.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 There is no planning history of applications at the site.

## **3. THE CURRENT APPLICATION**

- 3.1 The application seeks planning permission for the change of use of the dwellinghouse (Use Class C3) to a House of Multiple Occupation (HMO) (Use Class C4). This is because the Council introduced an Article 4 Direction which covers the entire Borough which effectively removed permitted development rights to allow properties to be converted into HMO's.
- 3.2 The site would retain the existing vehicular access and parking provision. There would be no external alterations proposed as part of the application. Internally, an existing utility area within the garage would be turned into a separate shower area. The downstairs lounge is shown as a lounge/bedroom 4. Otherwise no other internal changes are proposed.
- 3.3 The application is being considered at Planning and Development Committee as it has been called in by Councillor Henry on the following reasons –
- There is a regular issue regarding parking raised by residents in this part of St Nicholas, also a number of residents are creating parking at the rear of their properties further reducing parking opportunities.
  - If this is granted it will almost certainly increase the number of cars vying for a decreasing number of spaces available.
  - The loss of a family home when there is a great need for more.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 The application has been publicised by neighbour letter and the posting of a site notice. No observations have been received.

## **5. CONSULTATIONS**

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

Original response

- 5.1.1 There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation. In the absence of the necessary information, the Highway Authority recommends refusal due to doubt over possible implications for highway safety, convenience, and the sustainable travel credentials of the site. Specifically related to the proposed vehicle and cycle parking provision.

Response following amended plan

- 5.1.2 The revised plan is reasonable in its form so the local highway authority remove their objection. Car and cycle parking provision should be secured through imposition of a condition.

### **5.2 Environmental Health**

5.2.1 The plans attached meet current adopted space standards for HMOs.

## 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 version 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.

6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by the Ministry of Housing Communities and Local Government (MHCLG) (**now the Department for Levelling Up, Housing and Communities**) in January 2022, identifies that Stevenage delivered 79% of its housing requirement which is above the 75% requirement. However, this is still less than 85%. Consequently, Stevenage Borough Council must include the 20% buffer in its 5 year housing land supply calculations, which it already does.

6.2.3 The Council also has to prepare an Action Plan to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. It will have to be prepared in accordance with Planning Practice Guidance and analyse the reasons for under-delivery of new homes against the Government's requirements. It also has to set out clear actions on how to improve housing delivery. Consequently, Stevenage Borough Council has recently published its Action Plan (July 2022) to demonstrate how it seeks to maintain the supply of housing:

<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-position-statement-august-2021.pdf>

6.2.4 Turning to 5 year housing land supply, the Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer).

- 6.2.5 The Council will also be commencing preliminary work into a potential review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

### **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 SP1: Presumption for Sustainable Development;  
Policy SP2: Sustainable Development in Stevenage;  
Policy SP6: Sustainable Transport;  
Policy SP8: Good Design;  
Policy HO5: High Quality Homes;  
Policy HO9: Housing Types and Sizes;  
Policy GD1: High Quality Design;  
Policy IT5: Parking and Access;

### **6.5 Supplementary Planning Documents**

Parking Provision and Sustainable Transport SPD (2020)

### **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. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.

## **7. APPRAISAL**

- 7.1.1 The determining issues relate to the acceptability of the proposal in land use policy terms, the impact of the development on the character and appearance of the area, the impact on the amenities of neighbouring occupiers and the provision of appropriate parking serving the property.

- 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 Land Use Policy**

- 7.2.1 The principle of residential development within urban areas is set out in both national and local policy. Paragraph 60 of the National Planning Policy Framework (NPPF) states that 'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

- 7.2.2 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019). Given the application site is within the curtilage of No.244 Canterbury Way, it is not allocated for residential development within the Local Plan and is, therefore, regarded as a 'windfall site'. Policy HO5 of the Local Plan (2019) (windfall sites) stipulates that proposals should not prejudice the Council's ability to deliver residential development on allocated sites, and should not overburden existing infrastructure.
- 7.2.3 Criterion (a) of Policy HO5 requires windfall residential development to be on previously developed land or a small, underused urban site. For the purpose of clarity, the definition of previously developed land, as stated within the National Planning Policy Framework (NPPF) (2021) is: "Land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure". The definition then continues on to state which types of land are excluded from this definition, which includes land in built-up areas such as private residential gardens. The proposed HMO would be created wholly within the footprint of the existing house, therefore meeting the definition of previously developed land.
- 7.2.4 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities include opportunities to access alternative forms of travel to private motorised transport. The site is located approximately 300m from the St Nicholas neighbourhood centre, 700m from The Leys Primary School and Nursery and 100m from the nearest bus stops on Canterbury Way. The application site is considered to have good access to local facilities and alternative forms of travel to the private car and, therefore deemed to be within a reasonably sustainable location.
- 7.2.5 Criterion (c) of Policy HO5 states that there should be no detrimental effect on the environment and the surrounding or adjoining properties. This issue will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity.
- 7.2.6 In regards to criterion (d) of the policy, the development would not prejudice the delivery of residential development on allocated sites given its siting in an existing residential estate .Lastly, criterion (e) of the aforementioned policy relates to the impact of the development on existing infrastructure such that it should not overburden said infrastructure. The development, consisting of a change of use of the dwelling to a similar sized HMO is not considered to have such a burden.
- 7.2.7 With regards to the loss of the single family dwelling, there is no policy in the Local Plan which prevents the conversion of single family dwellings to HMOs or flats. Policy HO5 'windfall sites' provides guidance on this issue in para 9.46 of the Local Plan:
- 7.2.8 The conversion of larger houses into smaller homes or flats or shared accommodation can be a useful means to providing additional dwelling stock, which meets the small property demand. However, an increase in residents can result in a need for additional parking and open space provision, can increase traffic, and can add to pressures on existing services and facilities. The conversion of larger houses will be permitted where any negative impacts can be successfully mitigated against.
- 7.2.9 Furthermore, para. 9.65 under Policy HO9 of the Local Plan identifies that the borough has a high proportion of terraced, in particular, three bed housing as a result of the original masterplans for Stevenage. As the application site is a three bedroom property (rather than a 'larger house') this holds strong weight in terms of loss of such a property.
- 7.2.10 Policy HO9 continues in respect of housing types and sizes, stating that an imbalance in the housing stock also comes from a lack of smaller properties in the Borough. As the proposed

development seeks to deliver smaller accommodation through HMO tenancy units, it would be in accordance with this policy.

- 7.2.11 The principle of the conversion of the property from a single dwelling to a four bedroom HMO is therefore acceptable in land use policy terms, subject to successfully mitigating against any negative impacts.

### **7.3 Impact on the Character and Appearance of the Area**

7.3.1 The proposed change of use of the dwelling to a HMO does not include the need for any external alterations or enlargements to the dwelling itself. The proposed site plan does show the moving of the rear garden boundary to create a greater area of hardstanding for parking. Notwithstanding, in terms of the impact of the development on the character and appearance of the area, this will not change. The property would continue to be viewed as a single unit in this row of terraced houses.

7.3.2 To the rear, the re-location of the rear boundary fence and additional hardstanding proposed would have some impact on the appearance of this spur road. However, the character of these small spur roads, providing vehicular access to these 'Radburn' properties is such that there are examples of increased hardstand parking areas, as well as a variety of boundary treatments and their positioning in the area.

7.3.3 Consequently, the proposal is not considered to detrimentally impact the character and appearance of the area.

### **7.4 Impact on the Amenities of Neighbouring Properties**

7.4.1 With regard to the impact of the proposal on the amenity of neighbouring residential properties, as no external alterations are proposed, it is to assess whether the use of the property as a four bedroom HMO would result in a significant detrimental impact on residential amenity over and above that of a three bedroom dwelling.

7.4.2 Internally, the proposed floor plans only show two changes. Firstly, the utility area within the garage would be used as a shower room, and secondly, the lounge area is labelled as a possible fourth bedroom. On the first floor, the layout is the same with three bedrooms and a bathroom. Downstairs the HMO would retain the kitchen and dining area uses.

7.4.3 As such, it is considered that the use of the property to accommodate four persons in the four bed HMO is not significantly different from the three bedroom dwelling accommodating a family of three or four persons. The proposal would not therefore have an adverse impact on the amenities of the neighbouring properties.

### **7.5 Parking and Highways**

7.5.1 The Council's Parking Standards and Sustainable Transport Supplementary Planning Document was adopted in 2020 and holds the most up to date parking and cycling standards for the borough. In line with the requirements for residential uses the current three bedroom dwelling would have a requirement for two parking spaces. Currently the property has an area of hardstand in front of the original garage and hardstand that sits parallel to the rear garden boundary fence. Whilst neither space meets the minimum requirements for a single space as set out by Manual for Streets (MfS) (2.4m by 4.8m), the spaces are used for parking. Similar use of small hard stand areas for parking are visible in the area, with most properties parking in front of the rear garages despite the length being below the minimum requirement of MfS.

7.5.2 The proposed four bedroom HMO use would have a requirement for two parking spaces also, with each bedroom requiring 0.5 spaces. As such there is no net gain needed at the site, and thus the premise of parking provision on site is acceptable in principle. It is noted in the

Hertfordshire County Council Highways original response that the parking is sub-par and that there are known issues with parking in the area. Furthermore, no cycle parking provision had been shown.

- 7.5.3 As a result, an amended site plan/ground floor plan has been submitted showing sufficient provision for cycle storage in the garage space. Furthermore, the rear boundary fence line has been moved to allow for a deeper parking area to the rear. Whilst shown to provide three parking spaces, the revised parking arrangement would allow for two vehicles to be parked in a betterment of the current situation to the benefit of the proposal. HCC Highways have removed their objection based on the amended plan submitted. A suitably worded condition has been imposed to ensure the vehicle and cycle parking is provided as shown on the amended plan. The car and cycle parking is therefore considered acceptable and in accordance with the adopted parking provision SPD.

## **7.6 Human Rights and Equalities**

- 7.6.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.6.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers
- 7.6.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.6.4 It is not considered the proposed development would impact upon the protected characteristics under the Equality Act. This is because the proposal actively provides disabled parking positioned in the main car parks of each unit, in addition, buildings will have level access for wheel chair users as well as internal lifts, etc.

## **8. CONCLUSIONS**

- 8.1 The change of use of this three bedroom dwelling to a four bedroom HMO is considered to be acceptable in land use policy terms, and would not detrimentally impact the character and appearance of this residential area. The proposals would not cause adverse harm to the amenities of the neighbouring properties and the proposed car and cycle parking meets the Council's parking provision, with no net gain required between the requirements of the C3 and C4 uses. The application is therefore recommended for approval.

## **9. RECOMMENDATIONS**

- 9.1 That planning permission be GRANTED subject to the following conditions, with any amendments to the conditions listed in this report, be delegated to the Assistant Director of Planning and Regulation:-

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 879150.

**REASON:-** For the avoidance of doubt and in the interests of proper planning

2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:-** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 The proposed parking (including cycle parking) arrangements as shown on drawing number 879150 shall be completed and made ready for use prior to first occupation of the property as a House of Multiple Occupation. The hardstanding shall be constructed or permeable materials or provision made for surface water runoff to drain to a porous area within the site boundary. The area shown for parking shall be retained for this use only in perpetuity.

**REASON:-** To ensure adequate parking provision is provided on site and to prevent surface water run-off from entering the highway.

## **INFORMATIVE**

### **1 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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk) .

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

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery 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 website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

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

Obstruction of public highway land: 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 website:



<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

4 **Hertfordshire County Council as Highways Authority**

Debris and deposits on the highway: 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.

## 10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011 to 2031 adopted 2019.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Developer Contributions adopted March 2021, Impact of Development on Biodiversity adopted March 2021.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018
6. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.