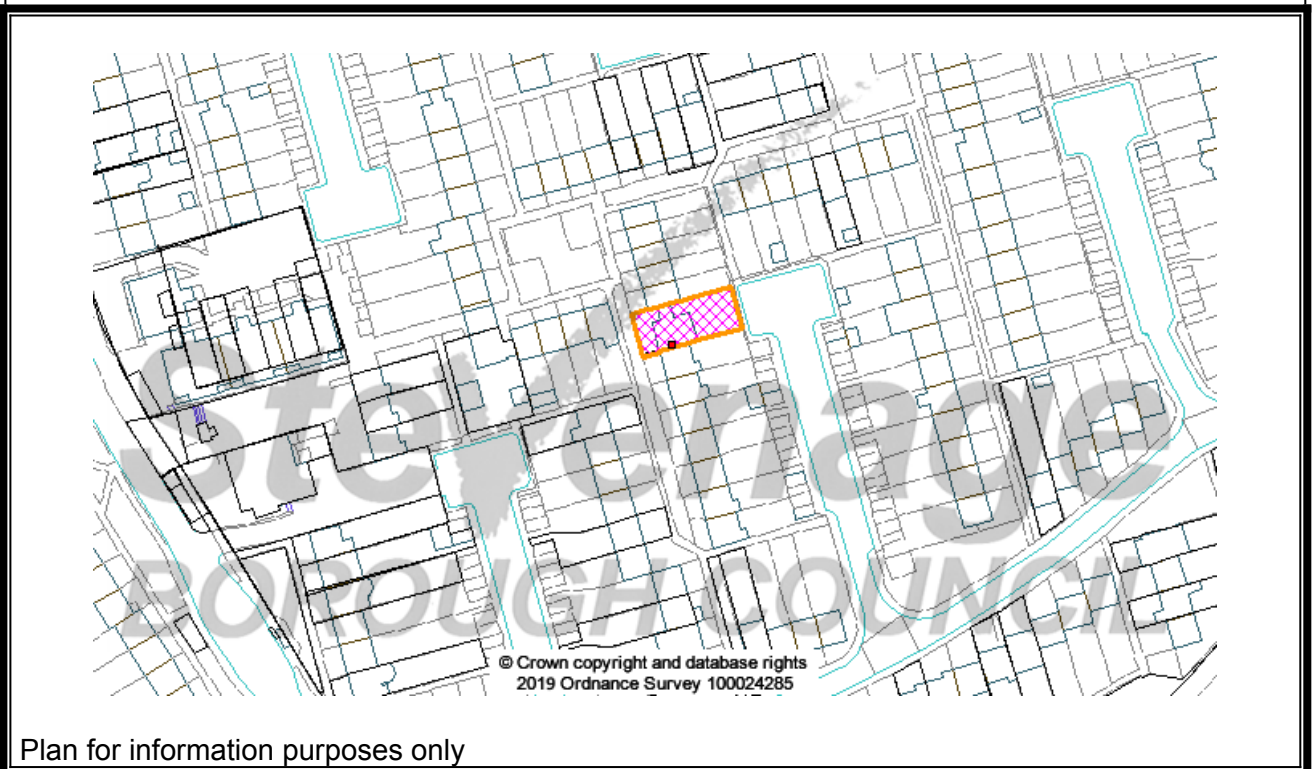


Meeting: Planning and Development Committee **Agenda Item:**
Date: 8 December 2020
Author: Ailsa Davis 01438 242747
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Ailsa Davis 01438 242747

Application No: 20/00559/FP
Location: 56 Austen Paths, Stevenage
Proposal: Change of use from single dwelling house (Class C3) to 6-bedroom House of Multiple Occupation (HMO) Class C4, together with alterations to existing access to provide 3 off street parking spaces
Drawing Nos.: 001; 003; AUS100; AUS120; AUS270
Applicant: Mr Rob Staegemann
Date Valid: 5 October 2020
Recommendation: GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 56 Austen Paths is a mid-terrace dwelling located at the northern end of a cul-de-sac within the Chells neighbourhood area. The dwellings along the cul-de-sac are generally set back from the road with garage blocks in front; however the properties located at the end around the turning head (including No.56) do not have a garage. Instead, there are marked parking bays at the end of the cul-de-sac serving the

dwellings without garages. No.56 is the only property on the road with a vehicle crossover and off street parking for one car at the rear. Generally, on street parking occurs in front of the garages and marked bays making the road appear congested with parked cars.

- 1.2 The application site is adjoined to the north by a three storey residential terrace with rear gardens facing onto a footpath leading from Austen Paths. To the south is No.54 Austen Paths, a mid-terrace dwelling with no off street parking. To the east is the main carriageway of Austen Paths and the on street parking bays. The application property frontage faces west onto a footpath leading from Austen Paths, with further residential terraces interlinked by footpaths beyond.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning permission refused on the *12June 2020 ref. 20/00255/FP for the change of use from a four bedroom dwelling to an 8 bed House of Multiple Occupation (HMO) and single storey rear extension. Planning permission was refused for two reasons:

The proposal would fail to allow adequate provision for space within the site for the parking of vehicles associated with the development which would lead to conditions detrimental to vehicular and pedestrian safety and, as such, would result in an unsatisfactory form of development. The development, if permitted, would result in additional on street parking in the vicinity of the application site which would be prejudicial to general provisions of highway safety and convenience contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Parking Provision SPD (2012), Hertfordshire Local Transport Plan 4 (2018), The department for Transport Manual for Streets (2007), Roads in Hertfordshire A Guide for New Development third edition (2011) and advice in the National Planning Policy Framework (2019) and the National Planning Practice Guidance (2014).

The development fails to provide adequate provision for space within the site for secure off street cycle parking and refuse/recycling storage which would result in an unsatisfactory form of development and fail to encourage the use of sustainable modes of transport other than the car. The development is, therefore, contrary to the Council's Parking Provision SPD (2012), the Stevenage Design Guide (2009), Policies IT5 and GD1 of the Stevenage Borough Local Plan 2011 - 2031 (2019) and advice within the National Planning Policy Framework (2019) and the National Planning Practice Guidance (2014).

3. THE CURRENT APPLICATION

- 3.1 Following the refusal of planning permission for an 8 bedroom HMO in June 2020, the applicant has sought to overcome the reasons for refusal by reducing the number of tenancy units to 6 and providing the required access, parking layout and number of spaces to the satisfaction of the Highway Authority and the Council's Parking Provision SPD (2020). The scheme has also been designed to incorporate secure storage for 6 bikes and recycling / refuse storage. The single storey rear extension, which was part of the previous scheme, has also been omitted.
- 3.2 This application seeks planning permission for the change of use of the property from a 4 bedroom dwellinghouse to a 6 bed house in multiple occupation, together with alterations to the existing access to provide 3 off street parking spaces.

3.3 The application comes before Committee for consideration as it has been “called in” at the request of Councillor Stephen Booth. The grounds for call in were as follows:

- Impact on neighbouring properties
- Impact on character of street scene
- Residential amenity
- Car parking
- Highway issues

Other reasons:

This appears to be an attempt to turn what was once a three-bedroom terraced house into a small block of flats or a hotel. The applicant clearly wants to turn the house into multi occupation - six bedrooms could potentially mean 12 people living there; parking for three cars would clearly be completely inadequate. Nevertheless, by creating parking for three cars within the boundary of the property there will be little room left for the garden amenity with consequential increased liability for flooding under heavy rain. The only way this could be achieved is by installing a further drop kerb and lowering of the gully grating; these works in any event would have the effect of making existing street parking inaccessible. The application should be rejected.

4. PUBLIC REPRESENTATIONS

4.1 This planning application has been publicised by way of a site notice and neighbour notification letter. Sixteen objections have been received from the occupiers of Nos. 26, 36, 52, 58, 62, 69, 72, 82, 84, 86, 88, 92 and 94 Austen Paths and No. 8 Rooks Nest Cottages on the following grounds:

- There is already a parking problem on the road and this development will make it worse;
- Concerns over access for emergency services;
- HMO will bring nothing to the community;
- Increase in anti-social behaviour;
- The heightened elevation of the rear parking area when compared to that of the neighbour’s land may allow viewing into the neighbour’s residence, breaching their privacy;
- The car parked in bay 3 will not be able to enter/exit the site unless bay 2 is empty, meaning not all three spaces will be usable;
- Application form incorrectly states property is vacant;
- Application form incorrectly states there will be no new or altered vehicular access proposed to or from the public highway;
- The proposed plans to widen the driveway to allow for 3 parking spaces will mean dropping the kerb. If this takes place a critical storm drain which is already struggling with flooding in bad weather, would need to be removed;
- Existing parking bays when in use at the head of the cul-de-sac would block access to the proposed driveway.

4.2 Two letters of support for the proposal have been received from tenants of No.56 Austen Paths who are currently renting tenancy units at the property.

4.3 The above is not a verbatim of the comments and representations which have been received. A full copy of the comments received on this applicant can be viewed on the Council’s website.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

5.1.1 Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission, subject to informatives relating to storage of materials, highway obstruction and road deposits.

5.2 SBC Environmental Health

5.2.1 No objection, subject to informatives relating to dust, contaminated land and construction noise.

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 February 2019. 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. 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 Adopted Local Plan

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP6: Sustainable transport;
Policy SP8: Good design;
Policy IT5: Parking and access;
Policy GD1: High quality design;
Policy HO5: Windfall Sites
Policy HO9: Housing Types and Sizes

6.4 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2020.

6.5 Community Infrastructure Levy Charging Schedule

- 6.5.1 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. This proposal is CIL liable.

7. APPRAISAL

- 7.1 The determining issues relate to the acceptability of the application 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 to serve the property.

7.2 Land Use Policy Considerations

- 7.2.1 The principle of residential development within urban areas is set out in both national and local policy. Paragraph 61 of the National Planning Policy Framework (NPPF) 2019 requires that the planning system should deliver, inter alia, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas.
- 7.2.2 Policy HO5 of the adopted Local Plan (2019) is for windfall housing sites and states that permission will be granted where: the site is on previously developed land or is a small, underused urban site; there is good access to local facilities; there will be no detrimental impact on the environment and the surrounding properties; proposals will not prejudice the Council's ability to deliver residential development on allocated sites; and, the proposed development would not overburden existing infrastructure.
- 7.2.3 The proposal to convert the existing property would result in the redevelopment of a previously developed site and thus is acceptable in principle. In regards to criterion (d) of Policy HO5, due to the siting of the proposed development, it would not prejudice the delivery of residential development which is on allocated sites. In terms of criterion (e) of the aforementioned policy, due to the limited scale of the development, it would not overburden existing infrastructure. Additionally, the site has good access to local facilities in the Chells neighbourhood centre which is within easy walking distance. Here there is also access to bus facilities on Chells Way linking the area with the wider Stevenage area and the Town Centre. Accordingly, the site is considered to be easily accessible by non-car modes of transport.
- 7.2.4 In respect to Policy HO9 (House types and sizes) of the adopted Local Plan (2019), as the proposed development seeks to deliver smaller accommodation, it would be in accordance with this policy as it would help to balance the structural imbalances in the existing housing stock whereby there is a lack of smaller properties in the Borough.
- 7.2.5 In relation to five year land supply of deliverable housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, but the

supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:-

- a) 5% to ensure choice and competition in the market; or
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during the year; or
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

- 7.2.6 The most up to date housing supply figures indicate that the Council is able to meet its requirements to provide a 5 year land supply as defined in the adopted Local Plan. The fact that the Council can meet its 5 year land supply of housing is thus a material consideration in the assessment of this application.
- 7.2.7 Additionally, Policy SP7 of the adopted local plan identifies that there is a need to provide 7,600 new homes within Stevenage and this policy allocates 1,950 new homes to be provided elsewhere in the Borough. Taking this into consideration, the proposed development would support the Council's ambition in delivering a number of homes which fall outside the designated sites.
- 7.2.8 Finally, the Local Plan does set out that there will be a greater requirement for smaller residential units in the ratio of residential development to come forward and thus the proposal would accord with this by providing smaller units in the form of a HMO.
- 7.2.9 Setting aside the impact of the proposed development on the environment, the proposed conversion of the property would accord with the advice in Policy HO5.

7.3 Impact on the Character and Appearance of the Area

- 7.3.1 In assessing the impact upon the character and appearance of the area, whilst the conversion and necessary partitioning works would not alter the appearance of the property, the proposal also includes alterations to the existing access and the creation of a parking area at the rear to provide three off street parking spaces. The existing detached store will be converted to secure cycle storage for 6 bikes and a refuse / recycling storage area will be sited to the rear of the store, adjacent to the house. To reflect the change in ground level, a new retaining wall and steps are proposed between the rear elevation and the parking area which will be set at a higher ground level to the house.
- 7.3.2 Whilst the proposed widening of the access and alterations to the rear garden to provide off street parking will change the appearance of the dwelling, it is considered as this area will be viewed from the rear access road the appearance of vehicles parked at the back of the property would not be out of character with the road. Given that the alterations to the store and retaining wall/steps would be set at a lower level to the rest of the rear parking area and the remainder of the works are internal only, it is considered that the proposal will not have any adverse impact on the character and appearance of the area.

7.4 Impact upon Neighbouring Amenities

- 7.4.1 With regard to residential amenity, bedrooms are proposed at ground and first floor level adjoining No.54 to the south and the residential terrace to the north. The communal living facilities are to be provided in the centre of the dwelling, away from the boundaries with the neighbouring properties. In terms of the comments raised by the objectors relating to noise and disturbance, given the layout referred to it is not

considered that this would be any worse than a family occupying the premises. With regard to concerns of anti-social behaviour, there is no evidence to suggest that this would be the case. However, were this to occur it would be covered by Environmental Health legislation. Environmental Health raised no concerns from a noise perspective within their consultation response.

7.4.2 In terms of the objector's comment that the raised parking area could cause a loss of privacy to the rear ground floor rooms of neighbouring dwellings, it is considered that as the area will only be used by tenants to park and then enter or exit the application property it will not result in sustained, direct overlooking that would justify a refusal of planning permission. On this basis, it is not considered this objection can be sustained.

7.4.3 In terms of the amenities afforded to the future occupiers, all of the bedrooms are of an acceptable size and exceed the minimum standard for an HMO of 6.51sqm. An SBC Environmental Health officer has visited the property and concluded the layout will comply with the HMO standards for fire precautions and amenities.

7.5 Access and Car Parking

7.5.1 In terms of car parking, the current property is a 4 bedroom dwelling and based on the Council's adopted parking standards would require 3 parking spaces to serve the unit. The conversion of the property into a 6 bed HMO would require 0.5 spaces per tenancy unit giving a total requirement of 3 spaces, which have been shown on drawing AUS120.

7.5.2 Whilst the concerns of the objectors in respect of parking provision and access to the site are noted, it is clear from the above that the scheme is in accordance with the Council's adopted parking standards. Furthermore, the access arrangements are considered to be acceptable by the County Council as highway authority who have raised no objections. It can be concluded therefore that three vehicles will be able to access the rear parking area and all the parking spaces will be usable, as confirmed by the swept path analysis submitted with the application.

7.5.3 Secured and covered cycle parking is to be provided in the existing store in the rear garden and is therefore considered acceptable in this regard.

7.6 Other Considerations

7.6.1 Concerns have been raised that the development would result in anti-social behaviour. Issues such as anti-social behaviour are not matters that are controlled by the planning legislation and are not therefore a material planning consideration. With regards to the storm drain, again this is not a matter controlled by planning legislation and would instead be covered by the building regulations.

7.6.2 Concerns have been raised by objectors to the application that given the size of some of the bedrooms, there is the potential for more than 6 people to live at the property. The HMO will also need to be licenced by Environmental Health, who would consider the maximum number of people who could occupy the premises. The application submission states that each tenancy unit would be single occupancy only.

7.6.3 Whilst Town Planning legislation is unable to control the number of occupants at the property, Environmental Health legislation can limit occupancy via the HMO licence. It is understood the applicant has applied for an HMO licence from the Council's Environmental Health department and occupancy will be limited to 6 people. However, Town Planning legislation is able to control the number of bedrooms by

the imposition of a condition attached to any grant of planning permission. With this condition in place, it would ensure that any increase in accommodation would need further planning permission and thus any implications for parking requirements would again come under the control by the Local Planning Authority.

Community Infrastructure Levy

- 7.6.4 As indicated above, the Council adopted CIL on 1 April 2020 and the CIL Charging Schedule specifies a payment for new floor space in line with the following rates (plus appropriate indexation):

Development Type	CIL Rate (£ per square meter)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m ²	£100/m ²
Sheltered housing	£100/m ²	
Extra care housing	£40/m ²	
Retail development	£60/m ²	
All other development	£0/m ²	

- 7.6.5 CIL is a non-negotiable charge. 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.
- 7.6.6 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted with the application. This proposal would be CIL liable.

8. CONCLUSIONS

- 8.1 The proposed change of use is considered to be acceptable in land use policy terms and would not harm the character and appearance of the area or the amenities of adjoining premises. Furthermore, the development would accord with the Council's adopted car parking standards and is considered to be acceptable in highway safety terms. Accordingly, it is recommended that planning permission be granted.
- 8.2 As such, the proposed development is in accordance with the Policies specified in the adopted Local Plan (2019), the Council's Car Parking Standards SPD (2012), the NPPF (2019) and PPG (2014).

9. RECOMMENDATIONS

9.1 That planning permission be GRANTED subject to the following conditions:-

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

001; 003; AUS100; AUS120; AUS270

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 building works required to implement this permission shall be carried out only between the following times:

0730 to 1800 Mondays to Fridays

0830 to 1300 Saturdays

And not at all on Sundays and Bank Holidays.

The hours specified relate to activities which are audible at the site boundary.

REASON:- To satisfactorily protect the residential amenities of nearby occupiers and the operation of adjoining businesses.

4. The on-site parking spaces indicated on the approved drawing AUS120 shall be provided prior to the first use of the premises hereby permitted and permanently maintained thereafter.

REASON:- To ensure that adequate parking provision is made to serve the proposed development in the interests of highway safety.

5. The use of the premises shall be as a 6 bed House in Multiple Occupation only.

REASON:- To ensure that there is no intensification of the use of the premises leading to additional parking pressures in the locality to the detriment of pedestrian and highway safety.

INFORMATIVES

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 or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

- 2 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.
- 3 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.
- 4 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Pro-active statement

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10. 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 – Parking Provision adopted October 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.

5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.