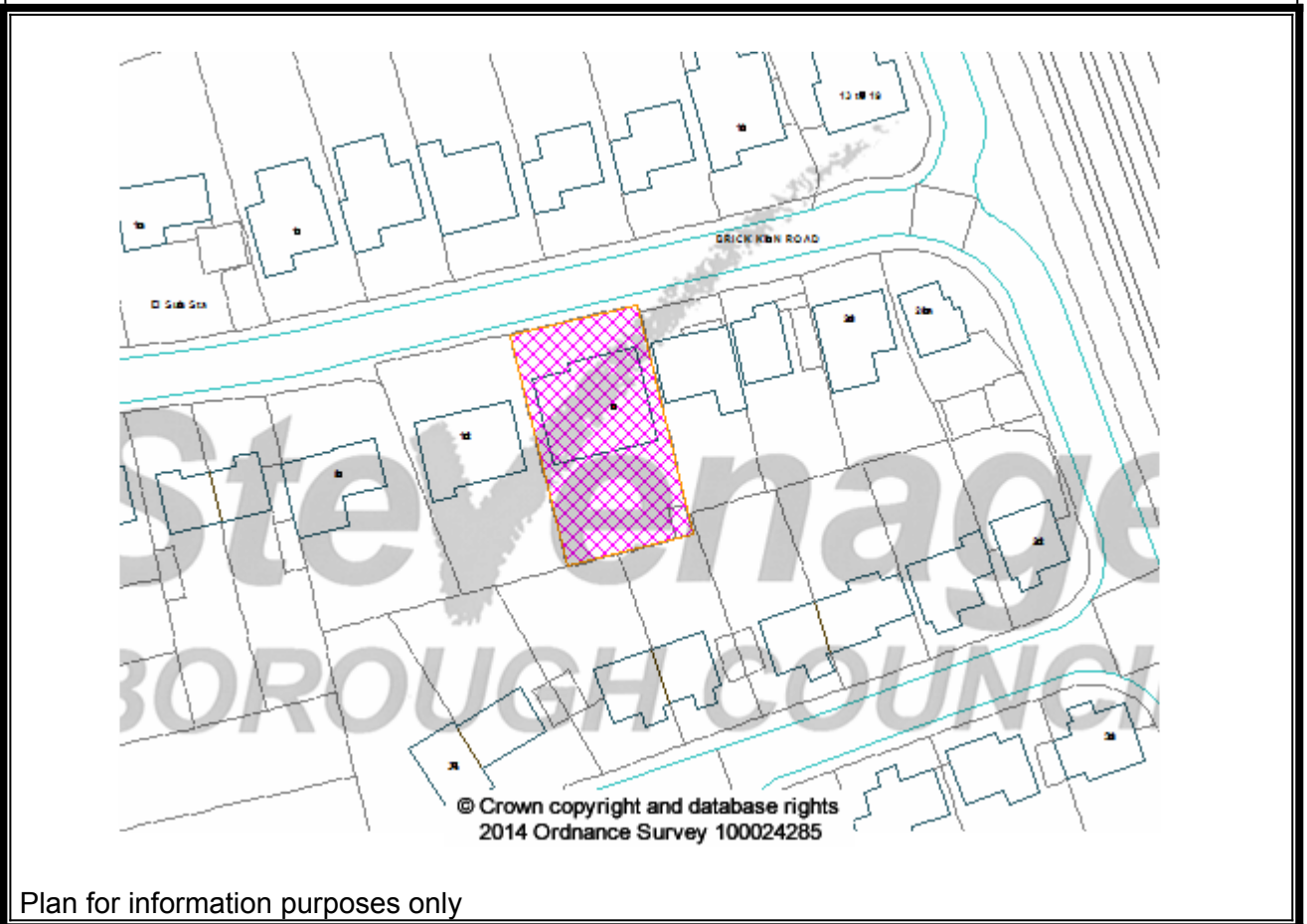


Meeting: Planning and Development Committee **Agenda Item:**
Date: 2 March 2021
Author: Ailsa Davis 01438 242747
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Ailsa Davis 01438 242747

Application No: 20/00599/FP
Location: 14 Brick Kiln Road, Stevenage
Proposal: Change of use from single family dwelling (C3) into 8 bedroom HMO (sui generis)
Drawing Nos.: 2020/32/01 rev F; 2020/32/02; 2020/32/03
Applicant: Stevenage Borough Council
Date Valid: 16 October 2020
Recommendation: GRANT PLANNING PERMISSION.



Plan for information purposes only

1. SITE DESCRIPTION

- 1.1 The application site comprises a detached property located on the south side of Brick Kiln Road. The neighbouring property, to the west, is 12 Brick Kiln Road and to the east lies 16 Brick Kiln Road. To the north, the property fronts onto and takes access from Brick Kiln Road via two crossovers. To the south, the rear garden directly abuts the rear gardens of nos. 30 and 32 Brick Kiln Road.
- 1.2 Brick Kiln Road is a residential cul-de-sac, lying between Fairview Road and the railway line. The oldest houses are to the west of the road and comprise detached and semi-detached properties, although the road has subsequently been extended with further residential properties constructed to the north and south, including some flats. The frontage of the property is hard surfaced, finished in block paving. Parking provision for 4 cars is available on this area served by the 2 dropped kerbs, each serving two spaces. A wall is located centrally to the front of the property between the two points of access.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning permission granted under ref 2/0442/94 in January 1995 for change of use from dwellinghouse (Class C3) to residential home for the elderly (Class C2) and alterations to front elevation.
- 2.2 Planning permission granted under ref 10/00584/FP in February 2011 for single storey rear extension.
- 2.3 Planning permission granted under ref 13/00014/FP in March 2013 for change of use from elderly persons home (Use Class C2) to family dwelling (Use Class C3). It has been established through records of correspondence from SBC Environmental Health that this permission was implemented and therefore the existing lawful use of the property is a single family dwelling.
- 2.4 Planning permission refused under ref 13/00246/FP on 20 January 2014 for change of use from an existing care home into a ten bedroom HMO. The reason for refusal was:-

"The proposal would fail to make adequate provision for car parking as set out in the Parking Provision Supplementary Planning Document January 2012 and would, therefore, be likely to result in the worsening of on-street parking in the locality to the detriment of highway and pedestrian safety contrary to Policy T15 of the Stevenage District Plan Second Review 1991-2011."

An appeal against the refusal of permission was lodged and subsequently dismissed in July 2014.
- 2.5 Planning permission granted under ref 14/00532/FP on 16 February 2015 for change of use from an existing care home into an 8 bedroom HMO. This permission was never implemented and has now expired.
- 2.6 Planning permission was originally sought under this current application ref. 20/00599/FP for a change of use from care home (C2) to an 8 bed HMO (sui generis) and this proposal was considered at planning committee on the 8 December 2020. The case was deferred at the meeting for reasons discussed below, however following this meeting, evidence came to light that in 2015 SBC Environmental Health investigated an alleged use of the property as an HMO, without compliance with the Environmental Health licence where it was confirmed by

an EHO that the property was in use as a single dwelling. This evidence supports the assertion by neighbour representations that planning permission ref. 13/00014/FP was implemented and the existing lawful use of the application property is as a single family dwelling (C3) and not a care home (C2). The description of development has been amended and further consultation undertaken, details of which are discussed below.

3. THE CURRENT APPLICATION

3.1 The current application seeks the change of use of the property from a single family dwelling (use class C3) to a large house in multiple occupation (HMO) for up to 8 people, which is classified as a sui generis use. The only external changes proposed to the premises comprise the following:

- New DDA compliant front door;
- Removal of front boundary wall to improve disabled access;
- Replace block paving on front driveway to form a ramped approach to front door to create level access;
- Two replacement side doors and new window at ground floor level;
- Replacement rear patio door;
- Rear garden to be cleared of vegetation and paving to be grouted where required.

3.2 The remainder of the alterations will be internal. The application drawings show a large, communal kitchen, a dining area and entrance hall with an office at the rear. Also on the ground floor will be three bedrooms and the conservatory allocated as a leisure area. Upstairs will be a further five bedrooms. There is also a basement area which is to remain as a leisure/storage area. All of the bedrooms have their own en-suite bathroom facilities, except bedrooms 2 and 3 on the ground floor which will share a bathroom.

3.3 To the front of the property the existing driveway provides 4 parking spaces, two either side of the wall (to be removed). The parking spaces are served by the existing dropped kerbs. A recycling / refuse storage area is identified to the side of the property. Finally, the existing shed in the rear garden would be refurbished to provide secure cycle storage facilities.

3.4 Stevenage Borough Council has bought the application property to use as part of the Council's Housing Service.

3.5 The application comes before Committee for consideration as it has been "called in" at the request of Councillor Loraine Rossati and due to the fact the applicant is Stevenage Borough Council.

4. COMMUNITY CONSULTATION

First planning application consultation (16 October – 6 November 2020)

4.1 The planning application was publicised by way of a site notice and neighbour notification letter. Thirty two objections were received from the occupiers of Nos. 1, 1A, 3, 5, 7, 8, 11, 16, 18, 20, 22, 26, 28, 30, 32, 34, 36, 37, 39, 43, 44, 50, 52, 54, 56, 58 and 60 Brick Kiln Road, 132 Bude Crescent and 12 Newlyn Close on the following grounds:

- Plans and application form are inaccurate, incomplete and fail to show sufficient detail;
- Inadequate consultation;
- Property has been used as a dwelling since the care home closed;
- Lack of information on how the property will be used;
- Insufficient provision for on-site car parking will lead to increased parking on road;
- 8 bedrooms is too many for this property;
- Not enough shared living space would lead to cramped conditions;
- Property too far from a supermarket and other amenities given most tenants will not own a car and the local bus service is infrequent;
- The front brick wall prevents all four parking spaces being used;
- Increased noise and disturbance;
- Increase in anti-social behaviour and concern over safety of existing residents;
- Concern over who will be living in the property;
- Work is being carried out before planning permission has been granted;
- Unsuitable use of property in a road comprising mainly families and older people;
- Why is 24 hour security required?
- Highway safety concerns, especially emergency vehicle access.
- Design not compliant with HMO Licensing Requirements;
- No details of fire safety measures
- Property not DDA compliant

- 4.2 The application was deferred at planning committee on the 8 December 2020, as Members expressed concern regarding consultation and engagement with local residents. Members felt a more comprehensive and direct consultation with residents in the area by the Council's Housing Development team (the applicant) would allow people to fully understand the proposals and make representations.
- 4.3 Following consideration of the application, it was RESOLVED that determination of the application be deferred to allow further extensive consultation to be undertaken within the neighbourhood and brought back to a future meeting of the Committee.
- 4.4 Since the meeting on the 8 December 2020, the Council's Housing Development team (the applicant) has undertaken an additional consultation exercise with all properties on Brick Kiln Road. The consultation was carried out on Friday 17 December where officers from the Housing team visited every property on Brick Kiln Road and delivered a letter outlining the Councils' proposals for No.14, with a summary of the main objections received to date together with a response where appropriate. Local Members were sent a copy of the consultation letter in advance.
- 4.5 The information letter gave residents an opportunity to telephone, email or write to the Housing Development team with their views on the proposals. Opportunity was also given to talk to officers when the letters were hand delivered on the doorstep, whilst adhering to Covid-19 safety measures. The letter allowed comments and questions to be submitted to the Housing Development team from the 17 December 2020 – 4 January 2021.
- 4.6 The Housing Development team has submitted a response dated 5 February 2021 summarising the steps they have taken to consult with the local community, together with a table of the responses they have received and their comments. This can be seen in **Appendix 1** at the end of this report.

Second planning application consultation (8 – 28 January 2021)

4.7 Following the change to the application description referred to in paragraph 2.6 above, a new site notice was displayed on the lamppost opposite the application property and new neighbour consultation letters were sent out to every household that had submitted a representation to the first consultation. Sixteen objections were received from the occupiers of Nos. 1, 3, 20, 22, 24, 37, 39, 44 and 50 Brick Kiln Road, 154 Fairview Road and 12 Newlyn Close on the following grounds:

- Existing lawful use is a single family dwelling (C3);
- Work being carried out before planning permission is granted;
- Council removing single family dwelling from housing stock;
- Proposed development not suitable for disabled tenants;
- Security concerns;
- Adverse impact on character of area;
- Adverse impact on residential amenity;
- Too densely occupied resulting in cramped living conditions;
- Inadequate car parking;
- Lack of disabled parking;
- How will tenants be assessed to qualify for a room in the HMO?
- Concern that tenants will be drug addicts;
- Concern over increase in crime and anti-social behaviour;
- Question whether the planning committee can be impartial as the applicant is the Council;
- Planning application is incorrect and proper process has not been followed;
- Inadequate consultation of residents;
- CCTV will be inadequate;
- HMO not Covid-19 secure.

Representations from the MP for Stevenage

4.8 Two objections have been received from the MP for Stevenage dated 30 November 2020 and 5 February 2021 raising the following concerns:

- Lack of transparency and community engagement;
- Inadequate sized living accommodation;
- Process not impartial as SBC are the applicant;
- Transient residents leads to weakened community cohesion;
- Council refused planning permission for a 10 bedroom HMO;
- Existing parking difficulties will be made worse;
- HMO is not fully accessible to wheelchair users.

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 a condition relating to surface water drainage.

5.2 SBC Environmental Health

5.2.1 No objection, subject to informatives and advice on HMO licensing requirements.

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 application property comprises previously developed land and therefore the principle of the change of use from single dwelling (last lawful use) to a large HMO (8 bedrooms) is considered acceptable. 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 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 the Old Town shops and services via Bridge Road to the north and Tesco Extra on the A602 roundabout to the south. There is also a local bus service on Fairview Road. Accordingly, the site is considered to have sufficient access to local facilities.

7.2.4 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:

7.2.5 The conversion of larger houses into smaller homes or flats or shared accommodation can be a useful means of 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.

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

7.2.7 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. The proposal would accord with this by providing smaller units in the form of additional HMO tenancy units.

- 7.2.8 Paragraph 73 of the NPPF stipulates that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. 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 for land; 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 that 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.
- 7.2.9 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.
- 7.2.10 The latest HDT results, published by MHCLG in January 2021, identifies that Stevenage only delivered 64% of its housing requirement. This is significantly below the 75% target and renders the adopted Local Plan housing policies as out of date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing.
- 7.2.11 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.
- 7.2.12 Planning permission was granted in February 2015 (ref. 14/00532/FP) for a change of use from a care home into an 8 bedroom HMO. This permission was never implemented and has now expired. This is also a material consideration in the determination of this application. The principle of subdivision was established under the previous planning permission and the subdivision under this proposal continues to be considered acceptable under the current Development Plan.
- 7.2.13 The fact the property will be used by Stevenage Borough Council as part of its housing service is not, however, a material planning consideration. The proposed use of the property falls within the definition of a House of Multiple Occupation and therefore the application should be assessed solely on that basis.

7.3 Impact on the Character and Appearance of the Area

7.3.1 In relation to the impact on the character and appearance of the area, only minor external changes are proposed to the property, with the main noticeable change amounting to the removal of the front boundary wall and replacement block paved driveway to facilitate level access to the front entrance. It is considered this change would not unduly impact on the character and appearance of the area and would improve the usability of the driveway for off street parking. The internal alterations would not be readily perceived and the car parking and access arrangements would remain similar to the existing arrangement. In view of this, it is not considered that the change of use of the property would have an adverse impact upon the character and appearance of the area.

7.4 Impact upon Neighbouring Amenities

7.4.1 With regard to the impact on residential amenity, the last lawful use of the property was as a single dwelling. Therefore, the key is to assess if the use of the property as a large HMO would result in a significant detrimental impact on residential amenity over and above its previous lawful use. The fact planning permission was granted in 2015 for the use of the property as an 8 bedroom HMO is also a material consideration.

7.4.2 Given the previous use, it is not considered that the conversion of the property to an 8 bedroom HMO would be likely to worsen this. The comparison being that as a large, detached dwelling, it would be reasonable to assume it could be occupied by a large family with multiple cars. The difference in terms of impact on residential amenity by reason of noise and pedestrian / vehicular movements compared to an 8 bed HMO would be negligible and not so severe as to justify a refusal of planning permission.

7.4.3 In considering this issue, it is noted that Environmental Health has commented on the application and consider the property to be suitable to accommodate this number of bedrooms. Subject to appropriate licencing of the premises and fire protection measures being undertaken, Environmental Health are raising no objection to the use of the property as a large HMO. Furthermore, they have raised no concerns from a noise perspective. On assessment of this issue, it is not considered that there would be additional noise and disturbance over and above the previous use of the premises as a single dwelling. Any noise attenuation required internally would be dealt with at the building regulations stage.

7.4.4 In relation to the appropriateness of the accommodation for future occupants, the rooms and accommodation are all of an acceptable size. With regard to amenity space, the property has a private rear garden area of approximately 180sq.m, which is considered to be sufficient for a property of this size. Under the Stevenage Design Guide (2009) a flatted development of eight units would require 80sq.m of amenity space and therefore the proposal exceeds that which would be required under the Supplementary Planning Document.

7.5 Access and Car Parking

7.5.1 With regard to car parking, the applicant has provided a drawing which shows that four cars can be parked on the existing driveway to the front of the property, which would be served by two existing dropped kerbs. The Council's Parking Provision Supplementary Planning Document adopted October 2020 (SPD) sets out that houses in multiple occupation require 0.5 spaces per tenancy unit, resulting in a requirement for four spaces. However, as the site is in Accessibility Zone 2, the Council's standards allow for a relaxation to between 50% and 75% of the

maximum, which means that the Council could consider a reduction of the number of spaces to between 2 and 3. However, the SPD also goes on to state that where it can be demonstrated that parking problems exist within, or around, the proposed development site the zonal reductions may not apply and that this will be determined on a case by case basis.

- 7.5.2 Four existing off street parking spaces are available on site, therefore the proposal meets the Council's maximum adopted standards. Furthermore, the parking arrangement has been assessed by the County Council as highway authority who considers this to be acceptable and, similarly, is raising no objection on highway safety grounds. Following the demolition of the front boundary wall, an additional space will be available for a fifth car to park on the driveway should that be required.
- 7.5.3 With regards to disabled parking, there is no policy requirement to provide disabled parking spaces for houses in multiple occupation, nor is there a requirement to provide off street visitor parking. On this basis, it is considered the provision of four off street parking spaces meets the Council's maximum adopted standards and is acceptable.
- 7.5.4 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.
- 7.5.5 Secured and covered cycle parking is to be provided in the existing shed in the rear garden and is therefore considered acceptable in this regard.

7.6 Proposed Occupancy

- 7.6.1 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 8 people to live at the property. The HMO will need to be licenced by Environmental Health, who would consider the maximum number of people who could occupy the premises. Under the 2015 application for an 8 bed HMO, Environmental Health advised the property was not suitable for more than 10 people, however they have not commented on this as part of this application.
- 7.6.2 Whilst Town Planning legislation is unable to control the number of occupants at the property, Environmental Health legislation can limit occupancy via the licence which will be required prior to occupation. The Council's Housing Development team has been advised of this. 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.

7.7 Human Rights and Equalities

- 7.7.1 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.
- 7.7.2 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.

- 7.7.3 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.
- 7.7.4 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.
- 7.7.5 In terms of inclusive access, the application property will be adapted both externally and internally to ensure it is DDA (Disability Discrimination Act) compliant. The following is proposed:
- New DDA compliant front door;
 - Removal of front boundary wall to improve disabled access;
 - Replace block paving on front driveway to form a ramped approach to front door to create level access;
 - Provision of a wet room;
 - Ground floor bedrooms;
 - Provision of a height-appropriate kitchenette.
- 7.7.6 Separately, the applicant has advised Stevenage Borough Council has a number of suitable properties for those with various disabilities and Council managed housing stock is utilised to best meet the needs of the residents being accommodated.

7.8 Other Considerations

- 7.8.1 Concerns have been raised that the development would be out of keeping and change the character of the area; lead to an increase in crime and result in anti-social behaviour. The need for the HMO and issues of anti-social behaviour are not matters that are controlled by the planning legislation, whilst the impact upon the character and appearance of the area are addressed elsewhere in this report. Finally, with regard to the issue of crime the rear garden of the property will be enclosed and secured by fencing and replacement external doors are to be installed.
- 7.8.2 It is also worth noting that the property will be managed by Stevenage Borough Council, which has to meet regulations in terms of managing issues such as anti-social behaviour. Management of the HMO will be delivered by an existing 24 hour security provision that is currently in operation at various Council managed sites across the town, which will be expanded to cover this property. The office will be staffed to meet support requirements.
- 7.8.3 The existing arrangements for the storage and collection of waste and recycling will remain and therefore the proposal is acceptable in this regard. Refuse / recycling storage is shown at the side of the property.
- 7.8.4 In terms of neighbour consultation, this is addressed in section 4 above. The Planning Authority has met its statutory duty in terms of the level of consultation which has been undertaken. Additional consultation has been carried out by the

applicant at the request of Members. Details of this are discussed in section 4 above and Appendix 1 at the end of the report.

- 7.8.5 With regards to the information submitted with the application, national validation requirements were met with the submission of the application form, site location plan, existing and proposed plans. Other required supporting information is at the discretion of the Local Planning Authority. In this instance, additional background information was sought from the Council's Housing Development team and published on the website. The applicant has also been carrying out separate consultation and information sharing outside of the planning application process in the form of hand delivered written information and online webinars.
- 7.8.6 The Planning Authority was made aware that works were taking place inside the property prior to the determination of the application. On investigation, it was established with the Housing Development team (the applicant) that the works did not constitute development requiring planning permission and as such, could be carried out without the consent of the Planning Authority.
- 7.8.7 In terms of determination of the application, it is being considered by Members of the Planning Committee due to the fact the Council is the applicant. This is in accordance with The Town and Country Planning General Regulations 1992.

Community Infrastructure Levy

- 7.8.8 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	

- 7.8.9 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.
- 7.8.10 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 Additional community consultation has been carried out by both the applicant and the Planning Authority as requested by Members. 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. As such, it has been sufficiently demonstrated that any negative impacts of the conversion can be successfully mitigated against in accordance with Local Plan policy HO5. 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 (2020), 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:

2020/32/01 rev F; 2020/32/02; 2020/32/03

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:

0800 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 2020/32/01 rev F 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 an 8 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.

- 6 Prior to the first occupation arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
REASON:- To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

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 You are advised to contact the Council's Environmental Health department on env.health@stevenage.gov.uk or 01438 242908 / 242916 with regards to obtaining the relevant HMO licence.
- 5 To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

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.

APPENDIX 1 SBC HOUSING DEVELOPMENT CONSULTATION

05/02/21 – Update received from SBC Housing Development on community consultation undertaken to date

Letters were hand delivered to residents through a door knocking exercise to be able to respond to any immediate queries they may have. In completing the exercise, a total of 83 letters were hand delivered, and the team were able to speak to 29 residents in person on the day.

In addition, eight residents also took the opportunity to follow up on our correspondence either by email or by telephone, some of whom had already registered their comments on the doorstep during the initial letter drop exercise.

Adding all these together; 33 residents, out of a possible 83 households across both the letter drop and follow up correspondence expressed their views to the Council. The table below outlines a summary of the concerns. It should be noted that despite the continued offer of engagement, 50 households did not feel compelled to offer an opinion or concern over the scheme but that 18 of these 50 were thankful to receive the further information and advised they would read it and contact us if necessary.

Despite the difficulties presented by the lockdown, it is clear that colleagues in the Housing teams have reached out to residents so that they can express the views, learn more about the scheme and in some cases suggest alternative solutions to the housing crisis Stevenage is facing. Whilst we sympathise with many of the views that were expressed, we are pleased to note that some residents indicated that they felt reassured about the extent to which the scheme will be managed and that any future concerns they have can be notified to the council as a landlord for the property. We are not in a position to sympathise with every concern as a limited number of residents offered extreme views that these homeless criminals or drug users should be housed in the slums of Stevenage new town and not here in the old town. Or that these residents all have drug and alcohol dependencies that they will never shift.

It would be justified in saying that the overwhelming majority of the 33 residents that engaged with us still would prefer if this scheme did not go ahead, they would instead prefer if provision was made elsewhere in Stevenage that was, in their opinion, a more suitable location. However, it would also be wrong to note that all 33 of these residents were firmly against the delivery of this scheme as 6 of them noted positive comments and others made general enquires about the scheme.

In presenting these findings, it is not our purpose to keep a score or tally of the responses as to who is in favour of the scheme and who is against the scheme. Instead what we are trying to indicate is that we did reach out to residents, and in some cases were able to allay fears and concerns, but in other cases we were not. Overall, we feel that the consultation process was a positive one as residents were able to arrive at informed opinions. In quoting the number of deliveries made, people spoken to and listened to, we are attempting to highlight the scale of the consultation only.

Two Zoom webinars are taking place on the 18th February for residents to hear more about our plans for the property and discuss the opinions that were expressed. We will shortly be issuing a letter to residents inviting them to attend either the daytime or evening session. Using the Q&A chat function, residents will be able to ask questions live and members of the Housing Development team can respond there and then.

Whilst the Housing service has plans to deliver further housing schemes throughout the town in the future, given the high levels of demand right now, we are not in a position to withdraw this application. However as demand eases in future years and other schemes become available, we may be in a position to review the long term use of this scheme as a HMO (subject to planning) and perhaps convert it into self-contained family residences, which would once again be subject to future consultation and planning permission.

A summary of the responses and comments shared with residents is given below:

Comment Received	Total No. residents	Housing Team Update
Ongoing management concerns as a result of potential client group e.g. concerns over violent behaviour, drug use in public with drug smells and discarding drug paraphernalia as well as accepting people that have been kicked out of the Hotels for criminal damage and other Boroughs.	12	<p>Residents can be assured that the property will be managed to industry best standards. Instances of anti-social behaviour would be considered a breach of tenancy and action would be taken against tenants accordingly, as would be the case in any property managed by Stevenage Borough Council. Maintaining public safety and enjoyment is of equal concern to us; therefore use of illegal drugs by residents at the property would immediately be reported to the police and dealt with in the strictest possible manner.</p> <p>The use of CCTV will highlight suspicious activity and act as a deterrent to improper or illegal behaviour.</p> <p>The Council will be housing residents that are in need of housing and are known to Stevenage Council. These residents are not those that have been kicked out of hotels.</p>
Parking Concerns	3	Experience from the Housing Management service identifies that car ownership is limited within this client group. The scheme has been assessed by Hertfordshire Highways and the Planning department as acceptable in this regard. 0.5 car parking spaces are required per unit. There are 4 parking spaces provided with a potential 5 th place subject to the approval of works. We feel this is ample parking, but can (if the scheme is granted permission) monitor this situation and restrict occupation of this property to non-car owners through management processes in the future.
Unsuitable use of the property in what is a good neighbourhood and residential street.	4	The Council has a responsibility to all residents of the town. The property will provide residential accommodation in a residential area. Our neighbourhoods are not defined on the basis of

<p>The strong sense of community will be destroyed.</p>		<p>age or family groupings, but a sense of community that encompasses people from all walks of life.</p> <p>At over 3000 square feet we believe the property is too large to be a useful single family dwelling, particularly as we currently have an urgent need for accommodation for smaller and single person households. 8 residents enjoying the use of over 3000 sq feet of personal and shared space is a generous accommodation offer.</p>
<p>Concerns relating to COVID management within the property</p>	<p>1</p>	<p>The property is large enough for residents to have private space to allow them to isolate safely should they be required to do so.</p>
<p>Concerns relating to accessibility within the property</p>	<p>3</p>	<p>Given that this is an existing building structure, we are taking measures to improve the accessibility within those confines, including implementing ramps, providing a wetroom and providing a height-appropriate kitchenette.</p> <p>Stevenage Borough Council has a number of suitable properties for those with various disabilities, and we utilise our stock to best meet the needs of the residents we are housing.</p>
<p>Concerns relating to overcrowding</p>	<p>3</p>	<p>The property is 287sqm in total. By comparison, a standard 6 bedroom, 8 person home would be 132sqm, and a standard 3 bedroom, 5 person home would be 102sqm. It is our view that this is a generously spaced property that meets space standards.</p> <p>Along with good quality sized rooms, the property contains a number of large shared communal spaces and a garden. The Council's Environmental Health department did not object to the proposed internal layout or shared facilities.</p> <p>14 Brick Kiln Road is over 3000 square feet (287 square meters) in size meaning there is sufficient room for both living accommodation and a staff office.</p>
<p>General enquiries: General enquiries were asked by residents regarding:</p>	<p>10</p>	<p>These enquires have been addressed or are in the process of being addressed.</p>

<p>CCTV</p> <p>Who they should contact if issues occur</p> <p>Why an office is required</p> <p>How many people of are the housing register (and a breakdown of single people and families)</p> <p>A breakdown of housing stock in Stevenage</p>		
<p>Concerns regarding the works that have already been done, as they are pre-emptive of planning, and are gambling with public funds and peoples taxes</p>	3	<p>The works that have been undertaken are mostly remedial works however, all works carried out are deemed perfectly acceptable and do not require planning permission as they are not considered development. Our aim is to improve the condition of the property so that we protect the asset and remedy the disrepair and dilapidation that had occurred as this can have a negative impact on a neighbourhood.</p>
<p>Concerns around Planning Application details</p>	3	<p>Consultation at the scheme began in late October/early November when the Planning application was originally submitted. Whilst the consultation carried out by the Planning department met national and statutory requirements, we provided additional consultation in the form of resident interaction and letter delivery to provide residents with an extra layer of informative interactions.</p> <p>The Planning Committee and Planning Officers remain impartial on all Planning applications.</p>
<p>Positive statements</p> <p>Pleased that an empty home will be used</p> <p>Pleased that homeless people will be housed</p> <p>Pleased that the appalling state of the garden and overgrown shrubbery will be addressed</p>	6	<p>Positive comment received relating to making good use of an empty property. Residents were pleased to hear the Council are helping those in housing need, with the proviso that the council will manage the property properly.</p>