

Meeting: Planning and Development Committee **Agenda Item:**

Date: 11 January 2022

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Application No: 21/01101/FP
Location: 303 Ripon Road, Stevenage

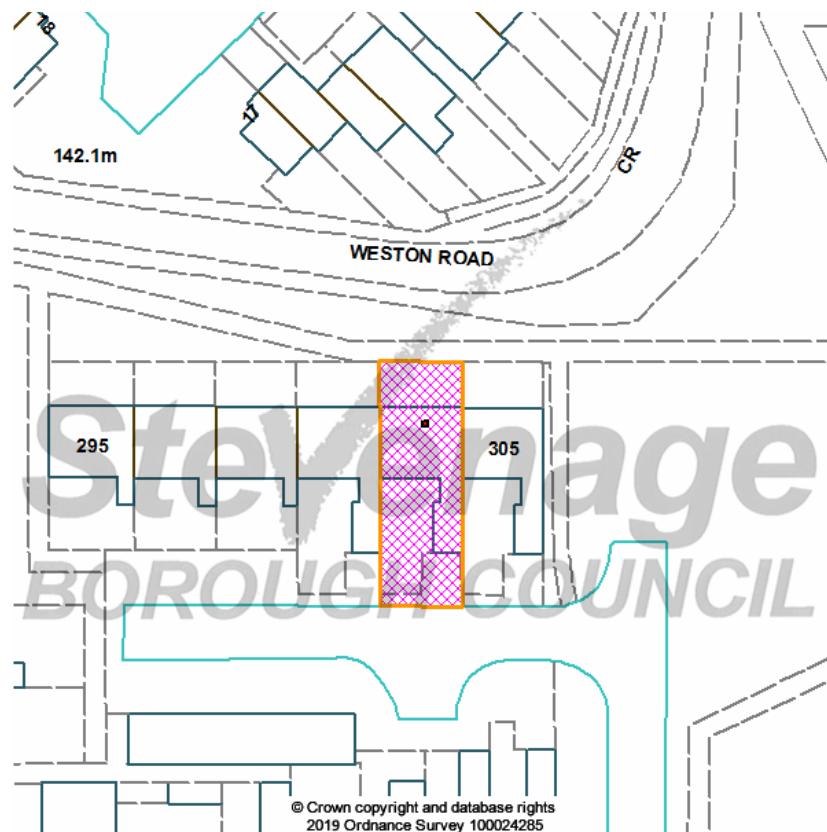
Proposal: Conversion of 1 no. 4 bedroom dwelling to 3 no. studios, single storey front and rear extensions and conversion of garage including the change of use from public amenity land to residential use and associated parking

Drawing Nos.: 21/SPE/000; 21/SPP/000; 21/001; 21/002; 21/102; 21/101 REV A

Applicant: Mr G Tennant

Date Valid: 13 October 2021

Recommendation: GRANT PLANNING PERMISSION.



Plan for information purposes only

1. SITE DESCRIPTION

- 1.1 The application site comprises a mid-terrace two storey dwelling located on the northern side of Ripon Road, and to the north of the adjacent spur road that provides vehicular access to the rear of the 'Radburn' property. The residential area is characterised by terraced dwellings facing on to footpaths and open spaces, with vehicular access to the rear and via communal parking areas, leading off of the main highway by smaller spur roads. The property has an attached single garage projecting along the eastern boundary into the garden.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning permission was refused in February 2021 (ref: 20/00784/FP) for the conversion of the existing property to 2no: Studio flats and 1 No: 1 bedroom flat, conversion of garage and single storey front and rear extensions for the following reasons:

- 1 The internal amenity space of the proposed flats would be below the nationally described space standards set out in Appendix C of the Stevenage Borough Local Plan 2011-2031 (adopted 2019) and would thus be contrary to Policy GD1 of the Stevenage Borough Local Plan 2011-2031 which requires proposals to at least meet the nationally described space standards. This would lead to unsatisfactory living conditions for future occupiers of the proposed residential accommodation and result in an overdevelopment of the site.
- 2 The proposal fails to demonstrate that adequate provision for car parking can be provided on site in accordance with the Council's standards set out in the Parking Provision Supplementary Planning Document (2020). The proposal would, therefore be likely to result in on-street parking contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), the Council's Parking Provision SPD (2020), the National Planning Policy Framework (2018) and Planning Practice Guidance (2014).

- 2.2 Following the refusal of application 20/00784/FP, discussions took place with the applicant to address the reasons for refusal. It was advised to reduce the size of the bedrooms to below 11.5sqm and provide shower rooms rather than bathrooms, to make the flats studios which would meet the minimum floor area requirement for a 1 bed studio as set out within the Nationally Described Space Standards. With regards to parking, the applicant was advised that any sale of the strip of land under ownership of the Council would be dependent on planning permission being granted for its change of use from public amenity land to private residential land, which would be required to implement the proposed development.

- 2.3 A second application was submitted in May 2021. All flats were shown as studios with bedrooms less than 11.5sqm in area and shower rooms, which met the minimum floor area requirement for a 1 bed studio as set out within the Nationally Described Space Standards. This refusal reason had therefore been overcome. However, planning permission was refused again in June 2021 (ref. 21/00504/FP) for the conversion of 1 no. 4 bedroom dwelling to 3 no. studios, single storey front and rear extensions and conversion of garage including the change of use from public amenity land to residential use and associated parking for the following reason:

- 1 The proposal would comprise substandard parking spaces which fail to accord with the requirements set out under Manual for Streets 8.3.58 and the Council's Parking Provision SPD (2020) and would likely result in vehicles overhanging the highway which would prejudice highway safety. In addition, the proposal also fails to demonstrate that adequate provision for car parking can be provided on site in accordance with the Council's standards set out in the Parking Provision

Supplementary Planning Document (2020). The proposal would therefore also result in on-street parking giving rise to conditions prejudicial to the safe and free flow of traffic along this stretch of Ripon Road. The proposal is therefore, contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), the Council's Parking Provision SPD (2020), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

- 2.4 This latest application has been submitted again for 3 no. studio flats and 3 off street parking spaces; however the proposals now involve widening the existing parking area to enable the parking of three vehicles with the applicant's intention to remove and relocate the lamp column (subject to agreement with the Highway Authority), which would create the extra space to achieve the necessary parking area width.

3. THE APPLICATION

- 3.1 This application seeks planning permission for the conversion of the existing 4 bedroom dwelling to 3 no. studio flats, single storey front and rear extensions and the conversion of the garage. Planning permission is also being sought for the change of use of the strip of land bordering the highway shown hatched on drawing no: 21/01 rev A from public amenity land to residential use to facilitate the provision of 3 off street parking spaces. This land is currently in third party ownership by Stevenage Borough Council and it is understood the applicant is seeking to purchase the land, subject to it receiving planning permission for its change of use from public amenity space to residential, which would be required to implement the proposed development. The same drawing shows the position of the existing lamp column to be relocated.
- 3.2 This application comes before the Council's Planning and Development Committee as the application has been 'called in' at the request of the Ward Member.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letter and the erection of a site notice, 16 representations have been received against the proposed development. The following comments were received from the occupiers of Nos. 287, 301, 269, 289, 299, 305, 291, 295, 297 Ripon Road, Cllr Parris as Ward Member for St Nicholas and the owner of Heatherdale, Woodlands Road, Froncysyllte whose parents lived in the application property from 1973 – 2020:

- Proposed floor plans inaccurate and not to scale;
- Not enough space in cul-de-sac for additional on street parking;
- Parking area shown on drawing cannot accommodate 3 cars leaving required 1m clearance space to lamppost;
- Vehicles not shown to correct scale;
- Inadequate private amenity space;
- No bin storage;
- Need for family housing in Stevenage, not one bed flats;
- Loss of light at the front of our home, due to the proposed porch extension (No.301);
- Three flats is an overdevelopment of site;
- Flats still don't comply with minimum nationally described space standards;
- Concern that flats do not comply with fire safety regulations;
- Concerns with previous applications have not been addressed;
- Do not want any cars to have the ability to encroach on my private driveway if there is no separation barrier between No.303 and 301;
- Flats are too small;
- Inadequate parking;
- Private amenity space too small and does not meet standards in Design Guide;

- Increased noise disturbance, due to poor sound insulation;
- Threat of damage to garden during construction (No.305);
- Loss of light at the front and back of our home, due to the proposed sloping roof of the porch at the front and over the garage at the back (No.305);
- Submitted plans are factually incorrect;
- Proposal represents the loss of a rare and affordable family home;
- It proposes unacceptable parking arrangements;
- Access – two of the properties' residents would have to walk from the parking area at the back of the property, around the end of the terrace, to reach their front doors on the far side of the terrace;
- The additional traffic generated by the new development would be damaging to the amenity of neighbours;
- It could set a precedent for others; the whole character of the area would be changed, with the likely negative impact on the value of our homes;
- The proposed development in the rear studio and the first floor development do not appear to have any walls between the kitchen and the bedroom. Is this safe?
- I cannot see how the proposed parking for 3 cars could be safely and sympathetically done. The applicant should also think about the ongoing parking issues around this area for existing residents;
- I also want to ensure there is no window overlooking the neighbours;
- Proposal would harm environment and increase congestion;
- Proposal would be detrimental to the character of the current quiet and tranquil neighbourhood;
- 3 x 1 bedroom flats will more than likely have up to 2 people living there and in this could mean a car for each person living there. There is not enough free space in the small cul-de-sac to accommodate the potential for 6 cars to be parked here – we already have the access roadway being utilised from the dwellings in the next road along for extra parking so there are no space to accommodate any extra cars / visitors;
- The internal amenity space of flat 2 would be below the nationally described space standards set out in Appendix C of the Stevenage Borough Local Plan 2011-2031 (adopted 2019);
- Unaware of any 'parkland' in the immediate area that could be used as outdoor amenity space;
- Based on the ratio's in the application drawing, I do not think that the flat that does have outside space has the quoted 18sqm;
- No provision for the storage of waste and recycling;
- Proposal does not comply with Local Plan Policy SP1 'Presumption in favour of Sustainable Development';
- Stevenage does not need more flats;
- Where the lamppost would be relocated without imposing on another house;
- This application should not be viewed as new. This is merely an amendment to the first application so should be dealt with as such. We, the neighbours feel that we are being treated as fools. We are expected to continue to repeat ourselves about the concerns that we have. To what end? Are we expected to give up or grow weary of the process and "just let it happen"?
- No communication with residents on the removal / relocation of the lamp column;
- Inappropriate development of a property in the middle of a terrace of 4 bedroom family houses which have a pleasant front outlook in a quiet residential area;
- Loss of a rare and affordable family home;
- Poor access - two of the properties' residents would have to walk from the parking area at the back of the property, around the end of the terrace, to reach their front doors on the far side of the terrace;
- Additional traffic damaging to the amenity of the neighbours;
- Threat of damage to our garden through construction activity (No.305);
- Development could set a precedent for others, changing the whole character of the area.

- Converting the house to flats will breach the original covenants set by the Stevenage Development Corporation to maintain the house as a one family household. The intention of this restriction is to keep this area of Ripon Road as a family area.

4.2 The aforementioned is not a verbatim of the objections which have been raised. Full copies of the representations received can be viewed on the Council's website.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

Comments dated 20 October 2020

5.1.1 The proposals are to widen the existing parking area to enable the parking of 3 vehicles. Drawing MMB-303RR-PA 02 Rev B demonstrates 3 parked vehicles on a parking area of approx. 8 x 4.8m. This is incorrect furthermore; the three vehicle representations are not to scale and give a false appearance of adequate parking size. Having visited the site and measured 1m from the lamp column (a requirement to prevent vehicle strike of the column when manoeuvring). From this point the distance to the side fence of No.305 is 6.55m. Manual for Streets 8.3.58 states 'The recommended dimensions of off street parking bays are that they are laid out as a rectangle at least 4.8m long by 2.4 m wide for the vehicle'. Three vehicle parking spaces therefore require a minimum width of 7.2m.

5.1.2 In respect of the depth of the parking area in front of the existing garage, is by the same standard inadequate. Having measured this on site the distance is 4.6m from the garage to the back edge of the carriageway. This would cause a vehicle to overhang the carriageway by 400mm. The Highway Authority is unable to extend the grant of planning permission at this time for the reasons discussed above.

5.1.3 Following receipt of the above comments, the applicant offered to pay to remove and relocate the lamp column to enable the required 7.2m parking area width to be achieved for 3 vehicles. This offer was accepted by the Highway Authority, subject to agreeing an alternative location. The agent also filmed himself measuring the depth from the garage to the back edge of the carriageway as 4.8m, which is the required minimum depth as stated by the Highway Authority Manual for Streets 8.3.58. The film was submitted to the Highway Authority and the case officer visited the site again to check the distance. On visiting the site again, the Highway Officer confirmed the distance was actually 4.8m and provided an updated consultation response.

Comments dated 16 November 2021

5.1.4 The proposals are to widen the existing parking area to enable the parking of three vehicles. Drawing no. 21/101 demonstrates 3 parked vehicles on a parking area of approx. 7.9 x 4.8m. This now takes account of the intention to remove and replace the lamp column allowing for the extra space to achieve the parking recommendation. Having visited the site and re-measured the depth of the parking area in front of the existing garage, I am satisfied that a 4.8m distance measured from the back edge of the carriageway can be achieved.

5.1.5 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 requiring the new location for the lamp column is agreed with the Highway Authority prior to the commencement of development.

5.2 Council's Environmental Health Section

5.2.1 If planning permission is to be granted, then it is recommended conditions are imposed covering the following:

- Contaminated Land;
- 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 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 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.

6.2.3 The Council therefore, 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 is

considering its position in relation to preparing an action plan to enhance housing supply on deliverable sites.

6.2.4 In terms of 5 year land supply, the Council has recently published the Five Year Land Supply Update (August 2021) which reveals that Stevenage has a 5.85 year supply of housing. A copy of the statement is found on:

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

6.2.5 However, since the Land West of Lytton Way (APP/K1935/W/20/3255692) appeal decision has been quashed by a High Court Consent Order, the Council will need to prepare an updated 5 year land supply report. This is because the Council can now only demonstrate a 5.20 year supply of housing following the quashing of the appeal decision.

6.2.6 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 Adopted Local Plan (2019)

6.4.1 The policies set out below are relevant in the determination of this application:

Policy GD1 - High Quality Design ;
Policy SP8 - Good Design ;
Policy IT5 - Parking and Access ;
Policy SP1 - Presumption for Sustainable Development ;
Policy HO5 - Windfall Sites ;
Policy SP7 - High Quality Homes ;
Policy HO9 - House Types and Sizes.

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document (2020)
Stevenage Design Guide Supplementary Planning Document (2009)

6.6 Community Infrastructure Levy

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

7.1.1 The main issues for consideration in the determination of this application are the acceptability in land use policy terms, impact on the character and appearance of the area, impact on the amenities of future occupiers and neighbouring properties and car parking provision.

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

7.2 Land Use Policy Considerations

Compliance with the Council's Housing Policies

- 7.2.1 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption on favour of sustainable development". Paragraph 62 of the NPPF (2021) 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. Paragraph 69 of the Framework sets out that small and medium sites can make an important contribution to meeting housing requirements in an area, and this includes supporting the development of windfall sites.
- 7.2.2 Paragraph 119 of the NPPF stipulates that planning policies and decisions should promote the effective use of land in meeting the need for homes such as through the use of brownfield sites (previously developed land) and the development of underutilised land.
- 7.2.3 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019) 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 it does not overburden existing infrastructure.
- 7.2.4 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is approximately 800m to the nearest small neighbourhood centre on Canterbury Way to the south. Public transport is readily accessible as there are bus routes along both Ripon Road and Canterbury Way. As such, the application site is considered to have an acceptable level of access to local facilities and alternative forms of travel to the private car and, therefore, deemed to be within a 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. Further to the above, Policy HO5 also requires that there is access to local facilities and that residential proposals include opportunities to access alternative forms of travel to private motorised transport. As identified above, the site has good access to local facilities and services and also good access to the public transport network. The site has been demonstrated to be in a sustainable location and as such would comply with criterion (e) of the Policy HO5 of the Local Plan.
- 7.2.6 Finally, criterion (d) of Policy HO5 of the Local Plan requires proposals not to prejudice the Council's ability to deliver residential development on allocated sites. The site is not located near any allocated housing sites. In this regard, the development is not considered to be contrary to the aforementioned policy.

- 7.2.7 Paragraph 74 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.
- 7.2.8 The Council issued an Update Housing Land Supply Document in August 2021. This document was produced following the Appeal Decision for Land West of Lytton Way (APP/K1935/W/20/3255692). It sets out that the Council can demonstrate a Housing Land Supply of 5.85 years for the period 1 April 2021 to 31 March 2026, using the Liverpool methodology and guidance from the NPPF and Planning Practice Guidance (PPG).
- 7.2.9 However, since the issuing of the Housing Land Supply Document, the Council received a copy of the Consent Order from the High Court signed by Mr James Strachan QC (Sitting as Deputy Judge of the High Court) which quashed the appeal decision APP/K1935/W/20/3255692 / Planning application 19/00474/FPM – Land West of Lytton Way, Stevenage. The decision was quashed on the ground that it was accepted by the Secretary of State of Levelling Up, Housing and Communities that the inspector made an error of fact in regards to Five Year Housing Land Supply. Therefore, it was agreed by the Secretary of State of Levelling Up, Housing and Communities that the Planning Appeal Decision by W Clark dated 20 August 2021 should be quashed.
- 7.2.10 Notwithstanding the above, since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by 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 74 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.
- 7.2.11 The latest HDT results, published by MHCLG in January 2021, identify 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, in substance, give great weight to the need to deliver housing. It is important to note that the presumption in favour of sustainable development as outlined in the NPPF kicks in if the Council fails either 5 year land supply, or the Housing Delivery Test (footnote 8 of Para. 11 of the NPPF). Therefore, whilst it can be demonstrated there is a 5 year land supply, the Council failed to meet its HDT requirement.
- 7.2.12 As the Council has failed to meet the Government's Policy requirement in relation to supporting the delivery of housing in line with the Housing Delivery Test, in accordance with the NPPF and the presumption in favour of sustainable development kicks in, the Council must approve applications for housing development unless its impacts clearly outweigh the benefits.

- 7.2.13 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, i.e. due to the lack of smaller properties in the Borough as identified in the Local Plan supporting evidence base.
- 7.2.14 Policy SP7 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.
- 7.2.15 Setting aside the impact upon the character and appearance of the area and the amenities of the adjoining properties and future occupiers, which are considered elsewhere in this report, the application is considered to be acceptable in land use policy terms.

7.3 Impact on Character and Appearance of the Area

- 7.3.1 The proposed ground floor plan would see the separation of the floor space into 3no. studio flats with front to rear layouts. Flat 2 includes the widened garage conversion and front extension and flat 1 includes the rear extension which would be increased by 3m in depth. Flat 3 on the first floor would be accessed through the front extension.
- 7.3.2 In respect of the external changes to the property, the single storey front extension, which provides a porch entrance for flats 2 and 3, would measure 1.2m deep, 6.3m wide, 2.2m high to the eaves and 2.9m high to the ridge with a mono-pitched roof. To the rear, the proposed extension off the existing dwelling would measure 3m deep, 4.1m wide, 2.2m high to the eaves and 3.7m high to the ridge with a mono-pitched roof. Additionally, the existing garage roof would be raised in line with the rear extension for 2m and the remaining 4.8m of length would be widened by 0.8m but retain its original flat roof.
- 7.3.3 By virtue of the siting and orientation of the site, both the front and rear elevations of the property are visible from the highway and public realm. The existing property is a four bedroom dwelling with a rear garden and attached garage. The garage is to be converted and extended to living accommodation to create a bedroom and bathroom for ground floor flat 2 and the single storey extension is proposed off the rear elevation and attached to the side elevation of the existing utility. The extension would provide access to the ground floor flat 1, with the single storey front extension providing access to flats 2 and 3.

Front extension

- 7.3.4 The proposed front extension is modest in size and subservient in appearance. The depth of projection is within the Council's adopted Design Guide allowance of 1.5m. The front garden area is small in size, at approximately 1.4m in depth. The front of the terrace faces onto a footpath connection through the estate and a dense area of trees and hedgerow. As such, the visual impact of the front extension would be minimal, as it would not be overly visible from wider views. The use of matching materials would help the extension blend with the existing property and area visually. The proposed front extension is not considered to detrimentally impact on the character and visual amenity of the area.

Rear extension

- 7.3.5 Visually, the proposed rear extension and garage conversion would not detrimentally impact on the character and visual amenity of the area. Whilst the rear elevation would be visible from the public realm, the extension would be contained within the patio area and screened by the existing boundary treatments, and the replacement of the garage door with brickwork and a window is considered to represent a minor elevational change. The proposed 3m depth would be within the 3.5m recommended maximum depth set out within the Design Guide (2009) and is considered acceptable and proportionate in scale to the host dwelling.
- 7.3.6 On balance therefore, the proposed extensions and external alterations to the property to facilitate the flat conversion would not appear harmful to the character or appearance of the cul-de-sac or the wider area. It is therefore considered the proposal is acceptable in this regard.

7.4 Impact upon Neighbouring Amenity

Front extension

- 7.4.1 It is considered the proposed front extension would not adversely affect the amenity of the attached neighbours at Nos.301 and 305. It would be sited 0.7m from the shared boundary with No.305 and 0.8m from the shared boundary with No.301 and at only 1.2m deep; the depth of projection is within the Council's adopted Design Guide allowance of 1.5m. As such, it is considered the extension would not cause an overbearing impact or loss of light to the neighbours. The extension passes the BRE 45° test for daylight and sunlight in both plan form and elevation.

Rear extension

- 7.4.2 The proposed rear extension is not considered to detrimentally impact on the amenity of the neighbouring properties. The 3m extension would adjoin the boundary with the existing attached garage at No.301 and a maximum 1m of the roof would be visible, which is considered a minor visual impact. As such, it is not considered the rear extension would result in a loss of amenity to the occupiers of No.301. In terms of impact on No.305 to the east, a maximum 1m of the roof of the proposed rear extension would be visible to the occupiers of this dwelling over and above the existing garage wall and boundary fence. It is considered this increase in height over a depth of 2.5m along the shared boundary would not result in a loss of light to the occupiers of No.305, nor harm the outlook from existing rear habitable rooms. No flank windows are proposed on the flank elevation facing No.305; therefore the proposal would not result in a loss of privacy. As the mono-pitch roof of the proposed rear extension would extend over the existing flat roof garage, it is not considered that access could be gained to the flat roof of the garage by the future occupiers of the first floor flat.
- 7.4.3 On this basis, the proposed extensions are not considered to harm the amenity of the occupiers of the neighbouring dwellings and the proposal is considered acceptable in this regard.

7.5 Impact upon future amenities of residents

Private Amenity Space

- 7.5.1 The proposed site layout plan shows the use of the existing rear patio as external amenity space for flat 1, with access to this flat from the rear only. The area would measure

approximately 16sqm, which is considered an acceptable size to allow occupiers of this flat to sit out. The patio area would also be occupied by the secured cycle storage and refuse store serving all 3 flats. Access to these would be available for the occupiers of flats 2 and 3 as well. However, the remaining space is still considered usable amenity space for flat 1. The Design Guide (2009) does not specify any minimum requirements for private amenity space for flat conversions and therefore the issue is assessed on a site by site basis. The provision of an external private amenity area for all flats in a converted property is not always achievable and that is accepted in this case.

Internal Living Standards

- 7.5.2 Policies GD1 and SP8 of the Local Plan (2019) relate to High Quality and Good Design. These policies state that planning permission will be granted where the proposed scheme, under criterion j. meets, and where possible, exceeds the nationally described space standards. Appendix C of the Local Plan (2019) sets out the minimum gross internal floor space standards for dwellings which is in line with the Government's nationally described space standards. With regards to number of bed spaces (occupancy), if a bedroom measures less than 11.5sqm, it is considered it would support a single bed only in accordance with minimum standards and therefore the floor area of the flat will be assessed based on single person occupancy.
- 7.5.3 The minimum internal sizes have been measured as 47sqm for the first floor flat (flat 3), 42sqm for flat 1 and 39sqm for flat 2 on the ground floor. As all three flats have bedrooms less than 11.5sqm, the 1 bedroom single person occupancy standard would apply which requires a minimum total floor area of 39sqm. All flats meet or exceed the minimum size standard for a single bed/1 person flat and therefore it is considered would provide an acceptable living environment for future occupiers.
- 7.5.4 With regards to the potential occupancy of the flats by two people rather than one as assessed above, it would be a decision for the owner and not for the Planning Authority to control or limit occupancy. The Planning Authority has assessed the future living environment based on the plans submitted against the relevant nationally described space standards and found the proposal to meet or exceed the minimum requirements.
- 7.5.5 With regards to sound insulation between the flats, this would be covered by Building Regulations. They require a sound test to be undertaken and a certificate provided to show that the level of noise between properties is within acceptable limits before they would sign off the works. In this regard, the amenities of the occupiers of the flats, and the amenities of neighbouring properties could be protected from excessive and intrusive noise levels.

7.6 Parking Provision

- 7.6.1 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Parking Provision SPD (2020) sets a base standard of 1 space per one bed unit. Taking these standards into consideration, combined with the fact that the application site is not located in an accessibility zone, the maximum number of spaces would be required. In this instance, 3 spaces should be provided – one space per flat.
- 7.6.2 The proposed floor plan shows three spaces to the rear, including use of existing garden land and land within third party ownership, which is subject to a change of use from public amenity land to residential use under this application proposal. The existing four bedroom dwelling requires three parking spaces to comply with the Council's Parking Provision SPD (2020). One space is provided in the garage and one provided in front of the garage. As

such, only the garage parking space falls entirely on land within the applicant's control. In this case, the garage conversion would result in the loss of this on-site space.

- 7.6.3 In order to address this, planning permission is being sought for a change of use of the strip of land hatched on the proposed floor plan to the rear of the property, from public amenity land to residential use to form part of the residential curtilage. The proposals also seek to widen the existing parking area to enable the parking of three vehicles, including the removal and relocation of the lamp column currently sited on the boundary with No.301. Drawing no. 21/101 rev A demonstrates 3 parking spaces on a parking area of 8m x 4.8m. Following a second site visit to re-take measurements, the Highway Authority officer has advised that the required 7.2m x 4.8m parking area for 3 vehicles could be achieved, subject to a planning condition requiring the relocation of the lamp column prior to commencement of development. On the basis of this assessment, it is considered that a change of use of the proposed parking area from public amenity land to residential use would be acceptable as the relevant parking standards would be met.
- 7.6.4 In regards to cycle parking, the Council's Parking Standards SPD stipulates for this development, there is the requirement to provide 1 long-term cycle space per flat. The proposed floor plan shows secure cycle parking for 3 bikes within the rear patio area, which would be accessible to the occupiers of all 3 flats. As such, the proposal meets the relevant requirements in terms of cycle parking and is considered acceptable in this regard.
- 7.6.5 Turning to electric vehicle parking, the Car Parking SPD (2020) introduces a minimum requirement for electric vehicle parking. The requirements for new developments would need to abide by the following:-
- All new car parking should be designed to fulfil a Passive Electrical Vehicle Charging Point standard (providing the necessary underlying infrastructure);
 - The blend of access to charging points provided within new developments;
 - A minimum of 20% of new parking on a site to have access to an active EV charging point;
 - A flexible approach to the requirement of charging facilities as technology changes.
- 7.6.6 The applicant has not detailed any provision for EV charging points within the proposed parking area. As such, a planning condition would be added should planning permission be granted to provide each parking space with an EV charging point prior to occupation.
- 7.6.7 With regards to the requirement for visitor parking, the Parking Provision SPD (2020) advises visitor spaces must be provided at a standard of 0.25 spaces per dwelling. If parking is to be allocated, these will be in addition to the above standards. Where a significant proportion of parking is unallocated, additional visitor spaces would preferably not be provided. It is understood the proposed parking spaces would not be allocated and as such, there would be no policy requirement to provide a designated visitor parking space.
- 7.6.8 Given the aforementioned assessment, there would be sufficient parking (including cycle parking) in accordance with the Council's adopted Parking Standards, subject to the successful relocation of the lamp column to be agreed with the Highway Authority prior to commencement of development. Subject to this, the proposal would be in accordance with policies set out in the adopted Local Plan (2019), the Council's Parking Standards SPD (2020), the NPPF (2021) and PPG.

7.7 Highway implications

- 7.7.1 The existing access is by way of flat kerbs which are suitable and enable the parking of three vehicles. Any new hard standing / driveway should be of a bound material to reduce

the risk of loose surface dressings entering the highway. The location and vehicular to vehicular visibility from the existing access is considered to be acceptable and in accordance with 'Manual for Streets (MfS)' and 'Roads in Hertfordshire: A Design Guide'. In terms of emergency access, the nature of the site puts the proposals / access within 45 meters from the public highway (as required in accordance with MfS 6.7.2). Subject to the suggested planning condition and informatives, this level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity therefore; the Highway Authority would not wish to restrict the grant of planning permission.

- 7.7.2 Given the aforementioned, subject to the imposition of appropriately worded conditions to ensure the development is acceptable in parking terms, it is not considered by HCC Highway Authority that the proposed development would prejudice the safety and operation of the highway network. Therefore, it can be concluded that the proposal would accord with the policies set out in the adopted Local Plan (2019), the County Council's Local Transport Plan 4 (2018), the NPPF (2021) and PPG.

7.8 Other Matters

Waste and Recycling

- 7.8.1 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste. The proposed floor plan indicates that there would be sufficient refuse facilities for 2 x bins per flat in a refuse store sited within the rear patio area, which would be accessible to the occupiers of all 3 flats. The bins would be accessible to be wheeled out onto the cul-de-sac on collection day and the provision is considered acceptable.

Accuracy of submitted plans

- 7.8.2 The plans submitted with the previously refused applications were prepared by a different architectural consultant to the plans under consideration here. Dimensions have been provided on the plans, which have also been drawn to scale. The measurements taken from the plans during the assessment of this application match the dimensions given by the architect. The Highway Authority case officer has visited the site twice to measure the proposed parking area. The Planning Authority has no reason to consider the plans submitted with this application to be inaccurate.

Loss of family sized housing

- 7.8.3 There is no policy within the Local Plan which seeks to prevent the conversion of larger homes into flats within Stevenage. As such, there is no policy basis to refuse this application on the principle of the loss of a single family dwelling. The provision of a Covenant on the title deed restricting the use of the property to a single family dwelling is not a material planning consideration under town planning legislation.

Fire Safety

- 7.8.4 The Building Control Regulations would require the flats to meet all standards in terms of fire safety and a building control officer would sign this off during construction, should planning permission be granted.

Impact on Property Values

- 7.8.5 The impact of a proposed development on property values is not a material planning consideration under the NPPF or the Town and Country Planning Act (1990) and cannot be considered as part of the determination process.

Community Infrastructure Levy

- 7.8.6 As indicated above, the Council adopted CIL on 1 April 2020 and the CIL Charging Schedule specifies a payment for new floorspace 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	

- 7.8.7 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.
- 7.8.8 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 along with the application. This development proposal is CIL liable.

Equality, Diversity and Human Rights

- 7.8.9 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. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.8.10 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.
- 7.8.11 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.

- 7.8.12 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

8. CONCLUSIONS

- 8.1 In summary, there is no policy within the adopted Local Plan (2019) that prevents the conversion of single family dwellings into flats, therefore the principle of the conversion is considered acceptable in land use policy terms. An assessment has been undertaken to confirm all three flats meet or exceed the nationally described spaces standards for studio flats as set out in appendix C of the Local Plan and the proposed extensions would not harm the amenity of neighbouring properties. Private amenity space is being provided, along with secure cycle and refuse storage. Subject to the relocation of the lamp column (subject to planning condition and agreement with the Highway Authority), there is space to park 3 vehicles at the rear in accordance with standards. In light of the aforementioned assessment, it can be concluded that the application proposal would not represent an over development of the site and is considered acceptable.
- 8.2 The development would accord with the relevant policies in the adopted Local Plan (2019) as well as the Council's adopted Supplementary Planning Documents. It would accord with the policies set out in the NPPF (2021) and PPG. Therefore, it is recommended that planning permission be granted.

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:
21/SPE/000; 21/SPP/000; 21/001; 21/002; 21/102; 21/101 REV A
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 relocation of the lamp column shall be agreed in writing with the Highway Authority and the details agreed shall be submitted to and approved by the Planning Authority prior to commencement of development.
REASON:- To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).
- 4 The materials to be used in the construction of the external surfaces of the front and rear extensions hereby permitted shall be similar to the materials used in the construction of the original dwelling to the satisfaction of the Local Planning Authority.

REASON:- To ensure the development has an acceptable appearance.

- 5 The proposed cycle and refuse storage hereby approved and as shown on drawing number: 21\101 REV A shall be constructed and made ready for use prior to the occupation of the flats.

REASON:- To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

- 6 The land within the parking area hereby approved and as shown on drawing number: 21\101 REV A shall be constructed and made ready for use prior to the occupation of the flats. The provision shall thereafter be retained for the purposes of parking in perpetuity.

REASON:- To ensure adequate off-street parking is provided in accordance with the Council's adopted Parking Standards Planning Document, preventing additional cars from parking on-street and in the interests of highway safety.

- 7 The land within the parking area hereby approved and as shown on drawing number: 21\101 REV A not within the control of the owner of No.303 Ripon Road shall be purchased from the Council prior to the occupation of the approved flats.

REASON:- To ensure adequate off-street parking is provided in accordance with the Council's adopted Parking Standards Planning Document, preventing additional cars from parking on-street and in the interests of highway safety.

- 8 The proposed parking area hereby approved and as shown on drawing number: 21\101 REV A shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the dwellinghouse.

REASON:- In the interest of visual amenity and to ensure the development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.

- 9 Prior to the occupation of the development hereby permitted, each parking space shall incorporate an Electric Vehicle ready domestic charging point.

REASON:- To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. 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.

INFORMATIVES

1 Hertfordshire County Council Highways

New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates,

bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-toyour-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

2 **Storage of materials:** The applicant is advised that the storage 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

3 **Obstruction of highway:** 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

4 **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 .

5 **Party Wall etc. Act 1996**

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at

<https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

6 **Building Regulations**

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@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).

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, Stevenage Design Guide adopted October 2009, The impact of Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.
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 July 2021 and Planning Policy Guidance March 2014.

