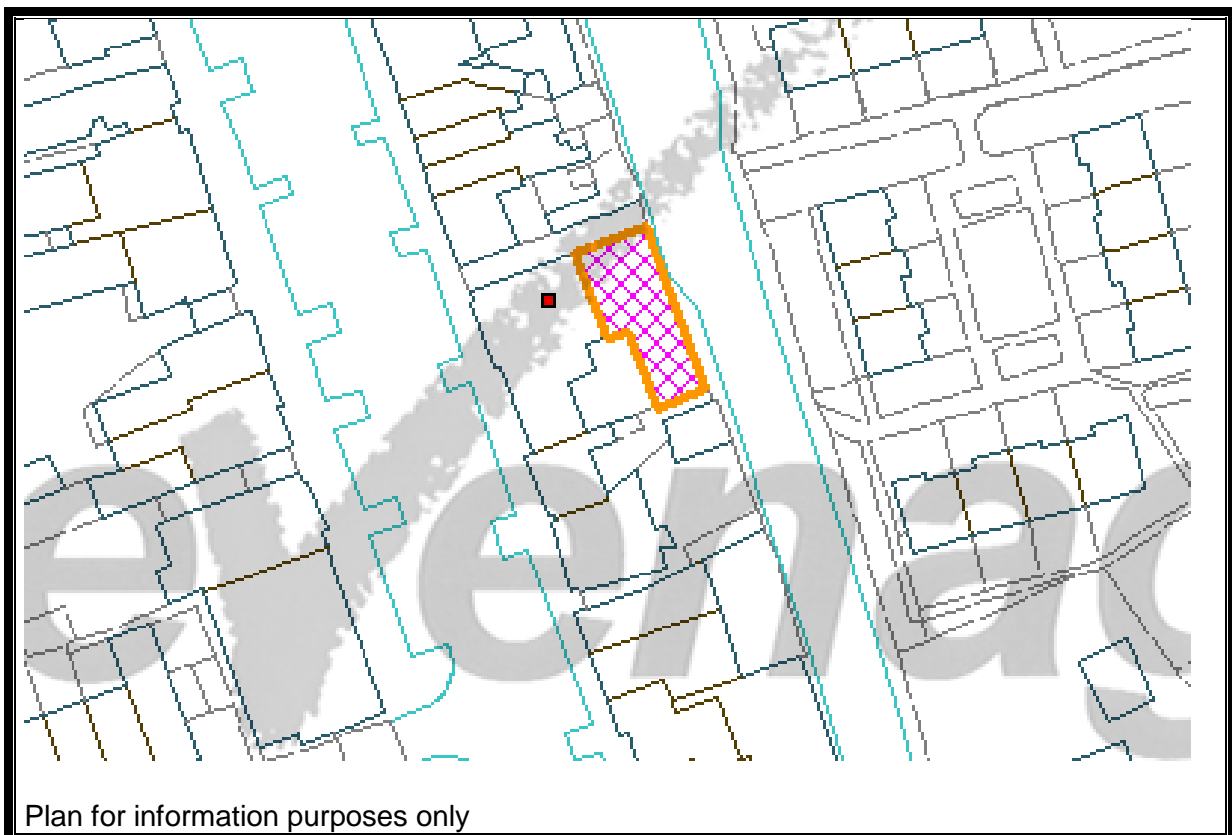


<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>15 March 2022</b>	
<b>Author:</b>	<b>Rebecca Elliott</b>	01438 242836
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Rebecca Elliott</b>	01438 242836

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



## **1. SITE DESCRIPTION**

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

## **2. RELEVANT PLANNING HISTORY**

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

## **3. COMMITTEE DEFERRED ADDENDUM**

- 3.1 The applications were presented at the 10th February 2022 Planning and Development Committee with a recommendation to refuse and where necessary take enforcement action. Members voted to defer the decision to allow the applicant the opportunity to provide additional plans requested by the Officer (Please see February committee report in the Appendix)
- 3.2 It was established as part of the processing of the two applications, one for Flat A and one for Flat B, that insufficient information had been provided to establish that the second bedrooms being proposed would meet the relevant space standards as identified in the National Technical Space Standards and as adopted in the Stevenage Borough Local Plan 2011-2031 (2019).
- 3.3 The agent made contact with the Officer just prior to the February meeting, and following the deferral a floor plan has been provided showing the eaves line for all floor space under 1.5m. The 1.5m height is specified in the space standards, with any space measuring under 1.5m in height not being accounted in the room sizes and total unit size.
- 3.4 On assessment of the plan provided and site photos taken during the application process, there is still some concern the new plan does not fully show eaves restrictions in Flat B within the living/kitchen space. This has been raised with the agent and any update will be provided at the committee meeting.
- 3.5 The main concern in respect of the head room is whether the proposed bedrooms and units can meet the minimum internal space standards required. Based on the information submitted and by measuring the scaled plans the following measurements have been taken:

	Actual area in sqm.	Minimum required area in sqm.
Flat A total	55	61
Bedroom 1	11.9	11.5
Bedroom 2	7.5	7.5
Flat B total	60.4	61
Bedroom 1	12.1	11.5
Bedroom 2	7.4	7.5

3.6 The measurements taken show that both properties are below the total required minimum floor area for a 2 bedroom 3 person flat, with Flat A significantly below the threshold. The likelihood that Flat B would also have a reduced total area is high given the query over the head room in the living/kitchen area.

3.7 In terms of bedroom sizes, these are acceptable, apart from the second bedroom of Flat B which is 0.1 square metres smaller than required. On balance therefore, it is considered that the introduction of a second bedroom in each flat would adversely impact the living conditions of any perspective occupiers, resulting in insufficient living space contrary to the Technical Standards and Local Plan.

## 8. CONCLUSIONS

8.1 The further conversion of flat 6 and 7 to provide 2no. two bedroom flats instead of 2no. one bedroom flats as approved under ref: 17/00305/FP is considered to be unacceptable and would result in a poor living environment for future occupiers. The total size of the flats would fall short of the required 61 square metres for a 2 bedroom 3 person flat as identified in the National Technical Standards and as required by Policy GD1 of the Stevenage Borough Local plan 2011-2031 (2019).

8.2 Should the Committee be minded to refuse the application then it will be necessary to consider further action as outlined in sections 10, 11 and 12 of this report below.

## 9. RECOMMENDATIONS

9.1 That planning permission be REFUSED based on the following reasons, and that following refusal the Local Planning Authority be authorised to serve an Enforcement Notice to seek the development be completed in accordance with the approved plans of application ref: 17/00305/FP.

1 The proposed development fails to provide an acceptable standard of living for future occupiers by virtue of the total internal floor area failing to meet the minimum space standards required under the Technical Standards. The proposal does not accord with Policy GD1 of the Stevenage Borough Local Plan 2011-2031 (2019), Nationally Described Space Standards (2015)(as amended), National Planning Policy Framework (2021) and National Planning Practice Guidance (2014).

## 10. FURTHER CONSIDERATIONS

10.1 Having recommended refusal of the retrospective planning applications, a decision needs to be made as to whether or not the Council should undertake enforcement action against the breach of planning control which has occurred in this instance.

10.2 As set out previously in this report, it is considered that the existing development, by way of the lack of supporting evidence showing adequate living space standards for the second bedrooms, because of the internal supporting timber beams structure and mansard roof

eaves, that the provision of a second bedroom in each flat would result in a poor and substandard living arrangement for future occupiers.

- 10.3 Given the aforementioned comments, should the Committee agree with the recommendations set out in section 9 of this report to refuse planning permission, authorisation is sought to take enforcement action to secure the removal of any internal works carried out to provide each second bedroom. It is considered that a period of four months from the date of the Enforcement Notice being issued is deemed reasonable in line with the Government's Planning Practice Guidance (2014).

## **11. FURTHER RECOMMENDATION**

- 11.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation, subject to the Borough Solicitor being satisfied, requiring the removal of all internal alterations that have taken place in flats 6 and 7 at 107A - 109A – High Street, Stevenage to provide two bedrooms be removed. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- 11.2 That, subject to the Borough Solicitor being satisfied with the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- 11.3 That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

## **12. REMEDY REQUIRED**

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

## **13. BACKGROUND DOCUMENTS**

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