

Meeting: Planning and Development Committee Agenda Item:

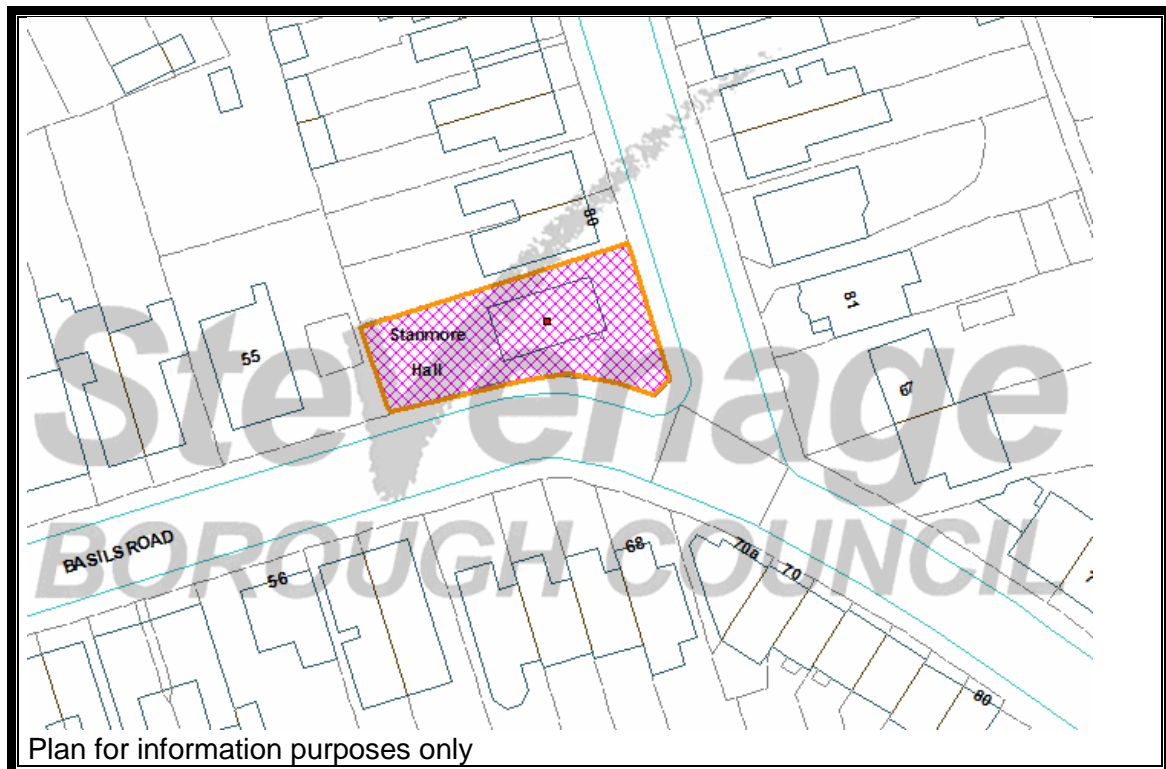
Date: 14 July 2022

Author: Rebecca Elliott

Lead Officer: Zayd Al-Jawad

Contact Officer: Rebecca Elliott

Application No:	21/00719/FP
Location:	Clare's Little Bears Playgroup/Pre-School Club, Stanmore Hall, Stanmore Road, Stevenage
Proposal:	Erection of single storey extensions to front, side and rear, dormer roof extensions, construction of mezzanine floor and partial replacement of boundary fence (Amended description).
Drawing Nos.:	6779(P)010, 6779(P)011, 6779(P)100, 6779(P)-101 Rev. A, 6779(P)102, 6779(P)103, 6779(P)104 Rev. A, 6779(P)105 Rev. A, 6779(P)106 Rev. A, 6779(P)200 Rev. A, 6779(P)201 Rev. A, 6779(P)202 Rev. A, 6779(P)203 Rev. A, 6779(P)300 Rev. A, (P)301
Applicant:	Clare Cole
Date Valid:	20 July 2021
Recommendation:	GRANT PLANNING PERMISSION



1.0 SITE DESCRIPTION

- 1.1 The application site comprises a single-storey, detached building located at the junction of Stanmore Road and Basils Road. The building is used as a nursery/pre-school in an area that is predominantly residential in character.
- 1.2 The boundary treatment adjacent to the pavements along Basils Road and Stanmore Road comprise a combination of hedging and fencing that are approximately 2m in height. On-street parking is available in the immediate vicinity of the site and the majority of properties in the area do not have the benefit of off-street parking. The property has the benefit of separate pedestrian and vehicular access.
- 1.3 The property is not listed nor is it within a conservation area and there are no other historic assets in the immediate vicinity. The site is located within flood zone 1, as defined by the Environment Agency, and is therefore at a low risk of flooding.

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no planning history relevant to this application site.

3.0 THE CURRENT APPLICATION

- 3.1 The proposal involves the erection of single storey front, side and rear extensions, dormer roof additions, the installation of a mezzanine floor with access to a first floor external terrace and alterations to some of the boundary treatments.
- 3.2 To the north and rear of the building, the extension will project 2.2m away from the building so that it forms the shared side boundary with no. 80 Stanmore Road. Along this boundary, the extension will have a length of 15m, with a projection of 3.6m beyond the rear of the building, to create an 'L' shaped footprint.
- 3.3 To the rear and partially to the side, the extension will have a monopitch roof with a ridge height of 3.3m, sloping to an eaves level of 2m. To the western side of the building, projecting in to the garden space, the extension will have a flat roof finish to incorporate a roof terrace with screening. Attached to this part of the extension would be a canopy to provide cover to an outdoor area. Dormer windows are proposed to be installed on the northern and southern roof slopes. The larger dormer shown on the northern roof slope would not have any windows, with two smaller dormer windows proposed on the front roof slope. Internally, a mezzanine floor will be created to provide additional floorspace and new boundary treatment is also proposed.
- 3.4 This application comes before the Planning and Development Committee at it was called-in by Councillor Loraine Rossati. The application was called-in due to concerns raised as to the impact of the development on neighbouring properties as well as impact on trees and landscaping. In addition, residents had raised concern with Councillor Rossati about the delays in receiving consultation letters and not having sufficient time to respond to the consultation.

4.0 PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by way of neighbour letters and a site notice. Ten properties were originally consulted, with a further three properties included on the re-consultation of amended plans following receipt of comments. A total of five objections have been received, and one neutral representation.
- 4.2 The objections raised are as follows -
- Since the arrival of the pre-school there has been a significant increase in disturbance related to activities within the garden and building of the school.

- The noise impact has at least so far been mitigated by the opening hours and days that the school has run. However the introduction of a holiday club has already reduced on this respite.
- The building expansion will allow for increased business and it is understood there are plans to hire the hall to other users. The possibility of an increase in the numbers of children and the potential increased opening hours and days raise concerns about the associated increase in disturbance.
- Both Stanmore Road and Basils Road already suffer from issues with a lack of parking, as acknowledged by the Council in the introduction of parking permits. During pick up and drop off times for the pre-school, which often coincide with that of Letchmore School, available parking is overwhelmed by parents parking in the close proximity to the schools
- The balcony will result in overlooking of properties in Basils Road
- The addition of a screen to the balcony can be easily taken down and so would not mitigate problems associated with overlooking
- The property is being extended to increase the size of the business and will mean that there is more noise and more parking problems
- The roof to the north side appears to have been raised which has the potential to block out light
- If the hall is used for a private party it might not finish until very late and combined with people leaving the Old Town at the end of an evening, it may result in groups of vehicles confronting one another
- When there is noisy party going, having people loudly interacting from the balcony to other people in the garden below will increase noise disturbance
- Do balconies and groups of people consuming alcohol without supervision work together? If the planners agree to this they will be sanctioning a potentially very dangerous situation
- Stanmore Hall would become very commercial looking in appearance not at all in keeping with this area
- Surrounding trees and bushes will be removed or damaged which will impact the aesthetic of the area
- The height of the roof appears to have been raised and has the potential to block out light to neighbouring garden/patio areas
- The screening to the balcony may not be maintained and could be taken down at any point by the current and future owners
- Concern about the impact of building work and new foundations on the trees within neighbouring gardens.

4.3 Please note that this is not a verbatim as to the representations which have been received. A full copy of these representations can be viewed on the Council's website.

5.0 CONSULTATIONS

5.1 Highways Authority

Original Plans

5.1.1 The application comprises of a single storey extension, construction of a new mezzanine floor and partial replacement of boundary fence

5.1.2 The property benefits from an existing vehicle access that is located along Basils Road that is designated as a local access road subject to a speed limit restricted to 30 mph.

5.1.3 The applicant has implied that there is no new or altered vehicle access proposed to the existing vehicle access to or from the public highway to the property, vehicle to vehicle inter visibility and pedestrian visibility will not be affected.

- 5.1.4 The access width complies with guidance found in Roads in Herts Highway Design Guide a single lane access will normally be sufficient to serve up to 3 individual dwellings. (reference; Roads in Herts Highway Design Guide 8.5.4. Shared Private Drives / Access).(MfS 2.75 metres).
- 5.1.5 Vehicle to vehicle inter-visibility and pedestrian visibility is achievable and complies with levels of visibility found in Manual for Streets [Visibility splays at junctions 7.7 and visibility along the street edge 7.8.3 Page 94] and is considered acceptable for the speed and hierarchy of the road, in both directions.
- 5.1.6 There is no change in parking provision as a result of this development. Given the proposal only does not involves an increase to the parking provision this is considered not to have a significant impact on the local highway network.
- 5.1.7 In conclusion Hertfordshire County Council as Highway Authority has considered that the proposal is of a small scale development consequently the proposal would not significantly increase the traffic generation to the area and have an unreasonable impact on the safety and operation of the adjoining highway and has no objections on highway grounds to the application with the inclusion of the above planning condition.

Amended Plans

- 5.1.8 No objection. The application comprises of a single storey extension, construction of a new mezzanine floor and partial replacement of boundary fence as amplified by amended plans received 13 October 2021.
- 5.1.9 The property benefits from an existing vehicle access that is located along Basils Road that is designated as a local access road subject to a speed limit restricted to 30 mph. The applicant has implied that the existing vehicle access is no longer required and as such for reasons of highway safety is required to be reinstated back to footway.
- 5.1.10 There is no change in parking provision as a result of the development. Given the proposal does not involve an increase to the parking provision, this will not have a significant impact on the local highway network

5.2 Environmental Health

- 5.2.1 I refer to the above planning application in respect of contaminated land and nuisance. It is recommended the following conditions are attached if the Council is minded to grant planning permission:

Contaminated Land:

- 5.2.2 If during the course of development any contamination is found or suspected, works shall cease and the local planning authority shall be informed immediately. The local planning authority may request the nature and extent of any contamination to be investigated in order that a suitable remediation strategy can be proposed. The development shall not continue until any required remediation as agreed in writing by the local planning authority has been undertaken, and the local planning authority has confirmed it has been undertaken to its satisfaction.

Dust Emissions:

- 5.2.3 Dust emissions shall be controlled throughout the construction and demolition phases so as to prevent nuisance to the occupiers of neighbouring premises.

Noise:

- 5.2.4 No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any weekdays, nor

on any Saturday before 08.00 hours or after 13.00 hours. These times apply to work which is audible at the site boundary.

5.2.5 The reduction in outdoor space for the children to play will affect the neighbouring properties as noise from this activity will be more concentrated. It is recommended that the management of noise from external activities be in place to minimise the effect on noise sensitive premises. Effective noise management may consider ensuring fencing is completely solid so as to provide an acoustic fence to an appropriate height; the hedge on the northern end will not offer any acoustic control and appropriate acoustic fencing should be considered for this area of the playground. The premises should employ techniques to manage the volume of noise from the outside play areas, such as;

- Staggering break times
- Providing different activity zones that enable quiet play
- Designate a ball playing area away from noise sensitive premises

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 (adopted 2019)
- 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.

6.3 Planning Practice Guidance

6.3.1 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 (2021) which has the same status as the PPG.

6.4 Stevenage Borough Local Plan

SP1 – Presumption in Favour of Sustainable Development
SP8 – Good Design
GD1 – High Quality Design
IT4 – Transport Assessments and Travel Plans
IT5 – Parking and Access
FP7 – Pollution
NH5 – Trees and Woodland

6.5 Supplementary Planning Documents

Parking Provision and Sustainable Transport SPD (2020)
Design Guide SPD (2009)

7 APPRAISAL

7.1.1 The main issues for consideration in the determination of this application are the impact that the proposed development would have upon the residential amenity of neighbouring properties, the effect that the proposal would have upon the character and appearance of the area, highway safety implications of the development and trees and landscaping.

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 Design and Other Visual Considerations

7.2.1 Paragraph 127 of the NPPF 2021 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, is sympathetic to local character and history, including the surrounding built environment and landscape setting.

7.2.2 Paragraph 134 goes on to say that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.2.3 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.2.4 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:

- the context for places and buildings;
- hard and soft landscape;
- technical infrastructure – transport, utilities, services such as drainage; and
- social infrastructure – social, commercial, leisure uses and activities.

7.2.5 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout;
- the form and scale of buildings;
- their appearance;
- landscape;
- materials; and
- their detailing.

7.2.6 The Guide further iterates that all developments are made up of these components put together in a particular way. As such, the choices made in the design process contribute towards achieving the ten characteristics and shape the character of a place. For reference, these ten characteristics are as follows:

- Context – enhances the surroundings;
- Identity – attractive and distinctive;
- Built form – a coherent pattern of built form;
- Movement – accessible and easy to move around;
- Nature – enhanced and optimised;
- Public spaces – safe, social and inclusive;
- Uses – mixed and integrated;
- Homes and buildings – functional, healthy and sustainable;
- Resources – efficient and resilient;
- Lifespan – made to last.

7.2.7 The Council's Design Guide SPD (2009) sets out that a high quality environment is essential for providing a good quality of life for residents. A well-designed and managed space not only provides a visually attractive environment, but can also help to ensure that a place is easy to move around and within, is safe and secure, and is useful for all members of the community.

7.2.8 The proposal includes the erection of single storey extensions to the side and rear of the building. The building is modest in size and does occupy a prominent location at the junction of Stanmore Road and Basils Road. The side extension will be confined to the north elevation of the building, where it would be largely screened by the existing building. Where it would be visible in the street scene, particularly from Stanmore Road, it would appear as a modest addition to the building and the roof slope would appear as a continuation of the existing building.

7.2.9 To the rear of the building, the extension will also appear as a modest addition and there will be the creation of a roof terrace above that structure. Whilst roof terraces are not a feature of this residential area, the building is non-residential in its use and appearance and it is not considered that the flat roof construction and addition of a dark grey balustrade and faux green screening above would on balance, be to the detriment of the character and appearance of the immediate vicinity such that a refusal would be warranted. In the instances of the extensions at ground level, a condition can be imposed requiring the use of appropriate materials, which will ensure that an acceptable appearance is maintained.

7.2.10 Proposed alterations to the roof include the creation of dormer windows. On the northern roof slope the dormer window would be without any openings, being utilised only for headspace internally and to prevent overlooking to the neighbouring residential property. The dormer would be centrally located in the upper portion of the existing roofscape, measuring approximately 4.8m in width, 1.15m in height and 2m in depth, significantly reduced in size from the originally proposed plans.

7.2.11 To the front of the building and on the southern elevation the proposals include two smaller dormer windows with a single window opening each. Each dormer would measure approximately 2.5m in width, 1.5m in height and 1.5m in depth. The width of the dormer has been designed to match the ground floor panelling between the original red brick vertical banding. The window sizes are also reflective of the three panel windows at ground floor.

Whilst the single windows are different in style to the original three pane feature windows, given the more modern look being achieved by the alterations this is not considered to be harmful to the character and appearance of the building or wider area such that a refusal is warranted.

- 7.2.12 The proposed dormer windows are considered to be proportionate in size to the scale of the hall and with the use of appropriate materials would not unduly stand out in the roof scape. Being a commercial building as opposed to residential the introduction of the dormer windows is not considered to harm the character and appearance of the building or wider area.
- 7.2.13 The proposal includes the erection of new 2m high boundary treatments along the western side boundary and along part of the southern boundary, replacing existing timber fencing. The boundary treatment would be finished with a 1m high brick wall and 1m high 'hit and miss' fencing above. Concerns have been expressed about loss of landscaping from hedges and trees. From undertaking a site visit the landscaping along the western boundary is outside the site. There is some hedging along the front/southern boundary that is shown as being removed. This is not protected in the Local Plan and its removal is not deemed development for planning purposes. The majority of the existing privet hedge on the front and eastern side boundary would be retained.
- 7.2.14 The proposed brick and timber treatment is considered acceptable from a visual perspective in this location given the prominence of these materials in providing boundary treatments within Basils Road and Stanmore Road, and would not be considered out of character in the residential area, nor an incongruous feature in the street scene. The use of and acceptability of hit and miss fencing and noise issues is addressed as part of Section 7.3.

7.3 Neighbouring Amenities

Noise

- 7.3.1 Policy FP7 of the Local Plan requires all development proposals to minimise, and where possible, reduce air, water, light and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area. Policy GD1 also requires that developments do not have an adverse impact on neighbouring uses or the surrounding area.
- 7.3.2 The existing building is a community hall and is currently used predominantly by Clare's Little Bears playgroup/pre-school. Neighbouring residents have raised concerns that the increased size of the building will subsequently lead to an increase in activities and noise disturbance. Part of the side extension to the building is located adjacent to the boundary with the garden of no. 80 Stanmore Road though internally the extended part of the building at this point comprises a utility area and W/C. Given the use of this part of the extension, it is considered that the neighbouring garden would not suffer from increased noise disturbance from the extended property. There are no ground floor windows within the side elevation of the extension at the boundary that would give rise to concerns of overlooking to the neighbouring garden.
- 7.3.3 In terms of noise levels in general, the site and building already operate as a playgroup/pre-school, with general community hall use also. Given the set-up of the premises as the playgroup/nursery business the use of the building for the purposes of being a community hall will be limited by virtue of the equipment and layout for its primary purpose. It is recognised that there is likely an existing level of noise generated that would be noticeable to neighbouring residents. However, whilst the building is increasing in size, which has resulted in concerns from residents about an increase in activities, the applicant has confirmed that staff numbers would not increase and that children numbers are not expected to increase, however if they did this would only be by a maximum of 5 children. To the side and rear of the building is a garden area which can be used for outdoor activities which would already lead to some level of noise disturbance..

7.3.4 The Council's Environmental Health (EH) team has assessed the application and have raised no objections to permission being granted. The EH officer has advised that the reduction in outdoor space for the children to play will affect the neighbouring properties as noise from this activity will be more concentrated. Albeit, there would be greater indoor space and a better indoor layout for play opportunities that could reduce concentrated external play. It is recommended that the management of noise from external activities be in place to minimise the effect on noise sensitive premises. Effective noise management may consider ensuring fencing is completely solid so as to provide an acoustic fence to an appropriate height; the hedge on the northern end will not offer any acoustic control and appropriate acoustic fencing should be considered for this area of the playground. The premises should employ techniques to manage the volume of noise from the outside play areas, such as;

- Staggering break times
- Providing different activity zones that enable quiet play
- Designate a ball playing area away from noise sensitive premises

7.3.4 It is understood that the building also allows for evening activities to take part that are unrelated to the pre-school use. It is considered important at this time to raise that these activities can already take place on site. Whilst the extensions to the building may increase the likelihood of evening activity taking place, the internal configuration and layout is such that much of the additional space is for floorspace that cannot be occupied for activities, including WCs, office and kitchen areas and does not therefore greatly increase the space for meetings/gatherings. As with the EH officer comments above, management of the noise can be provided to the extent noted.

7.3.5 In terms of noise levels generally, it is considered that as the size of the site is not increasing then the levels of activities and their subsequent noise levels would be no worse than what could occur under the current situation. However, it is considered reasonable and necessary to impose a condition seeking a Noise Management Plan be agreed as part of any approval. In addition to seeking further fencing inside the front boundary hedge to help mitigate against noise from the garden, it is also considered further details of the proposed fencing type be agreed as hit and miss fencing could allow for noise dispersion as it is not a solid treatment, with gaps between each panel to create the hit and miss appearance. The use of a solid fence instead is not considered to provide any harm as opposed to the hit and miss fencing in terms of its visual impact in the area. The principle of timber fencing is accepted.

Outlook, Overbearing, Light and Privacy

7.3.6 The proposal involves the erection of a side/rear extension to the building that will abut the boundary with no. 80 Stanmore Road, which is a residential property. The extension will project 4.3m beyond the rear elevation of the neighbouring property, which would conflict with the 3.5m as advised by the Design SPD, albeit, this standard generally relates to householder extensions and there is no real guidance relating to commercial extensions in the Design SPD. However, at this boundary the roof of the extension slopes to an eaves level of 2m, which would be a similar height to boundary treatment that could be erected under permitted development rights. The roof slope to this extension would be a continuation of the existing pitch and so it would not unduly dominate the garden area of the neighbouring property. It is considered then also, that the proposal would not adversely affect the outlook of this neighbour or be overbearing. The proposals also pass the BRE 45 degree tests in respect of impact on light to habitable rooms.

7.3.7 Facing no. 80 Stanmore Road, the proposal includes the installation of a dormer extension. This will face onto a blank gable of the neighbouring property and the dormer does not contain any windows, so it would not raise any privacy issues with this neighbour. On the opposite side, two dormers are proposed, one of which serves a toilet area, so obscure glazing can be installed. For the remaining dormer, this will face towards the properties on the opposite side

of Basils Road, though the Design SPD does not set out any parameters for assessing side to front separation distances. Nevertheless, as the application site is separated by the road and the properties are then set back from the highway, this would alleviate any concerns of direct overlooking. Furthermore, this dormer window would serve a meeting room/office area and so it would not raise the same overlooking issues compared to that between two residential properties.

- 7.3.8 At the rear of the property and at first floor level a roof terrace will be created above the newly extended building. The roof slope to the side will commence from a ridge height of 1.7m, which would prevent direct overlooking into the rear garden of no. 80 Stanmore Road. Along the western edge of the terrace, a 1.7m high trellis is proposed that would restrict overlooking towards the more rear aspects of the garden, and a condition can be attached to maintain the trellis at this height to again prevent unacceptable levels of overlooking to the garden. On the opposite side, the boundary treatment will be 1.5m high which would not prevent an outlook towards the properties on the opposite side of Basils Road. However, as mentioned above in paragraph 7.3.7, the separation distance to these properties is such that it would not result in unacceptable levels of overlooking.

7.8 Parking and Highway Safety

- 7.8.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development would not have an adverse impact on highway safety. Furthermore, Policy IT5 sets out the need for development to accord with the Councils Parking Standards and Sustainable Transport Supplementary Planning Document (2020). The requirements of the SPD are not specific to a children's playgroup/nursery set-up. The closest use type would be for a community hall, of which the requirements are - 1 space per 9 square metres GFA and 1 space per full time member of staff. When comparing the maximum parking standards from existing to proposed, the additional floorspace created would warrant 4 additional parking spaces. Due to the constrained nature of the site there are no on-site parking facilities and no additional parking provision is proposed.
- 7.8.2 Concerns have been raised over the level of parking that is available in the immediate area of the site, and that this will be exacerbated as a result of the proposal. On-street parking is available in close proximity of the site along Basils Road and Stanmore Road though some of this is controlled by hours restricted residents-only permits. Given the number of staff and children are not anticipated to increase, the number of visitors is also unlikely to increase. The proposal would see the reinstatement of the dropped kerb, as requested by the local highway authority and agreed by the applicant, which would allow for on-street parking in this stretch of the road, whereas currently parking in front of the dropped kerb is prohibited.
- 7.8.3 Any visitors to the site would be expected to park in a manner that complies with the restrictions and general rules of highway safety. If these are not being obeyed, there are powers outside of planning to enforce the compliance with highway regulations, including the local highway authority, the Police and enforcement of the parking permits through SBC.
- 7.8.4 The Highways Authority has assessed the application and has not raised any objections in terms of highway safety. The site lies just outside a parking zone, which runs along the southern side of Basils Road. Given the parking standards are maximum standards and whilst the floor space of the building is increasing, its use is not, the lack of additional parking in this case is not considered detrimental such that a refusal is warranted.

7.9 Trees and landscaping

- 7.9.1 The site is currently enclosed along all of the eastern boundary and approximately two thirds of the southern boundary by a mature privet hedge. There are two semi-mature trees in the 'front' garden area by the main front entrance path within the site. It is not proposed to remove

either of the trees and only a small section of the hedge is being removed close to the proposed side extension.

7.9.2 As considered in Section 7.2 of this report, the small loss of hedgerow is not development for planning purposes and the hedge is not protected by the Local Plan. Therefore the loss is considered acceptable in this case given a large majority of the hedge is being retained. Furthermore, the existing trees are not being removed as part of this proposal.

7.9.3 Landscaping in the form of shrubs, hedging and small trees can be seen by the western boundary, however, these fall outside the site and would not therefore be impacted by the development. The impact on trees and landscaping is therefore considered acceptable and the small loss of hedgerow would not harm the character and appearance of the area such that a refusal is warranted.

7.10 Equality and Human Rights Considerations

7.10.1 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.

7.10.2 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.

7.10.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.10.4 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.

7.11 Other Matters

7.10.1 Following the consultation period, concern has been raised regarding the use of the building for evening events in which alcohol may be consumed. It is stated that the use of the balcony in conjunction with the consumption of alcohol may create a potentially dangerous situation. The applicant has advised that there is no intention to seek an alcohol licence for the premises. However, this is not a material consideration that can be taken into account in the determination of this application.

7.10.2 Concern has also been raised about the impact that building works and the digging of foundations will have on neighbouring properties. This would be a civil matter to be resolved by the parties concerned should such issues arise.

8 CONCLUSIONS

- 8.1 There are no concerns that the proposed additions would have an adverse impact upon the character and appearance of the area, as the proposed additions would be in scale and character with the original property, subject to a condition requiring the use of appropriate materials. An acceptable relationship with neighbouring properties would be maintained and additional measures relating to noise can be secured through condition. There are no concerns with regard to highway safety and the lack of any additional parking provision in this location is not considered to be detrimental such that a refusal is warranted. There would be no loss of trees and the small amount of hedging to be removed is not considered harmful. Therefore the proposal would accord with relevant Development Plans and provisions of the NPPF.

9 RECOMMENDATION

- 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:
6779(P)010, 6779(P)011, 6779(P)100, 6779(P)-101 Rev. A, 6779(P)102, 6779(P)103, 6779(P)104 Rev. A, 6779(P)105 Rev. A, 6779(P)106 Rev. A, 6779(P)200 Rev. A, 6779(P)201 Rev. A, 6779(P)202 Rev. A, 6779(P)203 Rev. A, 6779(P)300 Rev. A, (P)301

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. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Mondays to Fridays, 08:00 hours to 13.00 hours on Saturdays and shall not operate on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.

REASON:- To ensure the demolition of the existing buildings and the construction and maintenance of the development does not prejudice the amenities of occupiers of nearby premises due to noise pollution.

4. No development above slab level shall take place until details/samples of the materials to be used in the construction of the external surfaces of the extensions, dormer windows, balcony and canopy hereby permitted have been submitted to and agreed in writing by the Local Planning Authority.

REASON:- To ensure the development has an acceptable appearance and is of a high quality.

5. The development hereby approved shall not be brought into use until the screening treatment to the western edge of the roof terrace, as indicated on drawing ref. 6779-(P)105 Rev. A, has been provided and shall be maintained at a height no less than 1.7m throughout the lifetime of the development, unless otherwise agreed in writing with the Local Planning Authority.

REASON:- To safeguard the privacy of the occupiers of adjoining properties.

6. The development hereby approved shall not be brought into use until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures the providers shall introduce and carry out in order to control noise levels at the property. The development shall thereafter be carried out in accordance with the approved details.

REASON:- To safeguard the amenities of the occupiers of adjoining properties against noise.

7. Notwithstanding the details submitted, the development shall not be brought into use until details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Details shall include the use of solid treatments, including acoustic treatments behind the retained hedging along the eastern and southern boundaries. The development shall thereafter be carried out in accordance with the approved details prior to first use and shall remain in-situ in this form for the length of time the use is operating.

REASON:- To safeguard the amenities of the occupiers of adjoining properties against noise.

8. Prior to first use of the development hereby permitted the existing vehicular access adjacent of the double gates shall be permanently closed, and the footway shall be reinstated to the satisfaction of the Local Planning Authority.

REASON:- To ensure construction of a satisfactory development and in the interest of highway safety and amenity.

Informatives

1. **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).

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

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

3 **Hertfordshire County Council as Highways Authority**

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led 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.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Design Guide SPD (2009).
4. Central Government advice contained in the National Planning Policy Framework July 2021 and the National Planning Practice Guidance.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.