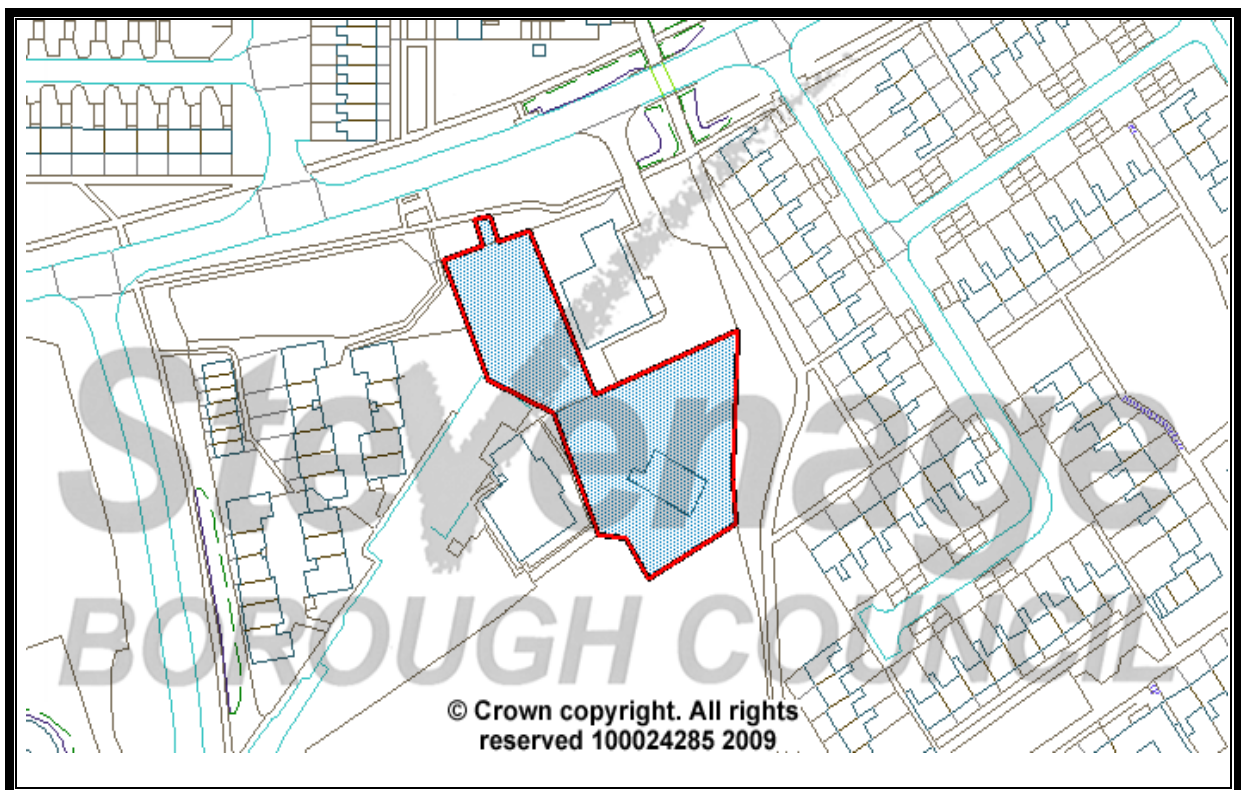


Meeting:	Planning and Development Committee	Agenda Item:
Date:	18 July 2023	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	23/00365/FP
Location :	Stevenage Muslim Community Centre, Vardon Road, Stevenage
Proposal :	Erection of outbuilding for purposes ancillary to funeral services
Drawing Nos.:	Site Location plan; VRM#1; VRM#2; VRM#3; VRM#2;
Applicant :	Mr Shamsul Huda
Date Valid:	15 May 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site, which measures approximately 0.3 hectare in area, occupies part of a larger area, formerly known as The Sishes which is located on the south side of Vardon Road. The remainder of this larger site, to the north, is occupied by the Lytton Theatre and related car park. There is presently a Mosque on the application site and related car park operated

by the Stevenage Muslim Community Centre (SMCC). The main parking area serving the Mosque abuts the western boundary of the Theatre but is separate from it, the boundary being formed by a 2.1m high steel palisade fence, with an independent access from Vardon Road.

- 1.2. To the west of the site are residential properties of Sutcliffe Close; to the south and south-west is Sishes Wood with residential dwellings in Vardon Road beyond; and to the east of the site are residential dwellings of Vardon Road.
- 1.3. The current building was constructed in approximately 2001 and comprises of a Mosque, community facilities, gallery, toilets, an office, two-bedroom flat and car parking. There are currently temporary portacabin buildings in the car park adjacent to the main entrance of the building which will be removed to facilitate access to the proposed outbuilding.

2. RELEVANT PLANNING HISTORY

- 2.1 2/0348/93 – The Sishes, Vardon Road. Mosque, Muslim community centre, ancillary two-bedroom flat, car parking and landscaping. Permission Granted 26.07.1994
- 2.2 99/00208/FP - Application for the Extension of the Time Period for the Commencement of Development: Mosque, Muslim Community Centre, Ancillary 2 Bedroom Flat, Car Parking and Landscaping (application reference number 2/0348/93). Permission Granted 22.07.1999
- 2.3 06/00186/FP - Erection of 2.1 metre security fence and gates on north and east boundaries of the car park. Permission Granted 21.06.2006
- 2.4 09/00449/FPM - Single storey rear extension, two storey front extension incorporating Minaret and 3 storey side extension including ancillary 2 bed caretakers flat. Permission Granted 17.01.2011
- 2.5 14/00045/COND - Discharge of conditions 3 (materials); 6 (tree protection measures); and 9 (Obscured glazing) attached to planning permission reference number 09/00449/FPM Response issued 31.01.2014

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for a detached outbuilding to the rear of the main building, close to the southern site boundary. The building would be constructed of similar materials to the existing building and would measure 6.5m by 6m with an eaves height of 2.5m and a hipped, dual pitched roof of approximately 4.5m high.
- 3.2 The entrance door would be on the south-western elevation facing the site boundary with windows on the remaining side elevations serving the washing area. The cold room and storage area located within the detached outbuilding would have no external doors or windows.
- 3.3 This application has been referred to the Planning and Development Committee for its decision as Stevenage Borough Council is the landowner and there have been more than 5 objections to the application.

4. PUBLIC REPRESENTATIONS

4.1 The application was publicised by way of neighbour letters and two site notices. The following is a summary of the comments received. This is not a verbatim copy of these comments and full details can be found on the Council's website.

4.2 Comments were received from the following properties:

- Vardon Road: Anon; 173; 219; 247; 251; 275; 460;
- Sutcliffe Close: 31; 47;
- Mobbsbury Way: 61;
- Church Lane: 13;
- Kilner Close: 33;
- Meredith Road: 92;

4.3 Summary of comments:

- Will generate additional unacceptable levels of noise and disturbance;
- Will exacerbate existing parking issues in the area;
- Overdevelopment of the site;
- Proposal will cause harm to the health and wellbeing of local residents;
- Unacceptably long timeframe of construction works relating to the existing buildings on site causing noise and disturbance to residents;
- Unacceptable use of the building as a morgue, especially in a residential area;
- Works to the boundary fence have caused unacceptable harm to Sishes Wood;
- The proposal will likely restrict children and the community from being able to socialise and enjoy the nearby open space;
- Funeral arrangement should only take place inside the main building;
- They have already begun construction on the proposed building;
- Will the morgue be available for all denominations of faith?

5. CONSULTATIONS

5.1. SBC Environmental Health

5.1.1 No objection. Noise levels should be in accordance with BS 4142:2014+A1 (2019) and should be secured via a condition and a noise assessment may be required as part of a discharge of condition application to ensure the proposed plant complies with the relevant standards. A condition should also secure hours of construction. No burning of waste and all waste to be removed and disposed of at an authorised waste disposal site.

5.2 SBC Arboricultural and Conservation Manager

5.2.1 No objection subject to a condition requiring tree protection measures to be submitted and approved prior to commencement of work.

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.

6.3 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 SP8: Good design;
Policy IT5: Parking and access;
Policy GD1: High quality design;
Policy NH5: Trees and woodland;
Policy FP8: Pollution Sensitive Uses.

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020;
Stevenage Design Guide Supplementary Planning Document January 2023.

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.

7. APPRAISAL

7.1.1 The main issues for consideration in the determination of this application are the acceptability of the use of the outbuilding in a residential area, its impacts on the character and appearance of the area, its impacts on neighbouring amenity and car parking.

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 Current Funeral Services

7.2.1 The SMCC received planning permission in 1994 and again in 2011 for extensions which included the provision of a funeral prayer area. At present, there are no complete funeral services available to Muslims in East and North Hertfordshire. The Ghusl (Islamic rite of washing and shrouding the body, which is carried out in silence) takes place in Luton and the deceased can then be transported to Stevenage for the Janazah (funeral prayer service) at the SMCC if required followed by the burial (Daffan) at Weston Road Cemetery.

7.2.2 Whilst full funeral services are not currently available in East and North Hertfordshire, the Janazah (funeral prayer service) do already take place in the SMCC in combination with services provided at the Luton Mosque. The provision of the outbuilding will allow the SMCC to conduct the full funeral service here in Stevenage.

7.2.3 Officers from Planning and Environmental Health undertook a visit to the Luton Mosque on Bury Park Road on 15th June 2023 to visit the Imam and gain an understanding of the funeral process as it currently takes place. This Mosque currently provides the Ghusl services for Stevenage prior to the funeral service taking place in Stevenage.

7.2.4 The Imam advised that whether a person dies at home, in hospice or at the hospital, they are taken to the hospital mortuary and remain there until such time as the legal paperwork is received. Upon receipt of the relevant paperwork, the body is released from the mortuary and collected in a specialised vehicle and transported to the Mosque ready for the Ghusl ceremony. This usually takes place the same day but can be the following day in some circumstances. The body is placed into the storage area until the Ghusl ceremony. Upon completion of the Ghusl, the body is taken inside the Mosque and the Janazah commences followed by immediate transportation to the cemetery for Daffan.

7.2.5 The Stevenage Imam has advised that the process they will follow will be the same as the Luton Mosque. As such, it is not expected that bodies would be kept in the storage area for long periods of time.

7.3 Acceptability of the Use of the Building

7.3.1 Taking the aforementioned into account, and specifically in section 7.2 above, the SMCC already has planning permission for the carrying out of funeral services at the application site.

7.3.2 The addition of the outbuilding will allow for the full funeral service, including the Ghusl to take place in Stevenage instead of involving many members of the community travelling to and from Luton.

7.3.3 The building will be located at the rear of the site, set against the backdrop of Sishes Wood and screened from view of surrounding neighbouring properties.

7.3.4 Concerns from local residents regarding the use of the site as a mortuary are unfounded. As discussed in point 7.6 above, the deceased remain in the hospital mortuary until just before the funeral. The outbuilding is not considered to be a mortuary or to be used for the purposes of storing the deceased for long periods of time.

7.3.5 Concerns from local residents regarding the placement of such a facility in a residential area being unacceptable are noted, but again are unfounded. Funeral directors, for example, Austin's, are generally located within residential areas to be easily and readily accessible to families. In these types of funeral directors, the deceased can be on-site for many days, even weeks, prior to the funeral as they are not kept at the hospital mortuary unless in exceptional circumstances.

7.3.6 Having reviewed the site history for Austin's, whose main building is located on Letchmore Road, there have been no complaints raised to Environmental Health with regards to the type of business, noise, or long-term storage of deceased persons.

7.3.7 Accordingly, Officers consider that the use of the building as detailed as part of this application submission, is acceptable and is unlikely to give rise to complaints regarding noise or other concerns relating to the very short-term storage of deceased persons.

7.4 Impact on the Character and Appearance of the Area

7.4.1 In terms of design, paragraph 126 of the NPPF (2021) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 130 of the NPPF (2021) stipulates that planning decisions should ensure developments function 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 developments 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.

7.4.2 Paragraph 134 of the NPPF (2021) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:

- a) 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
- b) 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 the fit in with the overall form and layout of their surroundings.

7.4.3 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places "Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change".

7.4.4 Policy GD1 of the Local Plan (2019) 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

7.4.5 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the towns' built fabric. Policy GD1 of the Local Plan 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.

7.4.6 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.

7.4.7 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.

7.4.8 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.

7.4.9 Paragraph 40 of the National Design Guide states that well-designed places are:

- Based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- Integrated into their surroundings so they relate well to them;
- Influenced by and influence their context positively; and
- Responsive to local history, culture and heritage.

7.4.10 The Council recently adopted an updated Design Guide SPD (Jan 2023). An understanding and analysis of the original New Town design concepts led to some key issues becoming apparent. These have been used as key themes, which run throughout the entirety of this guidance. Considering these concepts at all stages of the development process will provide a good basis for the creation of a successful place; based on the recognised principles of urban design, but also building on the existing fabric of the town without taking away from Stevenage's history as Britain's first Mark One New Town. The themes have been identified as follows:

- Sustainability – incorporate principles of sustainable development from a town-wide perspective to measures incorporated into an individual property;
- Increasing densities – encourage high densities in accessible locations;
- Respecting existing characteristics – respect local characteristics and preserve and enhance existing features, where appropriate;

- Legibility – provide landmark developments at nodal points;
- Design innovation – showcase Stevenage as an example of high-quality design, creating safer places through urban design techniques.

7.4.11 The outbuilding will be sited to the rear of the main building, on an area of hardstand which is not currently in use. It will be bounded by Sishes Wood on its remaining sides and will therefore be screened from view from surrounding residential properties by either the main building itself or Sishes Wood. Glimpses through the woodland when trees are less in leaf could be possible in winter months, but it will be viewed against the backdrop of the existing four storey building.

7.4.12 The building is to be constructed of materials that are of a similar appearance to the main building and it is therefore considered that it would have an acceptable appearance. A condition can be imposed on any grant of permission to ensure this is the case.

7.4.13 Accordingly, the building is not considered to harm the character and appearance of the area and is acceptable in this regard.

7.5 Impact on Neighbouring Amenities

7.5.1 The closest residential property to the location of the building is No.243 Vardon Road. Their front elevation is approximately 23m from the site boundary. Flats 34-53 in Sutcliffe Close are approximately 30m from the proposed building and would be largely screened from view of the building by dense boundary landscaping and the main Mosque building itself.

7.5.2 Given the separation distances mentioned above, it is considered that there is an acceptable distance between the proposed building and residential dwellings which border the site such that there would be no impact on the outlook and privacy from these neighbouring properties.

7.5.3 When considering Austin's in Letchmore Road, this site has residential dwellings either side approximately 5m from their building, residential dwellings approximately 25m from the rear of the building and residential dwellings approximately 30m from the front of the building. Accordingly, the proposed outbuilding is not considered to be any worse than existing situations which have always been the case within other residential areas of Stevenage.

7.5.4 Concerns from local residents regarding the use of the building preventing use of surrounding public amenity areas is noted but is not considered to be a reason for refusal. The building will have no windows facing the public open space nor Sishes Wood and, given that the Ghosl is carried out in silence, it is not considered that there would be any reason for the use to interfere with the public open spaces.

7.5.5 Taking the aforementioned into account, it is not considered that the proposed building would have any detrimental impacts on neighbouring properties and is therefore acceptable in this regard.

7.6 Noise Impacts

7.6.1 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.

7.6.2 Dealing firstly with the impact of noise from the construction phase of the development, a condition can be imposed on any grant of planning permission which controls the hours of construction for works audible at the site boundary. If a breach were to take place, the

Council can enforce the condition accordingly. Consequently, the imposition of such a condition is supported by the Council's Environmental Health Section.

7.6.3 With regards to noise which could arise during the operational phase of development, if any complaints arose, these would be dealt with by the Borough Council's Environmental Health department. Notwithstanding this, the Environmental Health department have requested the imposition of a condition which requires details of the cooling plant to be provided prior to its installation to ensure it complies with the relevant noise standards.

7.6.4 As part of the joint site visit to the Luton Mosque (see point 7.2.3), officers were invited into the cold storage room to see the equipment used and to listen to the noise levels of the cooling plant whilst in operation at both a background level and full cooling mode. Officers were unable to hear the equipment running from outside the building, and from inside the building normal volume level conversations could still be held with the machine running at maximum. With the condition imposed referred to in point 7.6.3, Officers are satisfied that the external noise levels of the cooling plant would be acceptable.

7.6.5 Further, the original planning permissions from 1993/1999 for the erection of the Mosque and the subsequent 2009 permission for its enlargement, conditions relating to noise levels were imposed and are still in force. Therefore, any issues arising from a breach of these conditions can be enforced accordingly.

7.7 **Car Parking**

7.7.1 One of the overriding concerns from local residents relates to car parking and that holding funerals on site will have a significant impact on car parking on site and in surrounding roads.

7.7.2 As mentioned in point 7.3 above, funeral services are already being held in the SMCC and as mentioned in point 7.2, the site was granted planning permission in 1994 and 2011 for funerals.

7.7.3 The proposed outbuilding will not increase the number of patrons on site above that which already exists as funerals are already taking place on site. The Ghush ceremony takes place immediately prior to the Janazah prayer service and so the persons carrying out the Ghush would already be on site for the following Janazah.

7.7.4 An assessment as to the required number of parking spaces on site was undertaken as part of the previous 1993 and 2009 planning permissions for the Mosque and subsequent extensions. Submitted plan VRM#1 shows the site can accommodate the 65 spaces that were required as per the 2009 planning permission as well as an additional 28 spaces at the adjacent Lytton Theatre.

7.7.5 Approximately 14 of these spaces, at the southern end of the site, have not yet been provided because building works are still on-going around the site and they are utilising this final section of land for storage of building materials. These spaces will be completed once the storage areas are no longer required.

7.7.6 The 1993 and 1999 planning permissions had conditions imposed on them to restrict the number of people within the building to 130. This restriction is still in force. Therefore, given the fact funerals are already taking place on site and that there are restrictions on the number of people who may be in attendance, it is considered that the car parking provision remains unchanged and is therefore acceptable.

7.8 **Trees and Landscaping**

7.8.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate.

7.8.2 There are no trees within the site that would be affected by the proposal, although the building would be sited close to the boundary with Sishes Wood. This neighbouring woodland is owned and maintained by Stevenage Borough and does not have any Tree Protection Orders on it.

7.8.3 The Council's Arboricultural and Conservation Manager has assessed the application and advised that he has no concerns or objections although he will require a condition to be imposed that states details of tree protection measures must be submitted to, and approved in writing, prior to the commencement of development, in order that he may ensure that the trees within the adjacent Sishes Wood are adequately protected.

7.8.4 Given concerns raised by local residents about this woodland, and the comments from the Council's Arboricultural Manager, it is considered acceptable to impose a condition on any grant of permission to ensure the trees are adequately protected during construction.

7.9 **Other Matters**

Community Infrastructure Levy

7.9.1 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	

7.9.2 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.

7.9.3 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.

7.9.4 With regards to how the CIL monies are spent, the ultimate decision lies with Stevenage Borough Council and the allocation of funding amount of £75,000 or over will rest with the Planning and Development Committee. Service providers who would not receive contributions through the Section 106 agreement for this development, including but not limited to those at Hertfordshire County Council and Stevenage Borough Council, will be able to bid for funding in due course.

Equality, Diversity and Human Rights

7.9.5 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.

7.9.6 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.

7.9.7 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

7.9.8 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

7.9.9 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. Residential dwellings are not considered to be a noise-based use and the dwelling has been assessed to not result in harm to neighbouring properties through overlooking or loss of privacy. Accordingly, it is not considered that the development would contravene the Human Rights Act by way of preventing or hindering the right to peaceful enjoyment of a home.

7.9.10 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.

7.9.11 The proposal will allow a minority religious group to carry out their own funeral services in line with their beliefs.

7.10 **Other Matters Raised in Representations**

7.10.1 Concerns were received from local residents regarding the length of time construction work has been ongoing at the site. Planning Law does not stipulate a time frame on completion of works, only that they must be commenced within three years of the grant of permission. Once a planning permission has been implemented, Planning Law does not control the length of construction.

7.10.2 Further concerns were raised that the proposed building was already being constructed. A site visit by the case officer confirmed that this is not the case.

8. CONCLUSIONS

8.1 In conclusion, the proposed development is considered to be in accordance with the development plan taken as a whole and there are no other material considerations which warrant a decision other than in accordance with the development plan.

9. RECOMMENDATIONS

9.1 That planning permission be GRANTED subject to the conditions below with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. The suggested conditions are as follows:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location plan; VRM#1; VRM#2; VRM#3; VRM#2;
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 materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall match the materials used in the construction of the existing SMCC building to the satisfaction of the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance.
- 4 The rating level of the noise emitted from any or all of the sources listed below located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).
 - Fixed plant and equipment (mechanical and electrical);
 - Loading and unloading of goods (industrial and or commercial);
 - Mobile plant and vehicles**REASON:-** To ensure that the amenities of occupiers of other premises in the vicinity are protected.
- 5 No demolition or construction work which is audible at the site boundary relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.

- 6 Before any development commences, including any site clearance or demolition works, any trees on the site or within Sishes Wood close to the development shall be protected by fencing or other means of enclosure in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority. Such protection as may be agreed shall be inspected and approved by the Local Planning Authority prior to the commencement of the work and maintained until the conclusion of all site and building operations.
REASON:- To ensure that the trees are not damaged or otherwise adversely affected during site operations.
- 7 Dust emissions shall be controlled throughout the construction and demolition phases.
REASON:- To protect the occupiers of adjoining properties.
- 8 No burning is to take place on any demolition or building site and all waste materials must be removed and disposed of at an authorised waste disposal site.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.

The Council has acted Pro-Actively for the following reason:-

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

INFORMATIVES

- 1 **Public Information on Planning Applications**
Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.
- 2 **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 .
- 3 **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).

4 **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>

5 **Environmental Health - Noise Surveys**

A noise survey and report may be required at the application stage or once planning permission has been granted. A noise survey and report are required if the proposed development will create noise which may affect nearby noise sensitive properties. For example, a new commercial activity near existing residential properties.

What is the noise report for?

The noise report is to demonstrate that:

- the source of noise is fully understood and quantified
- all nearby noise sensitive receptors have been identified
- the impact on any receptors has been determined with reference to noise standards

Who can carry out a noise assessment and provide a report?

A noise survey must be carried out by a suitably qualified acoustic consultant. A list of consultants can be obtained from:

- www.association-of-noise-consultants.co.uk, Tel: 01727 896092
- www.ioa.org.uk, Tel: 01727 848195

Proposed industrial or commercial development of an industrial nature that may affect existing residential properties: British Standard, BS 4142:2014 is intended to be used to assess whether noise from factories, industrial premises or fixed installations and sources of an industrial nature in commercial premises is likely to give rise to complaints from people living nearby. In order to ensure that complaints are unlikely, the noise level from a new source shall be at least 10dB below existing background levels at the nearest sensitive receptor. Where the new noise source contains distinguishable tones, such as a whine, hiss or hum, the noise level shall be reduced by a further 5dB. Where the BS 4142 assessment indicates that the above standard cannot be achieved, the planning application will normally be refused.

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 – Stevenage Design Guide adopted October 2023.
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.