

STEVENAGE BOROUGH COUNCIL

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Monday, 12 August 2024

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Claire Parris (Chair), Nazmin Chowdhury (Vice-Chair), Julie Ashley-Wren, Forhad Chowdhury, Kamal Choudhury, Peter Clark, Lynda Guy, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells

Start / End Start Time: 6.30pm

Time: End Time: 7.45pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Rob Broom, Akin Elekolusi and Coleen Houlihan.

Cllr Ellie Plater declared that her husband was a ward councillor for Almond Hill in relation to Item 3 (Ellis Avenue). She assured the committee that there was no predetermination and that she was approaching the matter with an open mind.

Cllr Lynda Guy declared an interest as her property bordered Ellis Avenue. She stated that she had no predetermination and that she was approaching the matter with an open mind.

At this juncture the Chair reminded Members that a new voting procedure would be introduced as per an email circulated by the Assistant Director, Planning and Regulation. At the end of each item there would be a recorded vote with the Committee Clerk calling each Member to vote in turn. Members could vote for, against or abstain. Those who voted against the Officer's recommendation would be required to provide a planning justification for their decision.

2 24/00387/FPH - THE BARN, STEBBING FARM, FISHERS GREEN

The Chair introduced the item and welcomed two registered speakers, Mrs Valerie Quar and Dr Carl O'Brien.

The Team Leader (AD) provided background on the application. The barn, originally part of Stebbing Farm (a Grade II listed building), was converted to residential use in 1993 and was now a curtilage listed building. The application related to the retention of a timber-framed carport. The Committee were shown photographs illustrating the carport's visibility from neighbouring properties and public areas.

Mrs Quar advised that she was speaking on behalf of residents of Kessingland

Avenue, opposing the carport. The Committee was informed that the carport was out of character with the surrounding area, visually intrusive, and harmful to the heritage setting of Stebbing Farm. Mrs Quar highlighted the significant overbearing impact on the adjacent property at No. 3 Kessingland Avenue and claimed that it violated local and national planning policies.

Dr O'Brien acknowledged the retrospective nature of the application and emphasised efforts to mitigate the structure's impact by lowering its height and choosing materials that blended with the surroundings. Dr O'Brien apologised to the Committee for the oversight in not obtaining planning permission beforehand and noted that he had fully complied with the Local Planning Authority once informed of the requirement.

The Team Leader (AD) concluded and cited a heritage consultant's assessment that the carport did not harm the significance of the curtilage-listed barn or the Grade II listed Stebbing Farm. The Team Leader (AD) addressed concerns about the carport's impact on neighbouring properties and stated that, while it was visible, the structure did not have a substantial overbearing effect that would warrant refusal of planning permission. The Officer Recommendation was to grant retrospective planning permission.

The Chair inquired about the options available to Committee if they were to refuse the application. The Team Leader (AD) responded that the Committee would need to provide clear planning reasons for a refusal and authorise the serving of an enforcement notice. Options could include requiring the applicant to lower the roof or dismantle the carport entirely.

Some Members asked questions related to the height of the carport and the materials used. The Team Leader (AD) clarified that while the barn did not have permitted development rights due to its curtilage-listed status, most properties could build structures up to 2.5 metres in height within two metres of a boundary without planning permission. Regarding the roof materials, the Committee were informed that matching the barn's clay tiles would have required a steeper, and therefore higher, roof pitch, which had been avoided by using slate tiles to maintain a lower height.

The Head of Planning and Enforcement emphasised that the committee must decide on the application as it stood. If members wished to see the carport's height reduced, they would need to refuse the application and pursue enforcement action. He also clarified that there were no health and safety issues associated with the structure and reiterated the need for the committee to clearly articulate their grounds for refusal and any enforcement action.

A recorded vote* was then taken on the application and it was **RESOLVED** that retrospective planning permission be granted subject to the following conditions and informatives:

- 1 The development hereby permitted shall be retained in accordance with the following approved plans:
Elevation A0.100; Site Location Plan; Site Layout Plan.

INFORMATIVE

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 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, Campus East, Welwyn Garden City, Hertfordshire, AL8 6AE.

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).

3 Biodiversity Net Gain

Applications where Biodiversity Net Gain is not required as application is for householder permission.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and

- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

1. Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

*** Recorded Vote**

For - Councillors Julie Ashley-Wren, Kamal Choudhury, Forhad Chowdhury, Nazmin Chowdhury, Peter Clark, Lynda Guy, Claire Parris, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells.

Against - 0

Abstentions - 0

Absent – Councillors Rob Broom, Akin Elekolusi and Coleen Houlihan

3 24/00064/FPM - 18 - 24 ELLIS AVENUE

The Senior Planning Officer introduced the application submitted by the Council's Housing and Development team. The proposal was to demolish two existing residential dwellings on the corner of Ellis Avenue and Walkern Road and replace them with a flatted development comprising eleven units.

The Committee were informed that the site currently consisted of two houses on a corner plot, surrounded by residential properties. The new development would include an undercroft parking area with flats above, and additional parking along the sides. The layout was adjusted following objections, with bin storage moved inside the building and cycle storage placed outside.

The Senior Planning Officer advised the Committee that Stevenage had a 5.59-year housing land supply. The development was considered a windfall site on partially developed land, fitted within the footprint of the existing buildings. The project was located in a sustainable area with good access to public transport, schools, healthcare, and other amenities.

The Committee heard that the new flats would be of a similar height to surrounding properties, ensuring the development blended in with the existing neighbourhood. Although the proposal slightly contravened policies regarding private amenity space and car parking (providing 13 spaces instead of the required 15), its sustainable location and provision of cycle storage were seen as mitigating factors.

The Senior Planning Officer concluded by stating that the development would provide a minimum of three affordable housing units, exceeding policy requirements. Additionally, the project boasted a significant biodiversity net gain of 109%. The design met all internal space standards, and no major concerns were raised by Environmental Health or the Flood Authority. The Officer Recommendation was to grant planning permission.

The Chair invited the Applicant to address the Committee.

The Assistant Director, Housing Development elaborated on the rationale behind the application and highlighted that the existing properties were in disrepair. The new development was intended to address housing needs by providing modern,

affordable units. Although the planning application mentioned a minimum of three affordable units, the Council intended to make the entire development affordable housing. However, this was not stipulated in the application in order to retain financial flexibility for future borrowing and potential government grants.

Members asked questions related to traffic and parking concerns, terminology regarding affordable housing, the site plan, and ongoing consultation.

The Senior Planning Officer informed the Committee that a transport assessment had been carried out and reviewed by the Highways Authority, Hertfordshire County Council. The assessment concluded that the development would not significantly impact traffic safety.

The Senior Planning Officer clarified that the parking provision, while slightly below policy compliance, included good bicycle storage to encourage non-car transport.

The Senior Planning Officer clarified that what appeared to be trees on the plan were intended to represent hedging, not mature trees. Those hedges would be planted as saplings and would grow to a height that would be maintained by the council, typically to a height of around 1.82 metres, which was generally considered the standard height for boundary hedges. This height was sufficient to provide some level of privacy, but it would not reach the height of mature trees.

The Head of Planning and Enforcement explained that terminology used in the application and report in relation to affordable housing aligned with the national planning policy framework.

The Applicant confirmed that the consultation process would continue if the scheme were approved, focused on delivering the project with minimal disruption and considering residents' input on design details, such as boundary treatments.

A recorded vote* was then taken on the application and it was **RESOLVED** that planning permission be granted subject to the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:-

- Securing the provision of affordable housing;
- Apprenticeships and construction jobs;
- Monitoring of Travel Plans;
- HCC contributions to improving sustainable transport (If they are found to meet Regulation 122 of the CIL Regulations);
- SBC Section 106 monitoring fee – 2.5% of total financial obligations (capped at £25,000); and
- HCC Monitoring Fee of £340 per trigger relating to HCC obligations.

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, along with delegated powers to the Assistant Director in liaison with the Council's appointed solicitor to enforce the obligations set out in the S106 Legal Agreement on behalf of Stevenage Borough Council and / or appoint another Planning Authority to enforce planning obligations on behalf of Stevenage Borough Council as and where legally required to

do so. In addition, the imposition of suitable safeguarding conditions, 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. These suggested conditions are as follows:-

General

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
2023/P0221-LP-B; 2023/P0221-010-A; 2023/P0221-CP-B; 2023/P0221-012-D; 2023/P0221-013-A; Arboricultural Impact Assessment Plan; Tree Constraints Plan; 2023/P0221-011-D; 2023/P0221-001-G; 2023/P0221-C001-D;
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 4 Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.
- 5 Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.
- 6 The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in the Ecology Report by Turnstone Ecology Ltd dated 31 January 2024 unless otherwise agreed in writing by the Local Planning Authority.
- 7 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall

- proceed until all young have fledged the nest.
- 8 All planting, seeding and turfing shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.
- 9 Any trees or plants comprised within the approved plans which within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 10 On completion, the design of windows and ventilators to each dwelling shall achieve an acoustic performance which shall ensure that, when windows are closed and ventilators are open, noise levels do not exceed:
- 35 decibels (dB) (LAeq,16h) during the daytime (07:00 – 23:00) within bedrooms and living rooms;
 - 30dB (LAeq,16h) during the night (23:00 – 07:00) within bedrooms;
 - 45 dB (LAFmax) on more than ten occasions during any typical night (23:00 – 07:00) within bedrooms
- Where mechanical purge ventilation is required to achieve the above standards with windows closed, this shall be designed so as to ensure that the ventilation system itself does not produce unacceptable levels of noise within each dwelling. All schemes for ventilation shall comply with the current edition of Approved Document F to the Building Regulations.
- 11 At least 50% of the residential units shall be Category 2: Accessible and Adaptable dwellings.

Pre-commencement

- 12 No development shall take place (including demolition and site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:
- a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to site;
 - c) Traffic and pedestrian management requirements;
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j) Where works cannot be contained wholly within the site, a plan should

be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;

- k) Dust control measures during demolition and construction from plant and machinery, and vehicles.
- 13 No development shall take place (including demolition and site clearance) until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and associated highway works, dropped kerb, tactile paving, pedestrian visibility splays, etc.
- 14 No development shall take place (including demolition and site clearance) until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.
- 15 No development shall take place (including demolition and site clearance) until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy Drainage Strategy prepared by Lanmor Consulting revision 231652/DS/AG/RS/01 Rev B, dated 06 March 2024 and Drawing (reference 231652/DS/01 Rev C, and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority.
- 16 No development shall take place (including demolition and site clearance) until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement unless alternative measures have been subsequently approved by the Local Planning Authority.

Pre-Slab Level

- 17 No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 18 No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting. The approved landscaping scheme shall be completed in accordance with the approved details prior to first occupation of any of the units within the development.
- 19 No development shall take place above slab level until details of measures to address adaptation to climate change and energy efficiency in line with Policy FP1 of the Stevenage Local Plan (2019) and which should exceed the relevant Building Control Regulations have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details prior to first occupation of any of the units within the development.

Prior to Occupation

- 20 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.
- 21 Prior to the first occupation of the first unit hereby permitted the vehicular access and associated visibility splays shall be installed in accordance with the approved plans and thereafter retained and maintained at all times at the position shown.
- 22 Prior to the first occupation of the first unit hereby permitted, the bird boxes and bat bricks or boxes as specified in the Ecology Report by Turnstone Ecology Ltd dated 31 January 2024 shall be erected accordingly and thereafter permanently retained and maintained.
- 23 Prior to the first occupation of the first unit hereby approved the parking, turning, and servicing areas shown on drawing number 2023/P0221-001-G shall be provided, marked out and hard surfaced ready for use and shall be retained in that form and kept available for those purposes thereafter. The

hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.

- 24 Prior to the first occupation of the first unit hereby permitted, the parking spaces shown on approved plan 2023/P0221-001-G shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.
- 25 Prior to the first occupation of the first unit hereby permitted, details of the secure cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The secure cycle parking facility shall thereafter be implemented in accordance with the approved details.
- 26 Prior to the first occupation of the first unit hereby permitted, the general waste and recycling stores and plant areas associated with the development shall be implemented in accordance with the details shown on approved plan 2023/P0221-001-G and retained and maintained accordingly for the lifetime of the development.

INFORMATIVE

1 Public Information on Planning Applications

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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

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- 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 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.

6 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.

7 Hertfordshire County Council as Highways Authority

Construction standards for new vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

8 Hertfordshire County Council as Highways Authority

Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

9 Hertfordshire County Council as Highways Authority

Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

10 Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

*** Recorded Vote**

For - Councillors Julie Ashley-Wren, Kamal Choudhury, Forhad Chowdhury, Nazmin Chowdhury, Peter Clark, Lynda Guy, Claire Parris, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells.

Against - 0

Abstentions - 0

Absent – Councillors Rob Broom, Akin Elekolusi and Coleen Houlihan

4 **24/00419/FP - 463 - 467 CANTERBURY WAY**

The Senior Planning Officer led the Committee through the application which was for the refurbishment of a block of flats on Canterbury Way. The Committee were informed that the refurbishment was primarily focused on upgrading materials and improving the energy efficiency of the building.

The Committee heard that the application included changes to the balcony balustrades, panelling, doors and windows, as well as upgrading the roof. The visual alterations would be minimal.

The Senior Planning Officer advised the Committee that the balcony panels would be replaced with grey aluminium, the external storage doors would be updated to grey aluminium framed doors, the white windows would be replaced with white UPVC, and the roof would be upgraded to a slightly darker grey. The black balcony balustrades would remain but would be enhanced with improved materials.

The Committee were informed that the refurbishments would adhere to stringent energy efficiency standards, specifically PAS 2035, ensuring the building met current government regulations for retrofitting properties. The Officer Recommendation was to grant planning permission.

A recorded vote* was then taken on the application and it was **RESOLVED** that planning permission be granted subject to the following conditions and informatives:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
CDS585(ADC392) 463-467CW-01; CDS585-ADC392-AD-676;
CDS585(AD392) 463-467CW-03; CD-ADC392-463-467CW-04;
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.

INFORMATIVE

- 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**

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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 Biodiversity Net Gain

Applications where Biodiversity Net Gain is not required as development is considered De Minimis

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

1. Development below the de minimis threshold, meaning development which:
 - a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - b) impacts less than 25 square metres of onsite habitat that has

biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

*** Recorded Vote**

For - Councillors Julie Ashley-Wren, Kamal Choudhury, Forhad Chowdhury, Nazmin Chowdhury, Peter Clark, Lynda Guy, Claire Parris, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells.

Against - 0

Abstentions - 0

Absent – Councillors Rob Broom, Akin Elekolusi and Coleen Houlihan.

5 24/00418/FP - 99 - 103 CANTERBURY WAY

The Senior Planning Officer led the Committee through the application which was for the refurbishment of a block of flats on Canterbury Way. The Committee were informed that the refurbishment was primarily focused on upgrading materials and improving the energy efficiency of the building.

The Committee heard that the application included changes to the balcony balustrades, panelling, doors and windows, as well as upgrading the roof. The visual alterations would be minimal.

The Senior Planning Officer advised the Committee that the balcony panels would be replaced with grey aluminium, the external storage doors would be updated to grey aluminium framed doors, the white windows would be replaced with white UPVC, and the roof would be upgraded to a slightly darker grey. The black balcony balustrades would remain, but would be enhanced with improved materials.

The Committee were informed that the refurbishments would adhere to stringent energy efficiency standards, specifically PAS 2035, ensuring the building met current government regulations for retrofitting properties. The Officer Recommendation was to grant planning permission.

A recorded vote* was then taken on the application and it was **RESOLVED** that planning permission be granted subject to the following conditions and informatives:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
CDS585(ADV392)00-103CW-02 Rev P1; CD585(ADC392)99-103CW-03 Rev P1; CDS585(ADC392)99-103CW-01 Rev P1 Site Location Plan; CDS585(ADC392)99-103CW-04 Rev P1; CDS585(ADC392)-AD-676 Rev P1;
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.

INFORMATIVE

- 1 **Public Information on Planning Applications**
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- 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**

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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.

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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 **Biodiversity Net Gain**

Applications where Biodiversity Net Gain is not required as development is considered De Minimis

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

1. Development below the de minimis threshold, meaning development which:
 - a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased

development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

*** Recorded Vote**

For - Councillors Julie Ashley-Wren, Kamal Choudhury, Forhad Chowdhury, Nazmin Chowdhury, Peter Clark, Lynda Guy, Claire Parris, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells.

Against - 0

Abstentions - 0

Absent – Councillors Rob Broom, Akin Elekolusi and Coleen Houlihan.

6 24/00281/FP - 1-14 CAVALIER COURT

The Senior Planning Officer advised the Committee that the application pertained to the refurbishment of Cavalier Court, located on Ingleside Drive near the hospital. The work involved updating and upgrading various elements of the building, such as cladding, doors, windows, and roofing materials. While the refurbishment was more extensive than the previous applications, the overall visual appearance of the building will remain largely unchanged.

The Committee heard that the existing timber cladding, which had reached the end of its lifespan, would be replaced with new white UPVC cladding and associated fittings. New white UPVC double-glazed windows and iron-grey, matte-finished aluminium framed entrance doors would be installed. Steel external doors with digilocks would also be fitted. The roof covering, fascias, gutters, and downpipes would be renewed. The existing balustrading on balconies and ground floor patios will be replaced with black metal balustrades.

In response to a Member question regarding potential charges to leaseholders, the Senior Planning Officer advised the Committee that this aspect was not a planning

consideration and therefore not within the remit of the Planning and Development Committee.

A recorded vote* was then taken on the application and it was **RESOLVED** that planning permission be granted subject to the following conditions and informatives:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: CD-ADC392-1-14CC-100 P1, CD-ADC392-1-14CC-101 P1, CD-ADC392-1-14CC-200 P1, CD-ADC392-1-14CC-201 P1, CD-ADC392-1-14CC-202 P1, CD-ADC392-1-14CC-203 P1;
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The materials to be used in the development hereby permitted shall be as per the approved plans and associated documents to the satisfaction of the Local Planning Authority.

INFORMATIVE

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More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

*** Recorded Vote**

For - Councillors Julie Ashley-Wren, Kamal Choudhury, Forhad Chowdhury, Nazmin Chowdhury, Peter Clark, Lynda Guy, Claire Parris, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells.

Against - 0

Abstentions - 0

Not Present – Councillors Rob Broom, Akin Elekolusi and Coleen Houlihan.

7 INFORMATION REPORT - DELEGATED DECISIONS

It was **RESOLVED** that the Information Report – Delegated Decisions be noted.

8 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

It was **RESOLVED** that the Information Report – Appeals / Called In Decisions be noted.

9 URGENT PART I BUSINESS

There was none.

10 EXCLUSION OF THE PRESS AND PUBLIC

Not required.

11 URGENT PART II BUSINESS

There was none.

CHAIR