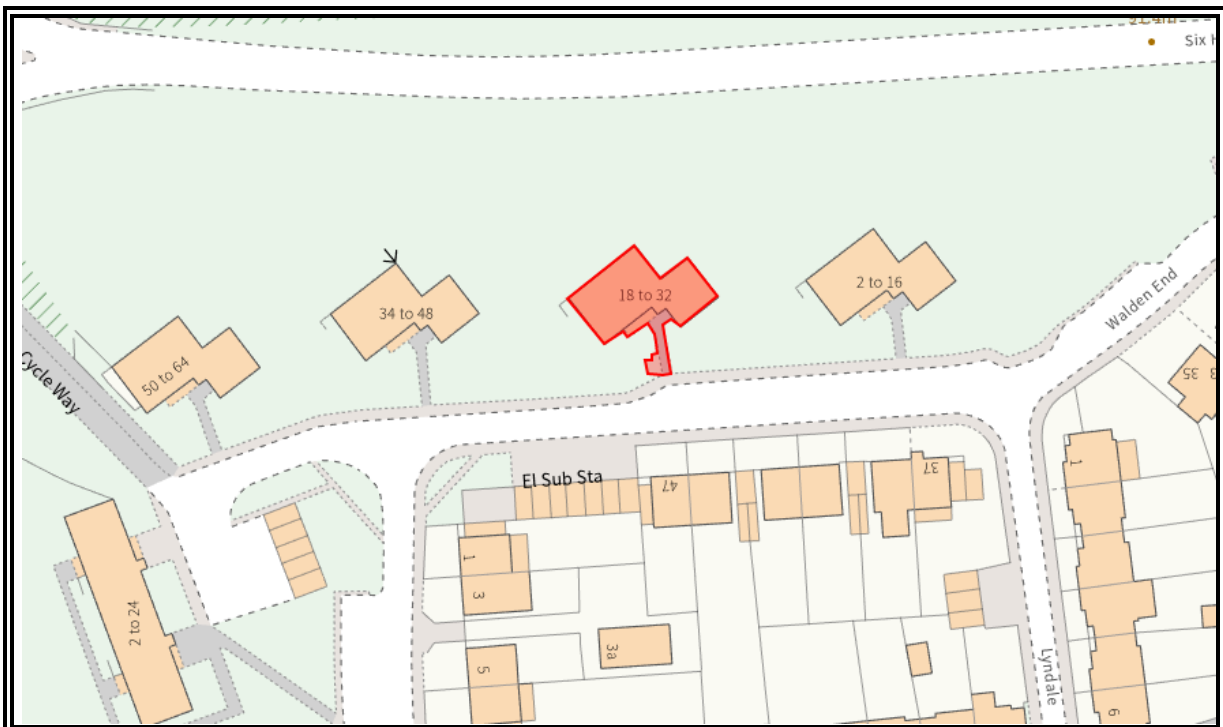


**Meeting:** Planning and Development Committee      **Agenda Item:**  
**Date:** 7 January 2025  
**Author:** Linda Sparrow  
**Lead Officer:** James Chettleburgh  
**Contact Officer:** Linda Sparrow

**Application No :** 24/00818/FP  
**Location :** 18 - 32 Walden End Stevenage  
**Proposal :** Construction of bin enclosure to house 10no. 360 litre wheelie bins  
**Drawing Nos.:** Location Plan; 267/587;  
**Applicant :** Wates Living Space  
**Agent:** Randall Shaw Billingham  
**Date Valid:** 21 November 2024  
**Recommendation:** GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The application site comprises a block of flats on the northern side of Walden End. Residential dwellings lie to the south, and the main highway of Six Hills Way is to the north. The building is currently undergoing refurbishment to replace doors, windows, and balconies, and new external render and roof tiles with solar panels.

- 1.2 The building is three storeys with a dual pitched tiled roof and contains 8no. flats. There are small areas of shrub planting to the front with large areas of public open space around. Car parking is a combination of on-street parking and laybys and shared with other residential dwellings.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 23/00252/FP. Erection of bin enclosures. Granted 26.05.2023.
- 2.2 24/00076/FPM. Installation of external wall insulation and associated external finish, installation of solar PV array system; replacement roof tiles; replacement of external windows and doors, alterations to external ventilation and balcony upgrades. Granted 02.04.2024.

## **3. THE CURRENT APPLICATION**

- 3.1 This application seeks planning permission to erect an external, detached, bin store to the front of each of the seven blocks. Each bin store will be able to accommodate up to 10no. 360 litre wheelie bins.
- 3.2 This application comes before the Planning and Development Committee because the owner of the buildings is Stevenage Borough Council and previous applications for these properties have been referred to Committee. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 Following notification of the application via the erection of site notices, no comments have been received at the time of writing this report. Any comments received prior to the committee meeting will be detailed via an addendum report.

## **5. CONSULTATIONS**

### **5.1. Herts County Council as Highways Authority**

- 5.1.1 No comments received.

### **5.2. SBC Environmental Health**

- 5.2.1 Having reviewed the application and the information submitted, we do not have any objection.

### **5.3. SBC Waste and Recycling**

- 5.3.1 No comments received.

## **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 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For Stevenage, the statutory development plan comprises the following documents:

- The Stevenage Borough Council Local Plan 2011-2031 (adopted 2019)

- The Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026 (adopted 2012)
- The Hertfordshire Waste Site Allocations Development Plan Document 2011-2026 (adopted 2014)
- The Hertfordshire Minerals Local Plan Review 2002-2016 (adopted 2007)

## **6.2 National Planning Policy Framework**

6.2.1 A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
- change to policies on Biodiversity.

6.2.2 The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.2.3 In order for a Local Plan to be effective, they need to be kept up-to-date. The NPPF states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years. This is reflected under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which sets out local planning authorities must review local plans every 5 years from their adoption to ensure that policies remain relevant and effectively address the needs of the local community.

6.2.4 The Stevenage Borough Local Plan (2011 – 2031) was formally adopted by the Council on the 22<sup>nd</sup> May 2019. As of the 22<sup>nd</sup> May 2024, the adopted Local Plan is 5 years old and as such, is deemed to be out-of-date. This means that the policies contained in the local plan are deemed to have limited weight with greater weight applied to the framework of policies in the NPPF.

6.2.5 The council is currently carrying out a partial review and update of the local plan. On 21 November 2024, a schedule of proposed changes was published for the second stage of public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This is where a further opportunity for representations can be made on the amendments to the Local Plan before it is submitted for examination to a planning inspector. The Council intends to submit the Local Plan for Examination in Public (EiP) in early 2025 with the aim to adopt an updated Local Plan by June 2025. As the updated Local Plan progresses through the relevant stages outlined above, more weight can be applied to the respective policies until its formal adoption by the Council. Please refer to point 6.6 below for more information.

## **6.3 Planning Practice Guidance**

6.3.1 The Planning Practice Guidance (“PPG”), with which Members are fully familiar, is an online resource containing guidance supplementing the NPPF. The PPG is a material consideration which should be taken into account in determining planning applications.

## **6.4 National Design Guide**

- 6.4.1 The National Design Guide 2021 is Government guidance on the characteristics of well-designed places and demonstrates what good design means in practice. It has the same status as the PPG and should similarly be taken into account when determining planning applications.

## **6.5 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

- 6.5.1 The Local Plan policies most relevant to determining the application are as follows:

Policy SP8: Good design;  
Policy GD1: High quality design;  
Policy NH6: General protection for open space.

## **6.6 Local Plan Partial Review (2024)**

### **6.6.1 Local Plan Partial Review and Update**

The council is currently carrying out a partial review and update of the local plan. On 21 November 2024, a schedule of proposed changes was published for the second stage of public consultation under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Paragraph 48 of the NPPF 2023 states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Where there are emerging policies which are relevant to the application, these will be highlighted in the main body of this report.

In order to view an updated tracked change copy of the Local Plan Partial Review (LPPR), please see the link below:

<https://democracy.stevenage.gov.uk/documents/s37641/4%20Appendix%20A%20LPPR%202024%20-%20Track%20Changes%20Reg%2018%20to%20Reg%2019.pdf>

## **6.7 Supplementary Planning Documents**

- 6.7.1 The following supplementary planning documents are relevant to determining the application:

- Stevenage Design Guide Supplementary Planning Document (January 2023);

## **6.8 Community Infrastructure Levy**

- 6.8.1 Stevenage Borough Council adopted a Community Infrastructure Levy (“CIL”) Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location, and floor space of a development.

## **7. APPRAISAL**

- 7.1.1. The only issue in the assessment of the application is the impact on the character and appearance of the area, impact on residential amenities and waste and recycling.

- 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 Impact on the Character and Appearance of the Area**

### National Planning Policy Framework and Planning Practice Guidance

- 7.2.1 Chapter 12. Achieving well-designed and beautiful places of the NPPF (2023) stipulates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. Where development is not well designed, permission should be refused.
- 7.2.2 The National Design Guide 2019, which was published by the Government, is a material consideration in the determination of planning applications. It states that buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
  - hard and soft landscape;
  - technical infrastructure – transport, utilities, services such as drainage; and
  - social infrastructure – social, commercial, leisure uses and activities.
- 7.2.3 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.

### Development Plan

- 7.2.4 Policy SP8 of the Local Plan Partial Review (2024), generally reflects the requirements of the NPPF in that it requires new development to achieve the highest standards of design and sustainability. In addition, Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment, and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.2.5 In the emerging local plan partial review and update, criterion (e) is updated to refer to “unacceptable” adverse impacts. The intention behind the change is to make clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker. Policy GD2 is a new policy emerging from the local plan partial review and update. It states that proposals which demonstrate they have been designed to achieve a rating of excellent or higher against a relevant BREEAM standard and/or to achieve the BRE Home Quality Mark will be strongly supported, although this is not mandatory.

### Supplementary Planning Document

- 7.2.6 The Council’s Design Guide SPD (Jan 2023) sets out that an understanding and analysis of the original New Town design concepts identified some key issues. These have been used as key themes, which run throughout the entirety of the Design Guide. Considering

these concepts at all stages of the development process provides 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.

7.2.7 The building is located on the northern side of Walden End and is highly prominent from a number of different public vantage points both to the front and the rear. There is a modest amount of soft landscaping in the form of shrubs and trees around the buildings with an extensive expanse of open grass to the rear.

7.2.8 The proposed enclosure will be located to the front of the building, adjacent to the public footpath. The enclosure will measure 4.2m long, 3.9m wide and 1.45m high and will be constructed in treated hit and miss timber set between concrete posts. Similar new enclosures at Council owned flatted developments have been installed with Digi locks on the gates to prevent unauthorised access by non-residents.

7.2.9 The enclosure will be sited close to the public footpath. There will be an access point on the rear for residents to use and an access point at the front for SBC waste and recycling crews and therefore any potential conflict with passing members of the public would only occur once a week on collection days.

7.2.10 While it is noted that the bin enclosures will be visible from the public realm, it is considered that the overall amenity of the street scene will be improved by the removal of numerous bins from the four block entrances. The bin enclosures are 1.45m in height and as low as they can be whilst still obscuring the bins from view and remaining at a safe height; this therefore minimalizes the visual impact of the enclosures.

7.2.11 In terms of design, the bin enclosures will be timber and not include a roof. This is a design choice of the Council and no new bin enclosures erected by the Council have roofs. A roofed enclosure would need to be significantly taller to accommodate internal head room and would therefore have a greater impact on the street scene.

7.2.12 The timber enclosures are considered visually acceptable and will screen view of the bins from the public, thereby improving the visual amenities of the area.

7.2.13 The area of land where the enclosure will be sited is an area of open grass land owned by Stevenage Borough Council and is designated as an area of informal open space and is protected by Policy NH6 of the Stevenage Local Plan. Policy NH6 for general protection of open space states that planning permission for development of any existing, unallocated open space will be permitted where the loss of the open space is justified having regard to the quality and accessibility of the open space, the existence of any interventions to improve quality or access, whether the open space is serving its function or purpose and whether alternate spaces would remain available for community use.

7.2.14 Whilst it is noted that the development would result in the loss of an area of open space, it would be minimal, having an area of approximately 16sqm. Being adjacent to a busy and congested highway, the land is not considered to be useable as a play space by children and its purpose is to provide a visual softening in an otherwise urban setting. When balanced against the public benefits of providing improved facilities for residents, the loss of a very small area of open space is considered acceptable.

### **7.3 Impact on Neighbouring residential amenity**

#### **National Planning Policy Framework and Planning Practice Guidance**

- 7.3.1 Paragraph 135 of the NPPF (2023) sets out that planning decision should ensure create places with a high standard of amenity for existing and future residents. Paragraph 124 of the National Design Guide states that “*Good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability*”. Paragraph 126 of the National Design Guide also emphasises that “*well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. The quality of internal space needs careful consideration in higher density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important*”.

#### **Development Plan**

- 7.3.2 Policies SP8 and GD1 of the Local Plan Partial Review (2024) are deemed to carry significant weight, this is because they generally reflect the good design principles outlined in the NPPF and National Design Guide, i.e., that these policies require developments do not adversely impact the amenities of neighbouring occupiers as a good design principle.
- 7.3.3 The existing waste disposal arrangements are no longer considered suitable, with the current location of the bins, immediately outside the main entrance to the building, pose a fire hazard and health hazard from rat infestations. Their relocation is therefore required to improve the amenities of the occupiers of the building. Under previously approved planning permission 23/00252/FP for a previous iteration of new bin stores, it was noted by Environmental Health that “*there have been serious problems in the area with rat infestations, affecting the residents. This infestation is directly associated with the proximity of bin storage areas to the flats*”. Further, it was also noted under that application from Stevenage Direct Services that “*current good practice is for waste storage areas to be fenced off and located at least 10m away from buildings and other risk areas.*” . ” In this instance, the bin stores are located between 5-7m from the existing blocks. This is considered an acceptable distance to reduce the risk of fires, rat infestations, odours and other associated issues, whilst also remaining a reasonable walking distance for residents.
- 7.3.4 When considering the current location of the bins at the front entrances of each block, residents pass close to the bins upon entry and exit of the blocks. Here, it is of note that the bins likely become odorous, especially in warmer weather. The refuse bins are also of an inadequate capacity in their current state, increasing the risk of rubbish being left by the side of the bins; therefore worsening the odorous state and causing an untidy appearance at each entrance. The new enclosure is located away from the entrance points to reduce the impact of odours and has adequate capacity to prevent overfilling; therefore, minimising the impact on residential amenity. Additionally, the travel distance for waste operatives when collecting bins from the current location is further than the maximum 10m from the refuse vehicle. The location of the enclosures close to the existing public footpath would reduce this distance by up to 50%. When considering the above, the relocation of the existing bins is considered to improve the existing living conditions of occupiers as well as the overall residential amenity. This outweighs any harm relating to increased walking distances for residents for waste disposal. In this regard, the development is therefore considered acceptable.

### **7.4 Waste and Recycling**

- 7.4.1 The design guide SPD requires developments to provide for the storage and collection of waste from site.
- 7.4.2 The proposed development would provide adequate space and storage of waste arising from the site and would amount to a significant upgrade over the existing facilities. The distance for operatives collecting the bins is acceptable. The proposal is considered acceptable in this regard.

## **7.5 Biodiversity Net Gain**

- 7.5.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.
- 7.5.2 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).

## **7.6 Equality, Diversity and Human Rights**

- 7.6.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.6.2 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.
- 7.6.3 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.
- 7.6.4 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.
- 7.6.5 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. 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.
- 7.6.6 The proposal will not block or reduce accessibility of the buildings by persons using pushchairs, wheelchairs, or other mobility aids. The enclosure itself will be accessible by all persons through level access. Accordingly, the development will not affect persons of protected characteristics.
- 7.6.7 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.



## 8. CONCLUSIONS

- 8.1. The proposal is considered to be in accordance with the development plan and in the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

## 9. RECOMMENDATIONS

- 9.1 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:  
Location Plan; 267/587;  
**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 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.  
**REASON:-** To ensure the development has an acceptable appearance.

### **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.

## 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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto: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](mailto: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).

### 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>

## **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 January 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019 and Local Plan Partial Review (2024).
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 December 2023 and Planning Practice Guidance.