

Meeting: Planning and Development Agenda Item:
Committee

Date: 19 February 2025

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Lead Officer: James Chettleburgh

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Application No : 24/00701/FPM

Location : Barnwell Middle School Shephall Green

Proposal : The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site A.

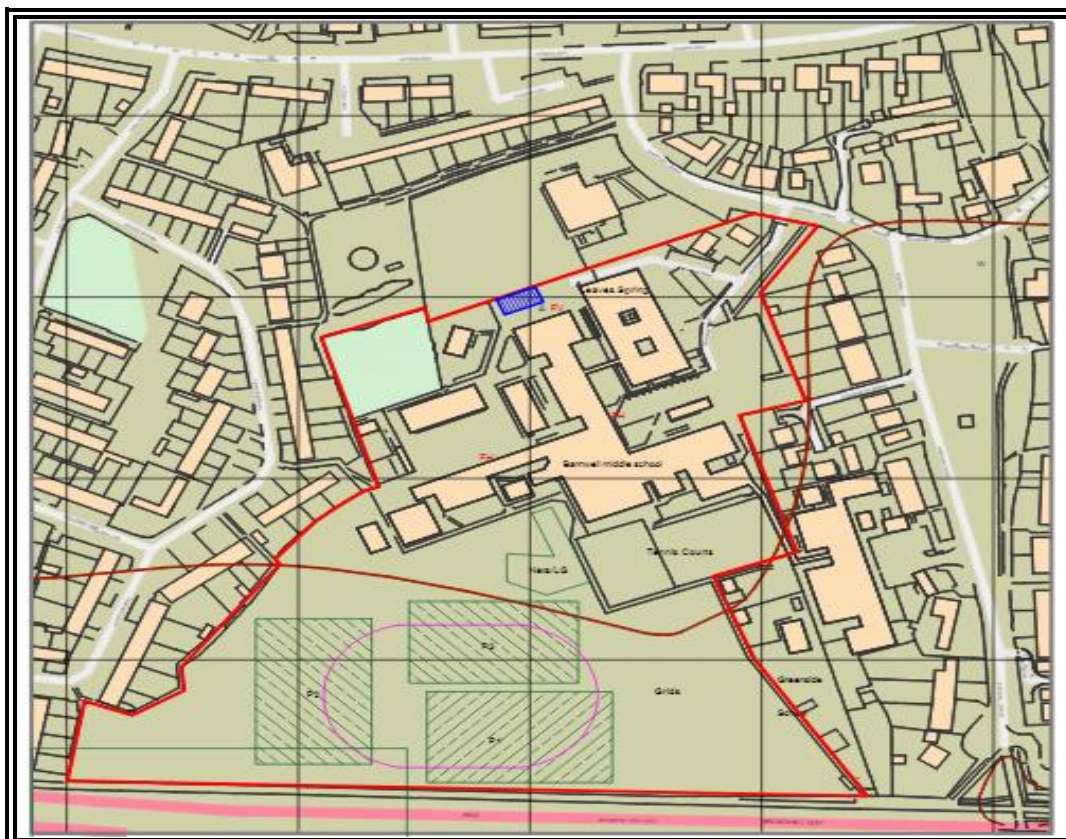
Drawing Nos.: BMS-MB 01; BMS-MB 02;

Applicant : Mr Alex Petitt

Agent: Mr Simon Gurd

Date Valid: 21 October 2024

Recommendation: **GRANT PLANNING PERMISSION**



1. SITE DESCRIPTION

- 1.1 The application site is located on the western side of Shephall Green. The site comprises Barnwell Middle School (formerly Heathcote School) which has a number of single storey and two-storey utilitarian designed school blocks. The blocks are generally a steel frame construction with crittall windows and steel cladding.
- 1.2 The surrounding area comprises post-war suburban style terrace properties within regimented building as well as detached properties which have a unique architectural style and a church dating back to the 14th Century.

2. RELEVANT PLANNING HISORY

- 2.1 01/00107/REG3 Consultation by Hertfordshire County Council under Regulation 3: Single storey building to accommodate four new classrooms 10.05.2001 OBJ
- 2.2 04/00026/REG3 Mobile learning support unit 19.02.2004 NOOBJ
- 2.3 04/00513/REG3 5-bay double mobile classroom unit 17.11.2004 NOOBJ
- 2.4 13/00004/CC Herts County Council consultation for 1no. eight classroom teaching block, 1no. two classroom teaching block, external canopy, construction of new footpath, covered walkway, new pedestrian access, new informal recreation space, fencing and associated matters 04.02.2013 NOOBJ
- 2.5 14/00414/FP Installation of 2-class mobile classroom (relocated from Barnwell School East Campus) 12.12.2014 PER
- 2.6 19/00283/FP Extension and resurfacing of playing courts, erection of 12no. 8m high floodlights, installation of 4.5m high fencing and siting of storage container. 19.06.2020 PER
- 2.7 24/00700/FPM The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site B. PCO
- 2.8 24/00706/FPM The provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping to and around the building; Site C. PCO

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the provision of a single storey modular building to create 3 additional classrooms and an office, with hard landscaping around the building.
- 3.2 This application covers Site A. Sites B and C are dealt with under separate cover.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters, a site notices, and a press notice, no comments were received.

5. CONSULTATIONS

5.1. Herts County Council as Highways Authority

- 5.1.1 The applicant has submitted 3 separate applications (SV/22564/2024; SV/22536/2024; SV/22537/2024) to identify different potential locations for the new classroom building, the design of which will not change. Bearing in mind these are all within the school complex, it is considered that any of these identified locations will not result in any significant highways implications. Therefore, the Highway Authority has no objection to the proposal. Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

5.2 Environmental Health

- 5.2.1 No objection subject to conditions.

5.3 Arboricultural and Conservation Manager

- 5.3.1 I have carefully analysed this application, inspected the site and can confirm that I do not support the proposed development. I believe it would be a substantial loss, from an Arboriculture viewpoint to completely remove the large, mature, category A London Plane tree T4. If, however, once all other factors are considered, the decision is made to grant permission, then I suggest a substantial tree replacement scheme is requested.

They were advised of the biodiversity net gain that would be provided on site by way of mini-orchard and new hedgerow. Additional comments were then received as follows:

- 5.3.2 I believe that a mini orchard and a minimum of 10 metres of new hedgerow should go some way in mitigating the loss of T4.

5.4 Sport England

- 5.4.1 No objections.

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 on 12th December 2024. This made significant changes to the December 2023 version and revised policy with respect to the following:

- Overhauling Green Belt policies.
- Re-introducing mandatory housing delivery targets.

- Strengthening policies around 5-year land supply of housing.
- Strengthening policies relating to strong and competitive economy.
- Refusal of permissions for fast food outlets and hot food takeaways close to schools or where there is evidence of an existing concentration of such uses.
- Strengthening policies on delivering school places.
- Strengthening policies on sustainable transport.
- Updating climate change policies.

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-up-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 22nd May 2019. As of the 22nd 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 IT5: Parking and access;
- Policy GD1: High quality design;
- Policy NH5: Trees and woodland;
- Policy NH6: General protection for open space;
- Policy HC6: Existing leisure and cultural facilities.

6.6 Local Plan Partial Review (2024)

6.6.1 Local Plan Partial Review and Update

In accordance with paragraph 48 of the NPPF (2023) with regards to the determination of planning applications, it states:

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).*

Based on the above, policies of emerging plans gain weight as they progress through the process of consultation, examination, and whether they attract objections. Therefore, the weight that can be applied to the policies contained in the Stevenage Local Plan 2011-2031 Partial Review and Update (2024) are set out as follows:

- Low Weight – Regulation 18 pre-consultation.
- Moderate Weight – Regulation 18 post-consultation.
- Substantial weight – Regulation 19.*
- Full weight – Adoption.

* Given that any new and significantly revised Local Plan policies are subject to Examination in Public by the Secretary of State, respective weighting of the Local Plan policies under the Local Plan Partial Review and Update at Regulation 19 consultation stage will vary. Weighting of policies applied to decision making will be assessed on a policy-by-policy basis.

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:

- Parking Provision Supplementary Planning Document (October 2020);
- Stevenage Design Guide Supplementary Planning Document (January 2023);
- Developer Contributions Supplementary Planning Document (March 2021);

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. The main issues in the assessment of the application are the impact on the character and appearance of the area, impact on neighbouring amenities, car parking provision and impacts on trees, landscaping and school playing fields.

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 **Design and visual impact**

National Planning Policy Framework and Planning Practice Guidance

7.2.1 Chapter 12. (Achieving well-designed places) of the NPPF (2024) 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 2021, 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 modular building would be sited to the north of the main school building. The building would be single storey with a maximum height of 3.1m, with projecting rooflights in the centre of the roof approximately 0.3m high. A small compound to the rear of the building would house external condensing units, 1m high and 1.1m deep and 0.6m wide.

7.2.8 The materials would be of a suitable appearance, commensurate with a school site and can be conditioned to be as per submitted documentation. The height of the building is lower than the height of the building to which it would be seen against when viewed from neighbouring residential dwellings.

7.3 Impact on Neighbouring residential amenity

National Planning Policy Framework and Planning Practice Guidance

7.3.1 Paragraph 135 of the NPPF (2024) 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 There are no residential dwellings close to the proposed site; it lies to the south of the rear amenity area of the Shephall Community Centre.

7.3.4 However, Environmental Health assessed the application and advised that there is potential for noise nuisance to occur from the air conditioning units. In this regard, they are satisfied that a suitably worded condition would ensure the proposed development is acceptable in this regard.

7.4 Car Parking and Cycle Provision

National Planning Policy Framework and Planning Practice Guidance

7.4.1 Chapter 9. (Promoting Sustainable Transport) of the NPPF (2024) sets out a requirement to consider transport issues, which includes parking, at the earliest stages of a development proposal. Paragraph 116 of the NPPF (2024) states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would*

be severe.”. Taking this into consideration, paragraph 117 of the NPPF (2024) stipulates that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Development Plan

7.4.2 Policy IT5 of the Local Plan Partial Review (2024), which carries significant weight, requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.

Policy SP6: Sustainable Transport, has been significantly updated. This policy requires, amongst other things, for developments to demonstrate they are in a sustainable location and will promote active travel by non-car modes of transport by providing appropriate cycle parking and prioritise public transport.

7.4.3 The proposed building would not reduce any car parking on site. HCC Highways have assessed the application and advised they have no concerns or objections in relation to impacts on highway safety.

7.5 Trees, Landscaping, and Playing Fields

7.5.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. In the emerging Local Plan Partial Review and update (2024), policy NH5 is replaced by two new policies: Policy NH5a, which relates to trees and woodland; and Policy NH5b, which relates to tree-lined streets. Policy NH5a continues to provide a general presumption against the loss of healthy trees but also introduces a new tree replacement standard and offsetting mechanism where replacement planting cannot be provided on site. Policy NH5b requires new streets to be tree-lined, mirroring paragraph 136 and footnote 52 of the NPPF. Having regard to paragraph 49 of the NPPF (2024), this emerging version of the policy is afforded limited weight in the assessment of the application, and this has not changed as a result of the progression of the review to Regulation 19 stage on 21 November 2024.

7.5.2 The application was accompanied by an Ecological Appraisal and Planning Statement with a number of appendices, which include tree assessments. The site to which this application relates would result in the loss of up to 2 London Plane trees. These trees have been identified as having moderate ecological value, to the immediate site area only.

7.5.3 The Council's Arboricultural and Conservation Manager has assessed the application and initially advised that the loss of one of the London Plane trees is unacceptable in amenity terms. However, following discussions, they agreed that the mitigation measures proposed in order to achieve a 10% biodiversity net gain on site, would, in his opinion, be acceptable if planning permission was granted.

- 7.5.4 When considering the public benefits of the proposal, through the increased provision of school places, and the biodiversity net gain that would be achieved on the site which exceeds the required 10%, the loss of the trees is considered to be suitably mitigated against such that their loss is acceptable in this instance.
- 7.5.5 The school's playing fields are protected by Policy HC6 which ensures that any development resulting in loss of existing facilities will only be granted if the facility can be re-located, there is no longer a need for said facility, or, the development is for alternative leisure or cultural facilities.
- 7.5.6 Further, the site 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.
- 7.5.7 The proposed development would be utilised as additional classrooms for the Barnwell Middle School. The porta-cabin would be located adjacent to the brick-built classroom block on existing hardstanding to the north of the school building. Consequently, the development would not result in the loss of any outdoor sport facilities and pitches.
- 7.5.8 Further to the above, Sport England considers that the proposal would not harm the sport and recreation provision of the school.
- 7.5.9 Given the aforementioned comments, the proposed development would not harm the Structural Open Space/School Playing Field; therefore, the proposal complies with Policies HC6 and NH6 of the adopted Local Plan (2019) and the NPPF (2024).

7.6 Biodiversity, Ecology and Protected Species

- 7.6.1 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 in some circumstances.
- 7.6.2 Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted, and, if it does not apply, under which exemption they are applying.
- 7.6.3 The accompanying Ecological Appraisal (EA) and appendices include a biodiversity assessment and mandatory metric calculations. The EA confirms that a 10% net gain cannot be provided within the red line of the site as this is tightly constrained to the plot of the building, however, within the wider site plan of the Barnwell School site, a 0.13ha mini orchard would be planted that would provide a 12.6% BNG and a new native hedgerow measuring 10m would also be provided to create 100% net gain in hedgerow habitat. As such, the BNG is met on site and is acceptable. Suitably worded conditions can ensure this is provided.

7.7 Other Matters

Published Admission Numbers

- 7.7.1 It is noted that the application is submitted due to Herts County Council requiring the school to increase its student admissions to year 7 in 2024/25. The current Published Admissions Numbers (PAN) is 240 and HCC require this to be increased to 270.

- 7.7.2 The applicant is undecided on the best site to locate the proposed building and as such has submitted 3no. separate applications to cover sites A, B, and C. Each application is assessed individually, however, the cumulative impact on neighbouring properties and the local highway network if all three are granted permission and implemented, could potentially exceed the assessment of each building individually.
- 7.7.3 To mitigate potential impacts, it is considered acceptable to impose condition on all applications granted, that, if the implementation of said permission will result in the PAN exceeding 270, then further planning applications would be required to assess potential impacts.

7.8 Equality, Diversity and Human Rights

- 7.8.1 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.
- 7.8.2 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.
- 7.8.3 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.
- 7.8.4 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.
- 7.8.5 In terms of inclusive access, the scheme has been designed to be Disability Discrimination Act compliant with ramped and level access to all entrance points.

8. CONCLUSIONS

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

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions and informatives:
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
BMS-MB 01; BMS-MB 02;
REASON:- For the avoidance of doubt and in the interests of proper planning
 - 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall as per the submitted plans and associated documents to the satisfaction of the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance.
- 4 If the implementation of this planning permission would result in the Published Admissions Number (PAN) exceeding 270 students then a further planning application shall be submitted to the Local Planning Authority to assess any potential impacts.
REASON:- In the interests of neighbouring amenities and highway safety.
- 5 No demolition or construction work, including site clearance and demolition, that is audible at the site boundary, relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays. These restrictions also apply to deliveries arriving at, and leaving, the site.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
- 6 Any installation of air-conditioning units, air-handling units or any plant and machinery, shall be subject to the following:
For areas above WHO Guideline levels, where the existing external ambient noise level exceeds WHO Guideline levels of either LAeq, 16hrs 55dB daytime (07.00-23.00 hrs) or LAeq, 8hrs 45dB night-time (23.00-07.00hrs).
- (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
REASON:- In the interests of neighbouring amenities.
- 7 No additional external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to operation. Any external lighting shall accord with the details so approved.
REASON:- In the interests of neighbouring amenities.
- 8 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment dated 17 September 2024 and prepared by ELMAW Consulting.
REASON:- To ensure the development delivers a biodiversity net gain on site.
- 9 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
(a) a non-technical summary;
(b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan; (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority

has been submitted to, and approved in writing by, the local planning authority. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

REASON:- To ensure the development delivers a biodiversity net gain on site.

- 10 Notice in writing shall be given to the Council when the:
- (a) HMMP has been implemented; and
 - (b) Habitat creation and enhancement works as set out in the HMMP have been completed.

REASON:- To ensure the development delivers a biodiversity net gain on site.

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 or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

3 Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 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 – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019 and Local Plan Partial Review (2024).
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework December 2024 and Planning Practice Guidance.