

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02812/S73	Variation of Condition 2 (Drawings) of planning permission 22/03300/FP granted on 15.03.2023 as shown on: 0311-101 Rev P01 substituted for 0311-101 Rev P05, 0311-102 Rev P01 substituted for 0311-102 Rev P05, 0311-103 Rev P01 substituted for 0311-103 Rev P05, 0311-104 Rev P01 substituted for 0311-104 Rev P05, 0311-105 Rev P01 substituted for 0311-105 Rev P05, 0311-106 Rev P01 substituted for 0311-106 Rev P05, 0311-107 Rev P01 substituted for 0311-107 Rev P05, for Erection of one 4 bedroom dwelling and detached garage following demolition of existing barn including all associated ancillary and landscaping works.	Land East Of Maple House St James Court Therfield Hertfordshire
<u>Submitted Plan Nos</u>		
0311 - 101 Rev P02 1311-102 Rev P05 0311 - 103 Rev P05 0311 - 104 Rev P05 0311 - 105 Rev P05 0311 - 106 Rev P05 0311 - 107 Rev P05		

1.0 Policies

SP1 Sustainable development in North Herts

SP2 Settlement Hierarchy and Spatial Distrib

SP5 Countryside and Green Belt

CGB1 Rural Areas beyond the Green Belt.

CGB4 Exist buildings in the RA Beyond GB

D1 Sustainable design

D2 House exts, replcmnt dwellings outbuild

D3 Protecting living conditions

NE4 Biodiversity and geological sites

T1 Assessment of transport matters

T2	Parking
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
SECN15	Conserve + enhance natural environment
SECN5	Delivering sufficient supply of homes

2.0 **Site History**

- 2.1 22/03300/FP - Erection of one 4 bedroom dwelling and detached garage following demolition of existing barn including all associated ancillary and landscaping works. – Conditional Permission – 15 March 2022.
- 2.2 24/02824/DOC - Details reserved by Condition 4 (Cycle parking) of planning permission 22/03300/FP granted on 15.03.2023. – Pending
- 2.3 24/02878/DOC - Details reserved by Condition 6 (Environmental Risk Assessment, Remediation Statement) of planning permission 22/03300/FP granted on 15.03.2023. - Pending

3.0 **Representations**

- 3.1 **Neighbour Consultation** – None received.
- 3.2 **Environmental Health** – No Objection.
- 3.3 **Ecology** – Development is exempt from mandatory 10% of BNG. Site is unlikely to harm ecological assets on site. Advises precaution with regards possible presence of protected species within the site.
- 3.4 **Highways** – Does not with to restrict grant of permission.
- 3.5 **Archaeology** – No comment.

3.6 **Waste** – Lack of detail.

3.7 **Environmental Health** – No Comment.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises a parcel of land to the rear of Maple House and Hygge off Police Row, Therfield. It is accessed from a gated access way, St James Court and is in proximity to local farmland and the open countryside. The site is within the Rural Area Beyond the Green Belt and abuts the Therfield settlement boundary.

4.2 **Proposal**

4.2.1 This application seeks to vary Condition 2 of the previous planning permission 22/03300/FP granted 15 March 2022.

4.2.2 Condition 2 relates to the approved plans of the development. This application form indicates that the following amendments are proposed:

1. Alteration to garage width and siting.
2. Changes to materials of construction.
3. Amendment to window openings/layout.

4.3 **Key Issues**

4.3.1 The principle of the development has been established given the extant planning permission. This application established the principle by considering the application against the criteria within Policy CGB4 of the Local Plan 2011-2031. The policy is set out below:

- a) *Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:*
- b) *Any existing building to be converted for re-use does not require major extension or reconstruction;*
- c) *The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and*
- d) *Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.*

4.3.2 The previous case officer considered that b) was not relevant due to the development not comprising re-use. I consider that this is still correct. For c), the previous officer gave weight to the siting of the development within the existing footprint of the building, together with its position within the landscape and the relatively constrained scale of the dwelling. I consider that the modest change in scale to the building would not, when compared to the extant approval would not result in materially greater impacts upon the openness, purposes or general policy aims of the RABTGB. The proposed garage would remain as being in proximity to the main dwelling, and would be reduced in scale. I

consider that d) would be complied with. In the round, the development is considered to be in compliance with Policy CGB4 of the Local Plan.

- 4.3.3 Policy SP2 permits development within the settlement boundary of Therfield, a Category A settlement according to the Local Plan. The previous determination considered that the site is a sustainable location for development owing to its proximity to the settlement boundary of Therfield. Given the extant nature of the permission and given that site specific characteristics remain similar or the same as when the previous determination was made, I consider that the principle of development would be supported by SP2. The principle of development is acceptable.

Design and Appearance:

- 4.3.4 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main dwelling in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.
- 4.3.5 The built form and general appearance of the dwelling would remain similar to the extant permission. It would retain its 'barn-like' appearance, a matter given weight in the previous approval. The change to materials, particularly driven by the potential upkeep and fading of the previously approved materials would change the colour and appearance of the building from the anthracite grey panelling to a corten metal cladding, a rust like material. Concrete effect cladding is also proposed at ground floor level to the dwelling and external walls of the garage. Whilst these changes would be significant, I do not consider that they would be harmful, and consider that they would reflect the utilitarian nature of the site and surroundings. Black cladding would be similar to the dark grey colour of the approved cladding, and is not considered to be harmful. The proposed change in window materials and glazing layouts whilst noticeably different, are considered to remain as a traditional design choice and would be suitably in this location.
- 4.3.6 Some changes are proposed to the landscaping scheme, removing eastern portion of the access ramp, and by extending footways around the dwelling and by enlarging areas of paving. Additional soft landscaping is proposed to the western boundary adjacent to the driveway, and in the location of the removed ramp. I consider that layout and landscaping scheme proposed would be acceptable.
- 4.3.7 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Impact on Neighbouring Properties:

- 4.3.8 Policy D3 of the Local Plan permits development that does not result in unacceptable to harm to the amenity of neighbouring occupiers and where necessary encourages the

use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.

- 4.3.9 The proposal would not significantly enlarge or reposition the buildings hereby approved. Window layouts would remain consistent with the previously approved vantage points. I therefore do not consider that prospective dominance or losses of privacy would be unacceptable. Conditions to obscure glaze windows have been carried over to preserve neighbouring amenity. No neighbour objections were received.
- 4.3.10 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Access, Parking and Highways

- 4.3.11 The existing access to the site would remain as proposed for use by the dwelling. The highways authority has not raised objection to the proposal, and therefore, the access is considered to be acceptable. The dwelling would continue to benefit from at least 2 off-street parking spaces, and would meet the minimum requirements for such developments. Cycle and bin storage would be possible within the garage, and are shown as benefiting from sufficient internal space to allow for storage. This is considered to be acceptable.

Ecology:

- 4.3.12 Hertfordshire Ecology have made representation, and have advised that the development is exempt from the 10% BNG delivery requirement. They have advised that the development is unlikely to have significant ecological impacts and have advised that the application can proceed to a determination. They do however advise precaution with regards potential impacts upon protected species, recommending an informative for this point.

Other Matters:

- 4.3.13 Due to a change in plan numbers, conditions have been updated to reference the new numbers where they previously referenced the plans submitted with the extant permission. Conditions have otherwise been carried over, or to reflect details submitted under outstanding discharge of condition applications.

4.4 Conclusion

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

- 4.5.1 None applicable.

5.0 Recommendation

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the grant of planning application 22/03300/FP.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The development hereby permitted shall only be finished in the materials as stated on drawing numbers 0311-106 Rev P05 and 0311-107 Rev P05 and thereafter shall be retained as such, unless otherwise agreed in writing by the LPA.

Reason: To ensure that the building is in-keeping with the host property and to protect the visual amenities of the locality.

4. The cycle parking details submitted and agreed under LPA ref 24/02824/DOC shall be implemented on site unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

5. Prior to the first occupation of the development hereby permitted, an active (ready to use) EV charging point must be provided which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

6. The environmental risk assessment submitted and agreed under LPA ref

24/02878/DOC shall be implemented on site unless otherwise agreed in writing by the Local planning authority.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

8. The approved details of landscaping as shown on plan 0311-102 Rev P05 shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

9. The ecological enhancements as evidenced under Section 6.3 of the supporting Ecological Appraisal dated December 2022 prepared by ELMAW Consulting, and submitted under 22/03300/FP, shall be implemented on site prior to the occupation of the dwelling hereby approved.

Reason: to enhance the ecological opportunities in the area for protected species.

10. The bathroom windows at first floor level on the west elevation of the development hereby permitted shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

Biodiversity Net Gain

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

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 proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. 1. Bats
2. Great crested newts
3. Reptiles
4. Badgers
5. Nesting birds

"If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation

clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed".

2. AN1) 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.
3. Informatives
During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing building(s), a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 12 February 2025	