

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01775/S73	Variation of condition 8 (composite windows) of planning permission 22/03299/FP granted 14.04.2023 for erection of 4 detached dwellings (2 x 3-bed and 2 x 4-bed) including parking,landscaping and creation of vehicular access off Ashwell Common (as amended by plans received 6th April 2023 and 12th April 2023).	Land Rear Of Gothic House Oak Lane Graveley Hertfordshire

Submitted Plan Nos

23-03-08 - Typical Window Sections/Elevations Planning Statement Conservation Brochur Location Plan

1.0 Policies

D1	Sustainable design
HE1	Designated heritage assets
SP9	Design and Sustainability
SP13	Historic environment
SECN12	Achieving well-designed places
SECN16	Conserve + enhance historic environment

2.0 Site History

- 2.1 Various site history, relevant applications are as follows:
- 2.2 **24/01119/NMA** - Removal of chimneys; variation of fenestration to all plots; addition of brick stingers to plots 2 & 3 and change of design to dormers (as non-material amendment to planning application reference 22/03299/FP granted on 14.04.2023).
Agreed
- 2.3 **22/03299/FP** - Erection of 4 detached dwellings (2 x 3-bed and 2 x 4-bed) including parking, landscaping and creation of vehicular access off Ashwell Common (as amended by plans received 6th April 2023 and 12th April 2023).

Conditional Permission

2.4 Various DOC applications approved relating to the original conditions on the above application.

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – None received

3.2 **Hertfordshire Highways** – No objection.

3.3 **Environmental Health (Air Quality, Land Contamination, Noise)** - No objection.

3.4 **Waste and Recycling** – None received.

3.5 **Conservation Officer** – No objection.

3.6 **Hertfordshire Ecology** – No objection.

3.7 **Graveley Parish Council** – No objection.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is an area of the extended rear garden at Gothic House, Graveley. The site benefits from an existing access onto Ashwell Common and a long frontage to that road and Oak Lane. The topography of the site increases from east, where the host dwelling Gothic House is situated, to west, where the site faces Ashwell Common. The site has a number of mature trees/hedgerows on its boundaries and a sizable Sycamore tree in its centre. The site is located within the settlement boundary of Graveley and Conservation Area

4.2 **Proposal**

4.2.1 The application proposes the variation to Condition 8 (composite windows) of planning permission 22/03299/FP granted 14.04.2023 for erection of 4 detached dwellings (2 x 3-bed and 2 x 4-bed) including parking, landscaping and creation of vehicular access off Ashwell Common (as amended by plans received 6th April 2023 and 12th April 2023).

4.2.2 For the avoidance of doubt, the only change proposed under this application is to replace the original approved timber framed windows with composite windows. This includes matching the style, proportions and detailing including the colour, glazing bars, and detailing, ensuring that the visual impact on the conservation area is negligible. The applicant is proposing to use The Residence Collection windows, which are stated to be specifically designed for conservation areas, offering authentic design features that comply with heritage requirements.

4.3 **Key Issues**

4.3.1 The principle of this development, the impact on neighbours and future occupiers, the highways, access and parking matters and landscaping are already established by application ref: 22/03299/FP. Therefore, the consideration of this application is how

acceptable the proposed amendments to condition 8 are relative to that which was approved, which is centred around design and heritage impacts.

Design

- 4.3.2 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.3 Under application ref: 22/03299/FP, condition 9 was enforced to ensure that all new windows on the approved scheme of 4 dwellings would be manufactured in timber and receive flush casements, unless otherwise agreed in writing by the LPA. Moreover, the condition required metric scale section drawings of the new windows indicating method of opening and including a 1:1 section of the glazing bars to be submitted to and approved in writing by the Local Planning Authority prior to the installation of the windows and doors.
- 4.3.4 The proposal seeks to vary the window details as controlled by condition 9 from timber frames to composite frames. The windows would match the approved timber windows in all aspects apart from material, which includes matching the style, proportions and detailing including the colour, glazing bars, and detailing, ensuring that the visual impact of the proposed change is negligible. The applicant is proposing to use The Residence Collection windows, which are stated to be specifically designed for conservation areas, offering authentic design features that comply with heritage requirements. The composite windows provide superior thermal insulation compared to timber windows, significantly improving the energy efficiency of the dwellings.
- 4.3.5 Seeing as the Council's Conservation Officer has no objection to the proposed change (to be considered below) and that the proposed composite windows will look the same as the timber windows in all aspects of detail, such that the approved dwellings will retain their positive character and appearance, it is considered that the proposed variation of the window details is acceptable.
- 4.3.5 The proposal is therefore deemed acceptable in design terms and in accordance with Policies D1 and SP9 of the Local Plan and Section 12 of the NPPF.

Heritage

- 4.3.6 The site is within the Graveley Conservation Area and the host dwelling, Gothic House, is a grade II listed building. Policy SP13 of the Local Plan states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting"*. This reflects paragraph 205 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that *"Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use"*.

- 4.3.7 The Council's Conservation Officer has formally considered this proposal, providing the following concluding remarks in their comments:

*"I have considered this carefully and whilst the site is within the GCA and that the Residence Collection is not a timber window with traditional through bars, it is acknowledged that this is a new build scheme some distance from Gothic House. On balance, I am prepared to accept the Residence 9 system. Having said that, section details are provided with the submission of a mullion and transom window but not of a window with glazing bars so the wording of the condition is not fully met. A window detail such as that in the images provided with the Planning Statement showing flush casements with no trickle vents and ideally a mechanical joint as opposed to a mitred finish, would be acceptable. I raise **NO OBJECTION** on the basis that the proposed windows will neither harm the setting to Gothic House or harm the character or appearance of the GCA".*

- 4.3.8 The applicants were invited to submit further details to resolve the lack of section details for the window with glazing bars, which the Conservation Officer has considered internally as acceptable. Overall, the views of the Conservation Officer are supported in this respect. The proposed composite windows, such as that in the images provided with the Planning Statement showing flush casements with trickle vents as indicated (entire width of window and well concealed) and ideally a mechanical joint as opposed to a mitred finish, would result in an acceptable visual impact that would not harm the setting of the grade II listed Gothic House or the character and appearance of the Conservation Area.
- 4.3.9 This is considered in accordance with Policies HE1 and SP13 of the Local Plan, and Section 16 of the NPPF.

Biodiversity Net Gain

- 4.3.10 This application is exempt from BNG Legislation, defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as it is a Section 73 application.

4.4 **Conclusion**

- 4.4.1 The proposal is considered acceptable in planning terms and in accordance with Policies D1, SP9, SP13 and HE1 of the Local Plan, as well as Section 12 and 16 of the NPPF.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A

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 22/03299/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 details with respect to Land Contamination are being dealt with under planning reference number 24/01636/DOC. Parts (a), (b), (c) and (d) have already been approved under this application and therefore, the remaining required part (e) below is of note:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes: (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and; (ii) The results from the application of an appropriate risk assessment methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until: (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation

scheme. (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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.

4. The details with respect to Waste Storage have been approved under planning reference number 24/01703/DOC. The conditions reads as follows:

Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

5. The details with respect to Refuse Collection have been approved under planning reference number 24/01704/DOC. The conditions reads as follows:

No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections.

6. The details with respect to Brick Details have been approved under planning reference number 24/01284/DOC. The conditions reads as follows:

Details or sample of the facing bricks for all four units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The development shall be undertaken in accordance

with the approved brick type.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. The details with respect to Roof Details have been approved under planning reference number 24/01315/DOC. The conditions reads as follows:

Details or sample of the roof materials for all four units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The development shall be undertaken in accordance with the approved roof materials.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. All new windows and doors shall be manufactured in composite from The Residence Collection and the windows shall receive flush casements with trickle vents as indicated (entire width of window and well concealed) and a mechanical joint as submitted as part of this application under ref: 24/01775/S73, unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. The details with respect to Dormer Window Details have been approved under planning reference number 24/02387/DOC. The conditions reads as follows:

Metric scale drawings of the new dormer windows (either 1:5 or 1:10 scale) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Thereafter, the dormer windows shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Prior to the commencement of development above slab level, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site. The landscape scheme shall include:

a) which, if any, of the existing vegetation is to be removed and which is to be retained, including how it will be protected during the construction works;

- b) what new trees, shrubs, hedges are to be planted and areas grassed, together with the species proposed and the size and density of planting, this includes planting within the car park to provide shade, structure and ameliorate the expanse of hard surfacing;
- c) the location and type of any new walls, fences or other means of enclosure, and details of any hard surfacing proposed;
- d) details of any earthworks proposed.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

11. The approved details of landscaping 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.

12. All new rainwater goods shall be black cast-iron effect unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13. Each of the dwellings hereby approved shall incorporate 1 Swift Box/Brick within the built fabric of the property. Once installed, the Swift Box/Brick shall be maintained in perpetuity.

Reason: To ensure the proposal has regard for wildlife and contributes to net gains in biodiversity, in line with Policy NE4 of the Local Plan.

14. The window at first floor level on the rear elevation of Unit 3 on the development hereby permitted shall be permanently glazed with obscure glass and non-opening below 1.7m above first floor level.

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

15. 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.

16. Prior to occupation, each of the proposed 4 new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 19 November 2024	

