

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02754/S73	Variation of condition 2 (revised plans) of planning permission 22/01841/S73 granted 31.08.2022 for Variation of condition 2 (submission of revised plans 2377 - 300; 301 302 and 303) of planning permission 20/01905/FP granted 21/10/2020 for erection of one detached 4-bed dwelling including new vehicular crossover onto Hexton Road. (Development has commenced).	Land At Orchard Barn Hexton Road Luton Hertfordshire

Submitted Plan Nos

2377 300 - A 2377 301 - A 2377 302 - A 2377 303 - A

1.0 Policies

D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
SECN11	Making effective use of land
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN15	Conserve + enhance natural environment
SECN9	Promoting sustainable transport
SP2	Settlement Hierarchy and Spatial Distrib
SP5	Countryside and Green Belt
SP9	Design and Sustainability
SP1	Sustainable development in North Herts

2.0 **Site History**

- 2.1 20/01905/FP Erection of one detached 4-bed dwelling including new vehicular crossover onto Hexton Road. Conditional Permission
- 2.2 22/01841/S73 Variation of condition 2 (submission of revised plans 2377 - 300; 301 302 and 303) of planning permission 20/01905/FP granted 21/10/2020 for erection of one detached 4-bed dwelling including new vehicular crossover onto Hexton Road. CONDITIONAL PERMISSION
- 2.3 23/00288/DOC Condition 3- Details and/or samples of materials (as discharge of condition relating to planning permission 22/01841/S73 granted 31.08.2022) APPROVAL OF DETAILS
- 2.4 23/00343/DOC Condition 4- landscaping (as discharge of condition relating to planning permission 22/01841/S73 granted 31.08.2022) APPROVAL OF DETAILS
- 2.5 23/00344/DOC Details reserved by Condition 13-Land Contamination (relating to planning permission 22/01841/S73 granted 31.08.2022) APPROVAL OF DETAILS
- 2.6 25/02103/DOC Details reserved by condition 13 (Land Contamination) of planning permission reference 22/01841/S73 granted 31.08.2022 APPROVAL OF DETAILS

3.0 **Representations**

- 3.1 **Neighbour Consultation** – None received.
- 3.2 **Parish Council** – No Objection.
- 3.3 **Environmental Health** - I have no objections to the proposals. Any undischarged conditions relating to Environmental Health should be retained on any new decision notice should you be minded to grant approval.
- 3.4 **Herts Highways** - The Highway Authority has reviewed the proposed changes to the parking arrangements shown on the original drawing (Ref: 2377 300) and the revised drawing (Ref: 2377 300 Rev A). We confirm that these changes are acceptable and meet the necessary requirements. Accordingly, the Highway Authority raises no objection to the to the variation.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site comprises part of the garden and curtilage of Orchard Barn between that property and Maple Cottage on the north-eastern side of Hexton Road in the village of Lilley. Currently the

built form is located to the western boundary, leaving an open area to the east, and paddock land to the rear that was the subject of a planning condition.

- 4.1.2 The character of the wider locality is of loose knit residential dwellings and farm buildings surrounded by agricultural land. The site is visible from the highway and there is a footpath running close to the rear of the site. This footpath links to the John Bunyan Trail, a long-distance route that runs parallel to the main road close the village and which also may afford limited views of the site. The site is within the Green Belt, and the Chilterns Area of Outstanding Natural Beauty (AONB).

4.2 **Proposal**

- 4.2.1 This application seeks to vary Condition 2 of the previous planning permission 24/00862/S73 granted 05.06.2024.

- 4.2.2 Condition 2 relates to the approved plans of the development. The following amendments are sought:

1. Reconfigured Stairs from Sunken Terrace to Rear Garden: To align with building regulations, the stairs required marginal enlargement. This would have reduced the usable area of the sunken terrace. Therefore, we propose a linear staircase configuration, which will allow more natural light into the basement's habitable rooms and improve terrace usability.

2. North-East Corner of Basement Slightly Above Ground: A detailed topographical survey revealed a sudden drop in ground levels towards the southeast boundary. As a result, a small section of the basement's north-east corner cannot be fully underground and will need to slightly project above ground. We propose to use screen planting in this area to minimize visual impact.

3. Adjusted Parking Spaces: To facilitate improved maneuvering and accessibility to the bin store, we propose relocating both parking spaces along the southeast boundary.

4. Revised Retaining Wall along Southeast Boundary: Due to the unexpectedly lower levels along this boundary, the previously approved full-height retaining wall is no longer necessary. Instead, only a lower section of wall will enclose the sunken terrace and stairs, reducing the structure's overall bulk. The area between the building and the boundary will be resolved with a gently sloping bank.

5. Addition of Canopy Above Front Door: A small canopy is now proposed above the front door to provide weather protection

4.3 **Key Issues**

- 4.3.1 Relevant material considerations relating to the current application are design and impact to neighbour amenity.

Principle

- 4.3.2 In the assessment of original planning permission 20/01905/FP, the dwelling was considered to constitute limited infilling in villages in accordance with paragraph 145 of the NPPF. The NPPF has since been updated, with 145 becoming 149, however 149 retains a 'limited infilling in villages' exception. Where a proposal is considered to comply with this exception, there are no limitations on the size or design of a development. The proposed development remains as infilling in a village, and its increased size and other alterations proposed do not conflict with Green Belt policies, therefore the principle of the development is acceptable.

Design and Appearance:

- 4.3.3 The alterations to the dwelling and its landscaping are considered small relative to the approved design. The dwelling would remain set back from the public highway with a modest front profile that would be obscured by trees at the front of the site. The proposed alterations are not considered to detract from the design of the originally approved plans and the character and appearance of the site and locality, including on the AONB. The new solar panels will make the new dwelling more energy efficient and will be more beneficial regarding climate change. The proposed variations to the design are considered acceptable.

Impact on Neighbouring Properties:

- 4.3.4 The amended dwelling would be sited on a similar location in the site as that originally approved, the changes will not affect neighbour amenity. The other alterations proposed to the dwelling and site will not be considered to result in materially greater impacts than those of the original approval. Impacts on amenity are therefore acceptable.

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 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.

2. The development shall be carried out in accordance with the approved details agreed under application reference 23/00288/DOC in regards to details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

3. The development shall be carried out in accordance with the approved details agreed under application reference 23/00343/DOC in regards to hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping details shall include the following:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
- d) details of any earthworks proposed
- e) details including materials of all new hard standing associated with the development

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

4. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031

5. All hard landscaping associated with the details agreed pursuant to condition no. 5 of this planning permission shall be carried out before the first occupation of the dwelling hereby permitted.

Reason: To ensure the correct phasing of the development in the interest of amenity and proper planning of the site.

6. Before the commencement of any other works on the site, trees and vegetation to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk/vegetation stem in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree/vegetation. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees and vegetation to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

7. Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 2377 300 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

8. Prior to the first occupation of the development hereby permitted 2 x 2 metre pedestrian visibility splays shall thereafter be retained at all times to each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 2 metres into the site and 2 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

9. 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 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, and the location of the application site within the Green Belt 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 and to protect the openness of the Green Belt.

10. The residential curtilage associated with the dwelling hereby permitted shall be limited to the area within the red line and shall remain as demarcated by the amenity area and wildlife meadow as illustrated on approved plan no. 303.

Reason: To limit the extent of residential curtilage of the site in order to protect the openness of the Green Belt from over domestication of the site.

11. The development shall be carried out in accordance with the approved details agreed under application reference 23/00344/DOC and 25/02103/DOC in regards to:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a 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.

12. Prior to occupation, the new dwelling 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

1. 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. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.
2. A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations. Cable and circuitry ratings should be of adequate size to ensure a minimum continuous

current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

3.

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.

4.

The removal of trees & shrubs should be avoided during the bird breeding season (March to September inclusive.) If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 19 December 2025	