

DELEGATED FILE NOTE

CASE OFFICER: ...Anne McDonald.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01031/S73	Variation of condition 2 (revised plans) of planning permission 23/02650/FP granted 16.02.2024 for erection of eight dwellings comprising of 3 pairs of semi-detached dwellings (6 x 3-bed) and two detached 4-bed dwellings including integral garages (plots 1 and 8) with a new access spur from the Lodge Court, on-site parking, landscaping.	Land At Turnpike Lane And Adjacent To 4 Manor Close Turnpike Lane Ickleford Hertfordshire

Submitted Plan Nos

2328-LDCT-SCN-ZZ-04-DR-A-01.301-A3-PL05 2328-LDCT-SCN-ZZ-00-DR-A-02.013-A3-PL05 2328-LDCT-SCN-ZZ-00-DR-A-02.014-A3-PL04 2328-LDCT-SCN-XX-XX-DR-A-30.001-A3-PL05 2328-LDCT-SCN-XX-XX-DR-A-30.002-A3-PL02 2328-LDCT-SCN-ZZ-00-DR-A-02.011-A3-PL04 2328-LDCT-SCN-ZZ-00-DR-A-02.012-A3-PL05

D1	Sustainable design
D3	Protecting living conditions
D4	Air quality
HE1	Designated heritage assets
HS3	Housing mix
NE4	Biodiversity and geological sites
NE2	Landscape
NE7	Reducing flood risk
NE8	Sustainable drainage systems
HE4	Archaeology
SECN11	Making effective use of land
SECN12	Achieving well-designed places
SECN15	Conserve + enhance natural environment

SECN16	Conserve + enhance historic environment
SECN5	Delivering sufficient supply of homes
SECN6	Building strong, competitive economy
SP1	Sustainable development in North Herts
SP11	Natural resources and sustainability
SP12	Green infrastructure, landscape and biod
SP2	Settlement Hierarchy and Spatial Distrib
SP8	Housing
SP9	Design and Sustainability
SPDVP	Vehicle Parking at New Development
T1	Assessment of transport matters
T2	Parking

- ☐ E2 – Protecting the landscape.
- ☐ E3 – Rural Character.
- ☐ E4 – Biodiversity.
- ☐ SD1 – Development within the settlement boundary.
- ☐ SD2 – New housing development.
- ☐ SD3 – High quality design.
- ☐ SD4 – Provision of energy efficient buildings.
- ☐ SD5 – Water Management.
- ☐ MTT2 – Car parking.

2.0 **Site History**

- 2.1 18/02785/FP - proposed 7 dwellings on the site and was withdrawn.
- 2.2 20/00891/FP proposed 5 dwellings with a new access spur road off Lodge Court with parking, landscaping, formation of a pedestrian footpath and communal open space. This application was refused at Planning Control Committee and allowed at appeal.
- 2.3 21/03464/S73 was submitted to vary conditions 2, 6, 8, 9 and 10 imposed on the appeal decision for application 20/00891/FP and was granted conditional permission.
- 2.4 22/01448/FP proposed 5 dwellings and was granted planning permission in October 2022.
- 2.5 22/03105/S73 sought to vary condition 2 imposed on application 22/01448/FP and was granted planning permission.
- 2.6 Applications to agree details for conditions imposed on planning permission 22/01448/FP have been submitted and agreed. These are:
- 23/00735/DOC for condition 6 landscaping;
 - 23/00736/DOC for condition 11 Construction Traffic Management Plan;
 - 23/00737/Doc for condition 13c archaeology; and
 - 23/00738/DOC for condition 14 ecology.
- 2.7 23/02650/FP – Erection of 8 dwellings comprising 3 pairs of semi-detached dwellings (6 x 3-bed) and two detached 4-bed dwellings including integral garages (plots 1 and 8) with a new access spur from Lodge Court, on-site parking and landscaping. Conditional permission.

3.0 **Representations**

- 3.1 **HCC Highways** – no objection.
- 3.2 **Ickleford Parish Council** – objects to the application on the basis that the houses have larger footprints and are closer together, that the architectural appeal has been compromised to lower costs and also object for the same reasons regarding parking, water run off, sewage, driver and pedestrian safety.
- 3.3 The application has been advertised with site and press notices and neighbour notification letter. Three replies have been received. All object. Key points raised include:
- ☐ Contrary to the INP as plot 8 will have harm on the amenities of no.4 Manor Close.
 - ☐ Contrary to the INP as smaller homes should be provided, not larger homes.

- ☐ Object to the car parking dominating the street scene.
- ☐ This is green belt land and should be left un-developed for wildlife.
- ☐ The houses are not needed.
- ☐ The design is not in keeping with the locality.
- ☐ There will be additional pressure on traffic.

3.4 Cllr Peace queried the description of development, resulting in amended plans being submitted to reflect the original description and on this basis Cllr Peace was happy for the application to be dealt with as a delegated item.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is land on the south side of Turnpike Lane to the west of Lodge Court and Manor Close. The land is currently outside of the village boundary for Ickleford, and is part of the Green Belt. The land, formerly, was part of the grounds of Ickleford Manor house which lies to the east of Lodge Court. The neighbouring buildings, Waltham Cottage and numbers 3 – 6 Lodge Court are all listed buildings and Waltham Cottage is within the Ickleford Conservation Area. The vehicle access for Lodge Court cuts through the northern part of this site, although this is set back from the road with a belt of mature trees between the access lane and Turnpike Lane itself which are covered by a blanket TPO, which also extends along Turnpike Lane to the west. The land is fenced but is open paddock land in character.

4.2 **Proposal**

4.2.1 This is a S73 application seeking changes to the scheme approved under application 23/02650/FP. The change is to the footprint size, height and external design of the dwellings. The houses in plots 2 – 7 have a larger footprint and a slightly lower ridge height than the 2023 scheme. The houses in plots 1 and 8 have slightly larger footprints and slightly higher ridge heights. The house in plot 1 has an increased height of 35mm (0.03m) and the house in plot 8 has an increase of 198mm (0.19m). Additionally, the house in plot 8 is sited slightly further west and north away from the boundary with no.4 Manor Close.

4.2.2 Each house still has two on plot parking spaces, a private rear garden and the same number of bedrooms. The access is in the same location, along with the open space area on the north-east side of the site and a number of new trees and sections of hedge are proposed to be planted.

4.2.3 The design is proposed to be buff brick and sections of timber cladding with a grey tile roof.

4.3 **Key Issues**

4.3.1 The extant scheme and planning history establish the principle for this proposal. In my view these changes are minor and do not affect the principle of this development and can be considered to be acceptable changes to be considered as amendments to the approved scheme. The comments regarding the Ickleford Neighbourhood Plan are noted, but these were discussed in detail in the previous application and no objection was raised on this basis.

- 4.3.2 The changes in height are very minor, and will not be noticeable to neighbours. The house in plot 8 is positioned slightly further away from the closest neighbour no.4 Manor Close, and whilst the footprint is slightly larger and the house minimally taller, I do not consider that these changes represent any increased harm on the residential amenities of this neighbour in comparisons to the approved scheme. The previous applications acknowledge that the neighbour at no.4 will clearly see the bulk of the house in plot 8, but given its low ridge height, its position and with no habitable room windows directly overlooking, there is no unacceptable adverse impact on this neighbour from the proposals.
- 4.3.3 Regarding the change in the design of the dwellings, the extant scheme proposed a contemporary appearance and this scheme is more traditional, with the use of buff brick and timber cladding. This will be complementary to the wider locality, and can be considered to be in keeping with the design aspirations of Local Plan Policy D1 and is unobjectionable on this basis. It is noted that the houses will now appear slightly closer together due to the increased size of the footprints of the houses, but there is still acceptable amounts of spacing around the dwellings.
- 4.3.4 There is no objection to the parking provision, road layout, garden sizes, landscape area in the north-east corner or the proposed new tree planting, all of which is consistent with the approved scheme.

4.4 **Conclusion**

- 4.4.1 No objection is raised to the application which is considered to comply with the aims of Local Plan Policies SP1, SP9, D1, D3, NE2, NE4 and T2. The application is therefore recommended for conditional permission.
- 4.4.2 As this is a S73 application the requirements of the national 10% BNG are not applicable.

4.5 **Alternative Options**

- 4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

- 4.6.1 The conditions are the same as those approved on application 23/02650/FP although the highways conditions have been amended to reflect the new plan numbers or a plan number has been deleted where there is not a new plan number to state.

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 permission 23/02650/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. 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 and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Details and/or samples of all hard surfacing materials to be used in the development 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 and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

5. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

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.

6. Before the commencement of any other works on the site, trees 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 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. 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 to be retained on the site in the interests of 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.

7. Before any development commences on site landscape details are to be submitted to and approved in writing by the LPA. The details must be implemented on site in the first planting season following the substantial completion of the development hereby permitted. The details shall include:
- a) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting. The 18 new trees are to be semi-mature and native species;
 - b) the location and type of any new walls, fences or other means of enclosure;
 - c) 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.

8. No gate(s) shall be erected across the access to the site for the life of the development without prior written consent from the Council first being obtained.

Reason: In the interests of highway safety so that vehicles are not forced to wait in the carriageway while the gates are being opened or closed.

9. Prior to the first occupation of the development hereby permitted all internal vehicular access roads (5.5m wide), footways and parking areas shall be provided and thereafter retained at the position as shown on the drawing number 301.A3 PL05. Arrangement shall be made for surface water drainage 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).

10. Prior to the first occupation of the development hereby permitted the a pedestrian crossing with tactile provision onto Turnpike Lane, shall be provided. These works shall be constructed to the specification and satisfaction of the Highway Authority in consultation with the Local Planning Authority and shall be secured and undertaken as part of the S278 works.

Reason: To ensure satisfactory pedestrian access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall always be maintained free from any obstruction between 600mm and 2.0 metres above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles

is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements;
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

13. Prior to the first occupation of the development hereby permitted, each dwelling shall have installed one electric vehicle charging point that is ready for use by the occupier, which shall be maintained and retained for the life of the development.

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.

14. Prior to the first occupation of the development hereby permitted, secure cycle storage is to be provided in the rear gardens of plots 2, 3, 4, 5, 6 and 7.

Reason: To comply with the requirements of the Vehicle Parking SPD.

15. Prior to the first occupation of the development hereby permitted, bin stores are to be provided in the side / rear garden of all the houses. The details of the bin stores are to be submitted and agreed in writing with the LPA and only the approved details are to be installed on site.

Reason: To prevent bins from being stored in the frontage of the houses in

accordance with LP Policies D1 and D3.

16. Prior to the commencement of development the details of an ecology scheme are to be submitted to and approved in writing by the LPA and the agreed measures are to be implemented on site prior to the first occupation. The measures are to include:

- the provision of bird bricks / boxes;
- the provision of bat tubes / boxes;
- insect and bee bricks / habitats;
- the creation of a 'hedgehog highway' across the site;
- LED down lights not focused at any trees

Reason: To protect bio-diversity on the site in accordance with LP Policy NE4

17. Prior to the first occupation of the development hereby permitted, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the LPA. Before any details are submitted to the LPA an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the LPA. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and,
- iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent surface water flooding. LP Policy NE8.

18. 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 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

19. In the event that contamination not identified in the ground investigations to date is found at any time when carrying out the approved development, it shall be

reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

20. Prior to the first occupation of the first dwelling a scheme of sustainability measures for all the dwellings is to be submitted to, and approved in writing by, the Local Planning Authority and be implemented on site.

Reason: To address the climate emergency in accordance with Local Plan Policy D1

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. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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. HIGHWAYS INFORMATIVES:

1. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorized to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roadsandpavements/business-and-developerinformation/developmentmanagement/highways-development-management.aspx> or by telephoning 0300 1234047.

2. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roadsandpavements/business-and-developer-information/businesslicences/businesslicences.aspx> or by telephoning 0300 1234047.

3. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roadsandpavements/business-and-developerinformation/developmentmanagement/highways-development-management.aspx>

4. 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.

2. ENVIRONMENTAL HEALTH INFORMATIVES:

1. 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.

2. 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.

3. EV CHARGING POINT SPECIFICATION:

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>

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 9 September 2024	