

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00633/S73	Removal of point 2 of condition 9 of planning permission 22/00516/FP granted 18.09.2023 for erection of nine detached dwellings (2 x 3-bed, 1 x 4-bed and 6 x 5-bed) including garaging, parking, landscaping and creation of vehicular access off Gray's Lane.	Land To The West Of Lucas Lane And East Of Headlands Grays Lane Hitchin Hertfordshire SG5 2HR

Submitted Plan Nos

112-PS-001 A Location Plan 251029_C-2100_P01 251029_C-2101_P01 251029_C-2400_P01
251029_C-2401_P01 251029_C-2402_P01

1.0 Policies

2.0 **Site History**

- 2.1 **22/00516/FP** - Erection of nine detached dwellings (2 x 3-bed, 1 x 4-bed and 6 x 5-bed) including garaging, parking, landscaping and creation of vehicular access off Gray's Lane.

Conditional Permission

3.0 **Representations**

- 3.1 **Local Lead Flood Authority** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is an allocated housing site under Policy HT5 which has recently seen planning permission granted for 9 dwellings under the aforementioned reference number.

4.2 **Proposal**

- 4.2.1 The application proposes the removal of point 2 of condition 9 of planning permission 22/00516/FP granted 18.09.2023 for erection of nine detached dwellings (2 x 3-bed, 1 x 4-bed and 6 x 5-bed) including garaging, parking, landscaping and creation of vehicular access off Gray's Lane.

4.3 **Key Issues**

- 4.3.1 The principle of these works is already established by application 22/00516/FP. Therefore, the consideration of this application is how acceptable the proposed amendments to the scheme are relative to that which was approved.

Drainage Condition

- 4.3.2 Planning permission was granted on 18th September 2023 for 9 dwellings under planning ref: 22/00516/FP, subject to several conditions including condition 9, which reads as follows (bold added for emphasis):

“9. No above ground construction works shall commence until the final design of the

drainage scheme is completed and sent to the LPA for approval. The scheme shall be based on the approved Flood Risk Assessment and Drainage Strategy. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.

2. Provision of half drain down times within 24 hours

3. Provision of above ground features as such permeable paving in areas of hardstanding.

4. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.

5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

4.3.3 This Section 73 application seeks to remove point 2 of condition 9, as the applicant has taken advice from their drainage engineer who has stated that it will not be possible to achieve point 2 of the condition. Upon further assessment, it appears as though the LLFA were consulted on the original application for 9 dwellings but did not formally respond as they did not have capacity to do so, such that the case officer sought to borrow the wording of a drainage related condition from another application.

4.3.4 Overall, seeing as the applicants drainage engineer has advised them that part 2 of condition 9 is not possible to achieve on site, and in the absence of a formal response from the LLFA, it is considered that the remaining parts of the condition are acceptable and the omission of part 2 is acceptable in this instance.

4.4 Conclusion

4.4.1 The proposal is considered acceptable in planning terms.

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 22/00516/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 approved details of external materials under application reference 25/00770/DOC to be used on all external elevations and the roof of the development hereby permitted shall be carried out in accordance with those details, unless otherwise agreed in writing by the Local Planning Authority.

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

4. Prior to use, the gradient of the main vehicular access road shall be constructed not be steeper than 1 in 20.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 5, of Hertfordshire's Local Transport Plan 4

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

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

6. The Construction Management Plan approved under application reference 24/02903/DOC for the development hereby permitted shall be carried out in accordance with those details, unless otherwise agreed in writing by the Local Planning Authority. The full wording of the condition reads as follows:

No development shall commence until a Construction 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 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;
- k. Impacts to the public rights of way and diversions if required.

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).

7. The details with respect to Land Contamination are being dealt with under planning reference number 24/02901/DOC. Part (a), (b) and (c) have already been approved, therefore the remaining required parts (d) as stated below must be considered if any contamination is found.

(a) 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

(b) 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 (a), above; has been submitted to and approved by the Local Planning Authority.

(c) 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 (b) 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.

(d) Any contamination, other than that reported by virtue of condition (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.

8. Prior to the commencement of any landscaping works, a Biodiversity and Landscape Management Plan (Landscape Ecological Management Plan) which details how the ecological units shown in the approved biodiversity metric will be delivered as the part of the development shall be submitted to and approved in writing by the Local Planning Authority. It should address the aspirations of NPPF in achieving overall net gain for biodiversity, along with details on how it is planned to incorporate biodiversity as part of the development scheme, how the habitats within the site boundary will be managed to maintain long term biodiversity objectives, and if possible, who will have the management responsibilities. As such the plan shall include the following:

- a) aims and objectives of management;
- b) location, area and species composition of the habitats shown within the approved metric to be retained, enhanced and created; (which may include the area offsite to the north)
- c) appropriate management options for achieving target condition for habitats, as described in the approved metric;
- d) prescriptions for management actions, only definitive measures are acceptable;
- e) preparation of a work schedule capable of being rolled forward in perpetuity), clearly marked on plan; and
- f) ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
- g) Details and number of integrated swift boxes and integrated bat boxes (make, model and location), and hedgehog highways.
- h) the body or organisation responsible for implementation of the Plan and monitoring and remedial measures of the Plan. The plan shall be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter.

Reason: To ensure that the agreed landscaping and biodiversity gains are delivered and maintained in the interests of local biodiversity, ecology and the visual amenity of the site.

9. The development hereby permitted shall be carried out in accordance with the submitted Drainage Strategy under application ref: 25/00633/S73. The strategy has been designed to comply with the following:

1. Detailed engineered drawings of the proposed SuDS features including their,

location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.

3. Provision of above ground features as such permeable paving in areas of hardstanding.

4. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.

5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

10. The Energy and Sustainability Statement approved under application reference 25/00769/DOC for the development hereby permitted shall be carried out in accordance with those details, unless otherwise agreed in writing by the Local Planning Authority. The full wording of the condition reads as follows:

Prior to above ground construction works being commenced, an energy and sustainability statement shall be submitted to and approved in writing by the LPA. All measures shall be implemented and thereafter retained in accordance with the approved statement.

Reason: To ensure that the development is energy efficient and minimises energy use.

11. The Archaeological Trial Trench Evaluation that was submitted to and approved by the local planning authority in writing under planning reference number no. 25/00675/DOC has been carried out with no significant archaeological remains identified. No further action required as parts 11 A, Parts 2-6, 11 B and 11 C are approved.

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the

programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To ensure that the appropriate site investigation relating to potential archaeological remains are investigated on this site prior to the implementation of the planning permission.

12. 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.

13. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

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

14. No development above ground shall take place before a scheme of landscaping, in general accordance with the submitted Illustrative Landscape Masterplan (Drawing No. GUA-DR-L-002 P03) has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of the development hereby approved. Any trees, shrubs or plants that die within a period of five years from the completion the development or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the area and to comply with Policies NE2 and NE4 of the North Hertfordshire Local Plan 2011 - 2031.

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, E and F 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 and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

16. No dwelling shall be occupied until a scheme setting out details of all on-site household refuse and recycling storage and collection facilities (and including details of any enclosures or screening) to serve each dwelling have been submitted to and approved in writing by the local planning authority. The scheme shall also include arrangements for management of any other waste generated by the development. All such facilities shall be provided in accordance with the approved details prior to the first occupation of the dwellings to which the facilities relate and shall be maintained and retained thereafter.

Reason: To facilitate refuse and recycling collection. To protect the amenities of nearby residents and occupiers in the interests of visual amenity and to comply with Policies D1 and D3 of the North Hertfordshire Local Plan 2011-2031."

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 Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 15 May 2025	