

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01959/S73	Variation of Condition 2 (submission of revised block plan) of planning permission 23/01154/FP granted 22.08.2024 for erection of four bed detached dwelling following demolition of existing dwelling	Chez Nous Harveys Hill Lane Luffenhall Stevenage Hertfordshire SG2 7PX

Submitted Plan Nos

Location plan Block plan

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
D4	Air quality
NE2	Landscape
NE4	Biodiversity and geological sites
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
SECN15	Conserve + enhance natural environment
SECN9	Promoting sustainable transport

SP11	Natural resources and sustainability
SP12	Green infrastructure, landscape and biod
SP5	Countryside and Green Belt
SP6	Sustainable transport
SP9	Design and Sustainability
T2	Parking
T1	Assessment of transport matters

2.0 **Relevant Site History**

- 2.1 23/01154/FP - Erection of one detached 4-bed dwelling following demolition of existing dwelling (amended by plan received 30/11/23) – Approved 22/08/24.

3.0 **Representations**

- 3.1 **Herts Ecology** – We have previously responded to this application (or another associated with it) and as there are no material changes that would warrant amended comments in this case, our previous advice still stands.

- 3.2 **Archaeology** – No comments to make.

- 3.3 **Highways Officer** – Does not wish to restrict the grant of permission.

- 3.4 **NHC Environmental Health** – No objections.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is occupied by a single storey building with a pitched roof, some outbuildings, and other ancillary residential items. The main building is boarded up and in a poor state of repair, and does not appear to have been in use for some time. The use is stated on the application form as residential, which appears likely given its appearance. Ground levels slope up to the rear of the site. The site boundaries are largely comprised of trees and vegetation. Land within the site to the south of the building has been cleared of low-lying vegetation.
- 4.1.2 The site is in the Rural Area beyond the Green Belt. Priors to the south is Grade II listed. The locality has a rural wooded character, with a small number of dwellings nearby.

4.2 **Proposal**

- 4.2.1 This application seeks to vary Condition 2 (approved plans) of previous permission 23/01154/FP, by:
- ☐ Re-siting the dwelling further to the north-east.
 - ☐ Re-siting the parking area/driveway to be near the NE and north boundaries of the site.

4.3 **Key Issues**

- 4.3.1 The key material considerations relating to the proposed amendments are principle and character and appearance, neighbour amenity, parking and highways, and trees and landscaping and ecology.

Principle and Character and appearance

- 4.3.2 The site is in the Rural Area beyond the Green Belt (RA), with adopted Local Plan Policies SP5, CGB1 and CGB4 relevant to the original approval and this S73 application. The S73 application would retain the size and design of the dwelling originally approved, but proposes to re-site it to the NE such that it would be closer to the front of the site.
- 4.3.3 The proposed amended siting would overlap the approved siting, and would be on a lower part of the site. The impacts on the RA are considered to be comparable to the dwelling originally approved, as its proposed re-siting would be close to that originally approved. The re-sited and re-designed hardstanding would be less visible in the RA as it would now be near the NE and north site boundaries and would be more obscured by trees and vegetation than the hardstanding originally approved.
- 4.3.4 Due to the above, the proposed changes to the siting of the dwelling are considered comparable to the originally approved dwelling's impacts on the character and appearance of the site and locality. The proposed amended hardstanding is considered to result in less impacts on the character and appearance of the site and locality as it will be in a more discrete location. The principle and design are acceptable. The proposal complies with Policies SP5, CGB1, CGB4, D1 and D2 of the Local Plan, and Section 12 of the NPPF.

Impacts on Neighbouring Properties:

- 4.3.5 The proposed amended siting of the dwelling will be close to that originally approved, which is relatively far from the closest dwellings and substantially obscured by trees and vegetation, and will not harm amenity. The proposed re-sited hardstanding will also be substantially obscured by trees and vegetation, and will not harm amenity. Impacts on amenity are therefore acceptable, and the proposal complies with Policy D3 of the Local Plan.

Parking and highways

- 4.3.6 The proposed amendments will not affect the site access and does not raise any public highways concerns, with the highways officer not objecting. Bin storage will be similar to that originally approved and is acceptable. Minimum parking standards for two cars will be complied with, including sufficient manoeuvring space. The proposal is considered to comply with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Trees and landscaping and ecology

- 4.3.7 The proposed re-sited dwelling will be similar to that originally approved and a similar distance from trees to the south, and will not result in greater impacts than the original approval. The re-sited area of hardstanding will be in an open grassed area of the site and will not be considered to affect trees. Landscaping in the site and ecological impacts are considered similar to the original approval and are acceptable. The proposal therefore complies with Policies NE2 and NE4 of the Local Plan.

4.4 **Conclusion**

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

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 23/01154/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. 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. To comply with Policy D4 of the Local Plan.

5. Prior to the commencement of the approved development, the following landscape details shall be submitted and shall include the following:

a) which, if any, of the existing trees and vegetation inside and adjoining the site 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, any hardscaping proposed, and any other site furniture.

d) the provision of one covered cycle parking space for the dwelling and its location and external appearance.

Landscaping shall be implemented in accordance with the approved details.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development. To comply with Policy D1 of the Local Plan.

6. 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.

7. Any contamination 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. To comply with Policy NE11 of the Local Plan.

8. No development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access, driveway gradient and associated highway works concerning the visibility splays in both directions of the vehicle access in accordance with the hereby approved plans (drawing no. 8-23-8 rev A). These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before occupation of any part of the development. 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 footway is safe, suitable, and sustainable for all highway users 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 2. To comply with Policy T1 of the Local Plan.

9. Prior to the first occupation/use of the development hereby permitted the vehicular access, visibility splays, etc shall be installed in accordance with the approved detailed technical plans and thereafter retained and maintained at all times at the position shown.

Reason: To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.

10. Prior to the occupation of the development, the Biodiversity Enhancement Opportunities set out in Table 6 of the submitted Preliminary Roost Assessment (date 12/10/23), and the Recommendations and Enhancements in the Bat Emergence and Re-Entry Surveys Report (date 30/07/24) submitted with planning application 23/01154/FP, shall be fully implemented and retained thereafter.

Reason: To provide compensatory habitats and biodiversity enhancements. To comply with Policy NE4 of the Local Plan.

11. Prior to the commencement of the development (excluding demolition), details shall be provided demonstrating that a biodiversity net gain shall be provided within the site. The development shall then be completed in accordance with the approved details.

Reason: To provide biodiversity net gain. To comply with Policy NE4 of the Local Plan.

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. The Council acted proactively through early engagement with the applicant at the pre-application stage 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:

If European Protected Species (EPS) including bats and great crested newts, or evidence of 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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 22 October 2024	