

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02642/S73	Variation of Condition Number 11 of planning permission 24/00386/FP granted on 20.12.2024 for Erection of one detached 5-bed dwelling, garage and associated parking, access and amenity land.	Langham Church Lane Barkway Hertfordshire SG8 8EJ

Submitted Plan Nos

Location Plan

1.0 Policies

2.0 **Site History**

- 2.1 **24/00386/FP** - Erection of one detached 5-bed dwelling, garage and associated parking, access and amenity land.

Conditional Permission

- 2.2 **23/01488/FP** - Erection of one detached 3-bed dwelling and associated parking.

Conditional Permission

- 2.3 **19/02985/FP** - Erection of one detached 3-bed dwelling.

Conditional Permission

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – None received
- 3.2 **Hertfordshire Highways** – None received.
- 3.3 **Environmental Health** – No objections.
- 3.4 **Councils Senior Ecologist** – *“Having read the submitted information I am content for condition 11 to be varied as proposed”.*
- 3.5 **Hertfordshire Archaeology** – No comments.
- 3.6 **Barkway Parish Council** – No objections.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is currently the garden of the donor property ‘Langham’ at the end of Church Lane. The site is very large and benefits from a main access to the donor property and a second gated access to the area where the dwelling is proposed. The site is within the Conservation Area and the Rural Beyond the Green Belt

4.2 **Proposal**

- 4.2.1 The application proposes the variation of Condition 11 of planning permission 24/00386/FP granted on 20.12.2024 for Erection of one detached 5-bed dwelling, garage and associated parking, access and amenity land.
- 4.2.2 Condition 11 covers a Great Crested Newt License from Natural England prior to commencement, and reads as follows:

“No works are in any circumstances to commence unless the local planning authority has been provided with evidence that a licence has been issued by Natural England authorizing the specified activity/development to go ahead.

Reason: To ensure that works do not result in adverse impacts to protected species in line with Policy NE4 of the Local Plan”.

- 4.2.3 Further GCN testing has been undertaken in in May 2025 following the current planning approval of the two ponds immediately adjacent to the proposed construction footprint, which returned a nil response for the presence of GCNs. At this time, follow up eDNA samples were also taken from relevant ponds within the potential zone of influence. It is therefore submitted that there is no requirement for a GCN license from Natural England and instead, a Precautionary Method Statement condition should be enforced instead. Proposed wording of such a condition has been submitted as is as follows:

“No works are in any circumstances to commence until a Precautionary Method of Working Statement (Ecology) for protected species, specifically GCNs, has been submitted to and approved in writing by the Local Planning Authority. This approved method statement shall be implemented for the duration of the development.

Reason: To ensure that works do not result in adverse impacts to protected species in line with Policy NE4 of the Local Plan”.

4.3 **Key Issues**

- 4.3.1 The principle of these works is already established by application ref: 24/00386/FP. Therefore, the consideration of this application is how acceptable the proposed variation of Condition 11 is in respect of Great Crested Newts.
- 4.3.2 The Councils Senior Ecologist has provided informal advice to the applicant and their ecological consultant prior to the submission of this application. The view is that, in light of the further GCN testing that has taken place near the site which has resulted in no positive results for GCN presence, the original wording of Condition 11 is onerous as a license from Natural England is deemed to no longer be required. The Councils Senior Ecologist has considered this and has formally responded with no objection to the proposed wording of Condition 11 to instead comprise a precautionary method statement to be submitted to and approved in writing prior to the commencement of development. This is considered reasonable and in accordance with Policy NE4 of the Local Plan.
- 4.3.3 There are no other material changes to the proposal; therefore, it is not necessary to consider the remaining relevant matters in this report as these have been considered in full under the previous application approved under ref: 24/00386/FP.

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 The applicant is in agreement to the proposed revised pre-commencement condition.

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 24/00386/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. 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 and the Conservation Area and to comply with Policy D1, D3 and HE1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Concurrent with the modification of the existing access, visibility splays of 2.4 metres x 43 metres should be provided in both directions onto Church Lane as shown on the

drawing (Ref21934_sk102A) and permanently maintained as such, within which there should be no obstruction to visibility between 600mm and 2 m above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site.

5. The development hereby permitted shall be carried out in accordance with the details set out in the Construction Management Plan (ref: 22127_109), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation submitted and agreed as part of the application details. 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 as and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record.

7. Prior to occupation, the proposed development 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 of the operational phase of the development on local air quality

8. Prior to commencement of the development (including ground works and vegetation clearance), a Biodiversity Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme to achieve net gain. The plan shall include details and location of replacement tree planting and enhancement measures, such as habitat boxes or structures for protected species to be installed, and pond management for biodiversity. The plan shall be submitted to the LPA for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the LPA.

Reason: To demonstrate the expectations of NPPF in achieving overall net gain for biodiversity have been met in accordance with national and local policies.

9. 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.

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.

10. The dwelling 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

11. No works are in any circumstances to commence until a Precautionary Method of Working Statement (Ecology) for protected species, specifically GCNs, has been submitted to and approved in writing by the Local Planning Authority. This approved method statement shall be implemented for the duration of the development.

Reason: To ensure that works do not result in adverse impacts to protected species in line with Policy NE4 of the Local Plan

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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 27 November 2025	