

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00101/S73	Variation of condition 2 (revised plans) and condition 10 (landscaping) of planning permission 22/03299/FP granted 14.04.2023 for Erection of 4 detached dwellings (2 x 3-bed and 2 x 4-bed) including parking, landscaping and creation of vehicular access off Ashwell Common (as amended by plans received 6th April 2023 and 12th April 2023). (Development has commenced).	Land Rear Of Gothic House Oak Lane Graveley Hertfordshire

Submitted Plan Nos

Site Location Plan 23-03-05-A 23-03-09-A

1.0 Policies

T1 Assessment of transport matters

2.0 **Site History**

2.1 Various site history, relevant applications are as follows:

2.2 **24/01775/S73** - Variation of condition 8 (composite windows) of planning permission 22/03299/FP granted 14.04.2023 for erection of 4 detached dwellings (2 x 3-bed and 2 x 4-bed) including parking, landscaping and creation of vehicular access off Ashwell Common (as amended by plans received 6th April 2023 and 12th April 2023).

Conditional Permission

2.3 **24/01119/NMA** - Removal of chimneys; variation of fenestration to all plots; addition of brick stingers to plots 2 & 3 and change of design to dormers (as non-material amendment to planning application reference 22/03299/FP granted on 14.04.2023).

Agreed

2.4 **22/03299/FP** - Erection of 4 detached dwellings (2 x 3-bed and 2 x 4-bed) including parking, landscaping and creation of vehicular access off Ashwell Common (as amended by plans received 6th April 2023 and 12th April 2023).

Conditional Permission

2.5 Various DOC applications approved relating to the original conditions on the above application.

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – None received.

3.2 **Hertfordshire Highways** – *“Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission*

Accordingly, the proposed amendments to the crossing location and the removal of the path widening element are supported, and the variations sought under Section 73 are considered acceptable”.

3.3 **Graveley Parish Council** – No objection but requested clarity on who’s responsibility it will be to keep the vegetation trimmed back.

4.0 **Planning Considerations**

Site and Surroundings

4.1.1 The application site is an area of the extended rear garden at Gothic House, Graveley. The site benefits from an existing access onto Ashwell Common and a long frontage to that road and Oak Lane. The topography of the site increases from east, where the host dwelling Gothic House is situated, to west, where the site faces Ashwell Common. The

site has a number of mature trees/hedgerows on its boundaries and a sizable Sycamore tree in its centre. The site is located within the settlement boundary of Graveley and Conservation Area. A development of 4NO detached dwellings and associated development has commenced on site.

4.2 **Proposal**

- 4.2.1 The application proposes the variation of condition 2 (revised plans) and condition 10 (landscaping) of planning permission 22/03299/FP granted 14.04.2023 for Erection of 4 detached dwellings (2 x 3-bed and 2 x 4-bed) including parking, landscaping and creation of vehicular access off Ashwell Common (as amended by plans received 6th April 2023 and 12th April 2023). (Development has commenced).
- 4.2.2 For the avoidance of doubt, the changes proposed under this Section 73 application are changes to the site access and pedestrian footway layout. The approved access as per the site layout plan and associated landscaping plan as permitted under application ref: 22/03299/FP are proposed to be amended, following Section 278 discussions with the Hertfordshire Highway Authority.

4.3 **Key Issues**

- 4.3.1 The principle of these works is already established by application ref: 22/03299/FP. Therefore, the consideration of this application is how acceptable the proposed amendments to the scheme are relative to that which was approved.

Highways and Access

- 4.3.2 Following the original grant of planning permission under ref: 22/03299/FP, it would appear that there has been concerns raised by the Highway Authority during Section 278 discussions regarding the access arrangements, particularly the proposed uncontrolled pedestrian crossing on the north side of the access and the intention to widen the footway, which was not under the Local Authority ownership, limiting its feasibility. These concerns have been discussed with the Highway Authority, the developer, and the LPA, with a possible way forward reached which is to be formalised through this application to align with the associated Section 278 agreement.
- 4.3.3 In the revised proposal, it is proposed that the pedestrian crossing be relocated to the south side of the entrance to the site to improve accessibility and flow. Additionally, the vegetation along the section where the path previously narrowed has been cut back, resulting in a width greater than that specified in the original condition. Therefore, it is proposed that the requirement concerning the path width be removed, as it is no longer applicable.
- 4.3.4 The Highway Authority have been consulted on this application as it directly affects and has been influenced by them, and they have responded formally as follows:

“It is noted that, during the Section 278 process, the Highways Officer raised valid concerns regarding both the location of the previously proposed uncontrolled crossing and the feasibility of widening the footpath, given that the relevant land is not within local

authority ownership. The explanation provided confirms that this constraint prevents delivery of the originally conditioned path widening works.

The revised proposal to relocate the uncontrolled crossing to the opposite side of the site entrance is considered reasonable and is supported, as it would maintain safe pedestrian movement and improve accessibility and flow in accordance with highway safety objectives.

Furthermore, it is observed that vegetation along the section of footway previously identified as narrow has now been cut back, resulting in a width that exceeds the minimum specification required at the time the original condition was imposed. On this basis, the rationale for removing the requirement relating to additional widening is accepted.

Accordingly, the proposed amendments to the crossing location and the removal of the path widening element are supported, and the variations sought under Section 73 are considered acceptable”.

- 4.3.5 As such, seeing as the Highway Authority are satisfied with the revised access and pedestrian crossing arrangement, it is considered acceptable and will ensure a safe access for users. This would accord with Policy T1 of the Local Plan.

Biodiversity Net Gain/Landscaping

- 4.3.6 This proposal is exempt from BNG as it is a section 73 application.
- 4.3.7 As a result of the above matters regarding the access and pedestrian crossing, there are some modest changes to the landscaping scheme approved and covered by the original condition 10. These changes are considered acceptable in planning terms.

4.4 **Conclusion**

- 4.4.1 The proposal is considered acceptable in planning terms and in accordance with the relevant local and national planning policies.

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 22/03299/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 details with respect to Land Contamination are being dealt with under planning reference number 24/01636/DOC. Parts (a), (b), (c) and (d) have already been approved under this application and therefore, the remaining required part (e) below is of note:

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

4. The details with respect to Waste Storage have been approved under planning reference number 24/01703/DOC. The conditions reads as follows:

Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason - To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

5. The details with respect to Refuse Collection have been approved under planning reference number 24/01704/DOC. The conditions reads as follows:

No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason - To facilitate refuse and recycling collections.

6. The details with respect to Brick Details have been approved under planning reference number 24/01284/DOC. The conditions reads as follows:

Details or sample of the facing bricks for all four units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The development shall be undertaken in accordance with the approved brick type.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. The details with respect to Roof Details have been approved under planning reference number 24/01315/DOC. The conditions reads as follows:

Details or sample of the roof materials for all four units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The development shall be undertaken in accordance with the approved roof materials.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. All new windows and doors shall be manufactured in composite from The Residence Collection and the windows shall receive flush casements with trickle vents as indicated (entire width of window and well concealed) and a mechanical joint as submitted as part of this application under ref: 24/01775/S73, unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. The details with respect to Dormer Window Details have been approved under planning reference number 24/02387/DOC. The conditions reads as follows:

Metric scale drawings of the new dormer windows (either 1:5 or 1:10 scale) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Thereafter, the dormer windows shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. 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.

11. All new rainwater goods shall be black cast-iron effect unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. Each of the dwellings 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

13. The window at first floor level on the rear elevation of Unit 3 on the development hereby permitted shall be permanently glazed with obscure glass and non-opening below 1.7m above first floor level.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling, Hillsbank.

14. 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, D 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.

15. Prior to occupation, each of the proposed 4 new dwellings 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.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 3 March 2026	