

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01843/S73	Section 73 Application Variation to conditions 2, 3, 5, 6, 8, 9, 10, 12 (amended design) of planning permission 23/01392/FP granted 16/02/2024 for erection of four detached 4-bed dwellings, including parking, landscaping and creation of vehicular access off Turf Lane (as amended by plans received 22nd/23rd January 2026).	Land Rear Of 33 High Street Graveley Hertfordshire SG4 7LA

Submitted Plan Nos

24295_PL02 24295_PL04 24295_PL11_Plot 1-2 24295_PL12_Plot 1-2 24295_PL13_Plot 1-2
24295_PL17 24295_PL01 24295_PL03 A 24295_PL14_A Plot 3-4 24295_PL15_A Plot 3-4
24295_PL16_A Plot 3-4 AMENDED 24295_PL18_A Plot 4

1.0 Policies

SP9	Design and Sustainability
D1	Sustainable design
D3	Protecting living conditions
T1	Assessment of transport matters
T2	Parking
NE4	Biodiversity and geological sites
SECN12	Achieving well-designed places

2.0 Site History

2.1 **24/00715/DOC** - Details reserved by condition 12 (Construction Environmental Management Plan) of planning permission reference no 23/01392/FP granted 16.02.2024.

Agreed

2.2 **24/00714/DOC** - Details reserved by condition 9 (Archaeological Written Scheme of Investigation) of planning permission reference no 23/01392/FP granted 16.02.2024.

Agreed

- 2.3 **24/00658/DOC** - Details reserved by condition 8 (Preliminary Environmental Risk Assessment Phase I) of planning permission reference no 23/01392/FP granted 16.02.2024.

Agreed

- 2.4 **23/01392/FP** - Erection of four detached 4-bed dwellings, including parking, landscaping and creation of vehicular access off Turf Lane (as amended by plans received 21/08/2023).

Conditional Permission

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – Comments received from 14 and 22 Oak Lane and 31 High Street, objecting to the application for the following reasons (summary):

- Application does not address the issue of access into the site via Turf Lane, given the narrow road width and popular public right of way adjacent to the site entrance.
- One of the homes will overlook the rear of properties on Oak Lane and block their light.
- Many of the original issues have not been resolved.
- Details in the submitted CMP relating to Oak Lane being used by construction vehicles and hours of operation should be reconsidered.
- The increased size and amended form of Plot 4 will overlook and block light to No.22 Oak Lane.
- Access to the houses on Turf Lane and the garages should never be blocked.

- 3.2 **Hertfordshire Highways** – No objection to the application following revised submissions concerning the submitted CMP and subject to an informative that the developer shall enter into a S278 Minor Works License or full S278 Agreement prior to commencement.

- 3.3 **Environmental Health** – No objections to the proposals.

- 3.4 Note: no other consultees provided formal comments.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is located to the rear of No. 33 High Street, Graveley within an area of land that formed part of the rear garden to that property but is currently separate from the residential garden in use by No. 33. The application site falls within the Graveley village boundary and is not within the Green Belt. The site backs on to properties along Oak Lane and Turf Lane. These properties are a mixture of single storey terraced bungalows and two storey terraced dwellings. To the west of the application site is the village edge and agricultural land. A bridleway runs along the western boundary of the application site linking Turn Lane to Graveley Lane.

4.2 **Proposal**

- 4.2.1 The application proposes the variation of Conditions 2, 3, 5, 6, 8, 9, 10, 12 (amended design) of planning permission 23/01392/FP granted 16/02/2024 for erection of four detached 4-bed dwellings, including parking, landscaping and creation of vehicular access off Turf Lane (as amended by plans received 22nd/23rd January 2026).
- 4.2.2 For the avoidance of doubt, the changes proposed under this Section 73 application are changes to the site layout and appearance of the dwellings, particularly Plot 4. The site layout is fundamentally the same, but the dwelling footprints will increase in depth, and the dwellings will be slightly re-sited, with changes to the external elevations in terms of materiality and general appearance/finish. Plot 4, which is closest to the rear boundary of 20/22 Oak Lane, has been further amended through consultation with the agent to retain the hipped roof on the side elevation and switch the two-storey rear element to the northern side, with the single storey element now closest to the shared boundary. The access will remain the same, but the parking layout is proposed to be amended by moving 2 of the parking spaces for Plots 1 and 2 to the rear to be located under a flat roof car port for each dwelling.
- 4.2.3 The proposed variation to conditions, some of which are pre-commencement (PC), relate to the following matters which will be addressed where appropriate in this report:

Condition 2 – Approved Plans

Condition 3 – Details of External Materials (PC)

Condition 5 – Construction Traffic Management Plan (PC)

Condition 6 – Electric Vehicle Charging Points (PC)

Condition 8 – Environmental Risk Assessment (PC)

Condition 9 – Archaeological Written Scheme of Investigation (PC)

Condition 10 – Landscaping Plan Details (PC)

Condition 12 – Construction Environmental Management Plan (PC)

4.3 **Key Issues**

- 4.3.1 The principle of these works is already established by application ref: 23/01392/FP. Therefore, the consideration of this application is how acceptable the proposed amendments to the scheme are relative to that which was approved.

Design

- 4.3.2 Policy SP9 and D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. These considerations are echoed in Section 12 of the NPPF.
- 4.3.3 As indicated above, the proposed changes to this scheme relate to alterations to the site layout and appearance of all four dwellings. The site layout is fundamentally the same, but the dwelling footprints will increase in depth and incorporate two-storey rear elements, and the dwellings will be slightly re-sited, with changes to the external elevations in terms of materiality and general appearance/finish. The proposed materials are submitted on plan, where the dwellings will be finished in red/brown blend brick and stone with cedar cladding to the walls, composite slate interlocking tiles to the roof, and anthracite grey uPVC windows/doors. Plot 4, which is closest to the rear boundary of 20/22 Oak Lane, has been further amended through consultation with the agent to retain

the hipped roof on the side elevation and switch the two-storey rear element to the northern side, with the single storey element now closest to the shared boundary. The access will remain the same, but the parking layout is proposed to be amended by moving 2 of the parking spaces for Plots 1 and 2 to the rear to be located under a flat roof car port for each dwelling.

- 4.3.4 Overall, it is considered that the proposed changes to the site layout and external appearance of the four dwellings is acceptable in planning terms. The layout itself remains largely unchanged with regard to the access and internal spine road. Whilst the units are larger than previously approved, the site can accommodate the increase in scale generally and retain comfortable plot sizes. The proposed materials are acceptable and will respond well to the site's local context. The changes sought by Officers to Plot 4, in the interest of reducing bulk and massing on the shared boundary with No's 20/22 Oak Lane, is considered acceptable and may actually have a lesser impact compared to the previously approved scheme. The proposed parking car ports are considered acceptable in design terms. The proposed variations to Conditions 2 and 3 are therefore deemed acceptable.
- 4.3.5 The proposal is therefore deemed acceptable in design terms and in accordance with Policy SP9 and D1 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbours

- 4.3.6 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.7 Interested parties have provided representations for this application, citing a number of concerns. In this respect, concerns are raised relating to the increased size and amended form of Plot 4 which will overlook and block light to No's 20-22 Oak Lane. The proposed changes to the sites layout are largely minor and will not result in any harm to neighbours when compared to that approved under the host permission. In relation to Plot 4 however, Officers have noted the concerns of interested parties and have sought further design amendments with the agent. Plot 4, which is closest to the rear boundary of 20/22 Oak Lane, has been further amended retain the hipped roof on the side elevation and switch the two-storey rear element from the southern side closest to the boundary with these neighbours to the northern side, with the single storey element now closest to the shared boundary instead. Plot 4 as approved under the host permission measured approx. 12.2m deep on its side elevation at two-storey, with eaves at approx. 5.4m and a ridge height at 8.3m. The proposed amendments to Plot 4 see the depth of the side elevation at two-storey measures approx. 9.2m, with single-storey additions to the front and rear, and with eaves at approx. 5.0m and ridge at 7.9m. Therefore, it is further considered that the proposed changes to Plot 4 may actually have a lesser impact compared to the previously approved scheme, in relation to overdominance. In terms of loss of light, Plot 4 is due north of the properties on Oak Lane so there will not be any unacceptable loss of daylight/sunlight due to this orientation. In respect of overlooking, due to the changes to Plot 4 which has altered its internal configuration, there are no side facing windows at first floor facing Oak Lane and those rear facing windows are such that they will not give direct views into these properties.
- 4.3.8 As such, the proposal will not cause unacceptable harm to living conditions, in line with Policy D3 of the Local Plan.

Highways, Access and Parking

- 4.3.9 As set out in this report, the proposed access onto Turf Lane and internal spine road remains unchanged from the previous approval. The parking configuration has been amended by moving 2 of the parking spaces for Plots 1 and 2 to the rear to be located under a flat roof car port for each dwelling. As there are no changes to the access, which was approved under the previous application following formal comments from the Highway Authority, it would be unreasonable to object on this basis mindful of the comments from interested parties. This is considered acceptable and maintains compliance with Policies T1 and T2 of the Local Plan.
- 4.3.10 The application is supported by a Construction Traffic Management Plan (CTMP), which has sought the approval of the Highway Authority. Following lengthy correspondence with the Highway Authority, the submitted CTMP has been revised and has been considered acceptable subject to an informative that the developer shall enter into a S278 Minor Works License or full S278 Agreement prior to commencement. Condition 5 will therefore be amended from a pre-commencement condition to a compliance condition.

Biodiversity Net Gain/Landscaping

- 4.3.11 This proposal is exempt from BNG as it is a section 73 application.
- 4.3.12 The application is supported by a Landscaping Scheme under plan PL04. The proposed hard and soft landscaping elements are considered acceptable with appropriate materials and planting. Condition 10 will therefore be amended from a pre-commencement condition to a compliance condition.

Other Matters

- 4.3.13 In relation to Condition 6, the details of EV charging points, no details have been submitted at this stage but given that this is a prior to use/occupation condition, this can be resolved at a later date.
- 4.3.14 Conditions 8, 9, and 12 have been fully or partially approved already, so these conditions will be updated on the decision notice to reflect the stage they are at, whether than be pure compliance or left open if remaining matters are outstanding.

4.4 Conclusion

- 4.4.1 The proposal is considered acceptable in planning terms and in accordance with Policies D1 and D3 of the Local Plan, as well as Section 12 of the NPPF.

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 23/01392/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 development hereby permitted shall only be finished in the materials as stated on drawing number PL17 and thereafter shall be retained as such, unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development is sympathetic to the character of the area and to protect the visual amenities of the locality and to comply with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. 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, and C 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.

5. The development hereby permitted shall be carried out in accordance with the approved Construction Traffic Management Plan (ref: 24295_CMP__Construction-Management-Plan) as submitted to and approved in writing by the Local Highway Authority. The construction of the development shall only be carried out in accordance with the approved plan.

Reason: Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Prior to the occupation/use of the development hereby permitted, the details of the siting, type and specification of EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.

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

7. Prior to the first occupation/use of the development hereby permitted the vehicle access, access road and car parking layout shall be installed in accordance with the approved detailed technical plans and thereafter retained and maintained at all times at the position shown. 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).

8. These details relating to contaminated land and environmental risk assessments (parts a - d) have been carried out and approved under application ref: 24/00658/DOC.

Please note that Part (e) of Condition 8 requires the following:

"(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."

9. These details relating to the archaeological written scheme of investigation and carrying out the development in accordance with such details (parts a, b and c) has been carried out and approved under application ref: 24/00714/DOC.
10. The approved details of landscaping as shown on plan: PL04 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. The development hereby approved shall incorporate one swift box/brick per dwelling and one bat box/brick per dwelling. Once installed, the 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.

12. These details relating to the ecological construction environmental management plan (CEMP) has been submitted to and approved under application ref: 24/00715/DOC. The development must be carried out in accordance with those details.

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. In order to protect breeding birds, their nests, eggs and young, development 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
2. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land

which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Obstruction of public highway land: 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 website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Construction standards for works within the highway. 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 authorised 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 website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to

allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsofway/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

Highway to remain private: The applicant is advised that all new highway routes within the development site are likely to remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

3. Environmental Health Informative:

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.

During the construction works 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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 23 January 2026	