

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01620/S73	Variation of condition 2 (revised plans) of planning permission 22/01687/FP granted for erection of six dwellings with associated access, landscaping and parking (as amended by plans received 06/02/24 and 15/02/24)	Land On The North Side Of Pirton Road Holwell Hertfordshire SG5 3SN

Submitted Plan Nos

OAKPL-01 rev A OAKPL-01 Plot 1 rev A OAKPL-01 Plot 2 rev A

1.0 Policies

CGB1	Rural Areas beyond the Green Belt.
D1	Sustainable design
D3	Protecting living conditions
D4	Air quality
HE1	Designated heritage assets
HE4	Archaeology
HS3	Housing mix
NE2	Landscape
NE4	Biodiversity and geological sites
NE8	Sustainable drainage systems
SECN11	Making effective use of land
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding

SECN15 Conserve + enhance natural environment

SECN16 Conserve + enhance historic environment

SECN5 Delivering sufficient supply of homes

SECN9 Promoting sustainable transport

SP1 Sustainable development in North Herts

SP11 Natural resources and sustainability

SP12 Green infrastructure, landscape and biod

SP13 Historic environment

SP2 Settlement Hierarchy and Spatial Distrib

SP5 Countryside and Green Belt

SP6 Sustainable transport

SP8 Housing

SP9	Design and Sustainability
T2	Parking
T1	Assessment of transport matters

2.0 **Relevant Site History**

- 2.1 22/01687/FP - Erection of six dwellings with associated access, landscaping and parking (as amended by plans received 06/02/24 and 15/02/24) – Approved 17/06/24.

3.0 **Representations**

- 3.1 **Neighbours** – The following objections were received from Church Farm:

- ☐ Presence of birds and bats.
- ☐ Access.
- ☐ Mains drainage facilities.
- ☐ Overall effects on environment.

- 3.2 **NHC Environmental Health** – No comments or objections.

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

None of the amended plans have any impact on the Highway Authorities previous comments in relation to the highway network, therefore the Highway Authority would not wish to restrict the grant of planning permission.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is largely undeveloped grassland with trees and vegetation on or near its boundaries, with the exception of hardstanding and a vehicular access off Holwell Road in the south-east corner of the site. There are three areas edged in blue adjacent to the site, which contain small trees, vegetation and hedges, and a small pond in the north-western blue edged area.
- 4.1.2 A public footpath is near the west boundary of the site between trees, with open countryside beyond. Open countryside also extends north of the NW part of the site. To the north, NE and east of the site are three dwellings, with the northern and southern of

these dwellings being Grade II listed buildings (Church Farm, and Old Church House, respectively).

4.1.3 To the south of the site is a bend in the road where Holwell Road and Pirton Road meet. Extending west off this bend is an access track that leads to agricultural land. On the other side of this track to the south is a terrace of four two-storey high dwellings, with more dwellings extending further to the south down Pirton Road. South and south-east of the site is Grade II listed St Peter's Church and its grounds including cemetery. East of St Peter's Church and east of Old Church House are dwellings that are mostly two storeys, and a curved terrace of bungalows.

4.1.4 The site, and all of Holwell, is in the Rural Area beyond the Green Belt. Holwell is a Category B village in the Local Plan under Policy SP2.

4.2 **Proposal**

4.2.1 This application seeks to vary Condition 2 (approved plans) of previous permission 22/01687/FP, by:

- ☐ Plot 1 – Adding an attached single garage with a pitched roof on its south side, changing one parking space to a larger driveway leading to the new garage, widening the curtilage to the south, and re-siting the cycle store closer to the front.
- ☐ Plot 2 – Adding an attached single garage with a pitched roof on its east side, adding a single storey rear projection with a mono-pitched roof, providing a driveway to link to the garage and an enlarged turning area, moving the south boundary of the curtilage to the north.

4.3 **Key Issues**

4.3.1 The key material considerations relating to the proposed amendments are character and appearance, neighbour amenity, future living conditions, parking and highways, trees and landscaping and ecology, and climate change. The principle of the development has been established by previous recent planning permission 22/01687/FP.

Character and appearance

4.3.2 The proposed amended layout is similar to that originally approved under 22/01687/FP, and is considered acceptable. The proposed additions to Plots 1 and 2 are considered to be of a size, design and siting that would relate acceptably to their character and appearance and the site, and would have little impact on the wider locality due to their small impacts and locations within the site. There are no objections to re-siting the cycle store for Plot 1. The design is therefore acceptable. The proposal complies with Policies D1, D2 and SP9 of the Local Plan, and Section 12 of the NPPF.

Impacts on Neighbouring Properties:

4.3.3 The parts of the development that are proposed to be altered are not near dwellings that adjoin the site, and the proposed amendments are in any case small and will not result in materially greater impacts than those from the originally approved dwellings and the development. Impacts on amenity are therefore acceptable, and the proposal complies with Policy D3 of the Local Plan.

Future living conditions

- 4.3.4 Private amenity space, public amenity space within the site, and mutual impacts between Plots 1, 2 and 3, will be similar to those of original planning permission 22/01687/FP and are acceptable. The first floor front and side windows of the Plot 2 dwelling shall remain required by Condition to be obscure glazed in the interests of privacy. Future living conditions are acceptable, and the proposal complies with Policy D1 of the Local Plan.

Parking and highways

- 4.3.5 Car and cycle parking for the dwellings, and visitor parking, will remain in accordance with Council minimum standards, and are acceptable. The proposed access arrangements and internal manoeuvring within the site, taking into consideration the lack of objections from the highways officer, are considered acceptable. 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

- 4.3.6 The amendments proposed will not affect any trees, with new tree planting proposed similar to the original planning permission. The general landscaping arrangement is similar to the original approval, and new hard landscaping would be of a small extent that is not considered harmful.
- 4.3.7 The proposed amendments are not considered to result in materially greater impacts on biodiversity and ecology than of original permission 22/01687/FP. The application is not subject to mandatory Biodiversity Net Gain as the original application was made before 12 February 2024, however a BNG can still be required as per Condition 13 of the original permission. The proposal complies with Policy NE4 of the Local Plan.

Climate change

- 4.3.8 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste.
- 4.3.9 To assist in achieving these aims, Electric Vehicle Charging points would be required by condition to be installed on each of the proposed new dwellings. The applicant had also stated in their Planning Design and Access Statement submitted with original application 22/01687/FP that the dwellings would be heated via air source heat pumps and significant insulation would be used, therefore further helping to minimise climate change.
- 4.3.10 It was stated in the officer report for 22/01687/FP, para. 4.3.36, that *“If permission was to be granted, further details of the heat pumps would be required by condition”*. No such

Condition was attached to that permission, however it is now considered reasonable to attach such a condition to this S73 application.

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 22/01687/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 the commencement of the approved development, the following landscape details shall be submitted:
 - a) which, if any, of the existing vegetation 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; and details of all hard surfacing proposed
 - d) metrically scaled drawings of the bin stores and cycle stores, showing their sizes, designs, appearance, external dimensions, external materials and finishes.

The development shall then be completed 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 and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. 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.

6. The car port shall be used only for the accommodation of private motor vehicles or for purposes incidental to the dwellings to which they relate and they shall not be used for or in connection with any form of trade, business or commercial activity.

Reason: To safeguard the residential character of the locality, parking provision, and the amenities of residents, both of which would be prejudiced by the activities and visual intrusion likely to be associated with a commercial activity and to comply with Policy D1 and Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

7. The first floor front elevation and east side elevation windows of the Plot 2 dwelling shall be obscure glazed.

Reason: In the interests of privacy and amenity. To comply with Policy D3 of the Local Plan.

8. Prior to occupation, each of the proposed 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. To comply with Policy D4 of the Local Plan.

9. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- o A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
 - o A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
 - o A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. To comply with Policy NE11 of the Local Plan.

10. 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, including that submitted under 24/01738/DOC or other discharge of condition application. 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 and methodology of site investigation and recording as suggested by the evaluation
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: In the interests of archaeology. To comply with Policy HE4 of the Local Plan.

11. 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 10.

Reason: In the interests of archaeology. To comply with Policy HE4 of the Local Plan.

12. 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 10 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology. To comply with Policy HE4 of the Local Plan.

13. Prior to the commencement of the approved development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority demonstrating a biodiversity net gain within the site. The Plan if approved shall then be implemented prior to occupation of the development, and the approved measures shall remain unless otherwise agreed in writing with the Local Planning Authority.

The content of the LEMP shall include the following:

- a) Demonstrating a biodiversity net gain within the site
- b) The matters raised in the letter from Herts Ecology dated 13/09/22 relating to tree replacement, and the Recommendations and Enhancements set out in section 5 of the Preliminary Ecological Assessment (date July 2022).

The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure biodiversity net gain and to comply with Policy NE4 of the Local Plan.

14. Each dwelling shall have an air source heat pump installed. Details of the siting, appearance and model of the heat pumps shall be submitted to the Local Planning Authority for approval prior to the first occupation of the dwellings. The air source heat pumps shall be installed in accordance with the approved details prior to the occupation of the last dwelling to be occupied, unless otherwise agreed in writing with the LPA.

Reason: To minimise carbon emissions and climate change impacts. To comply with Policy D1 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 Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 3 September 2024	