

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00512/FP	Erection of one dwelling following demolition of existing dwelling. (Development has commenced).	Elysian Sky Weston Road Luffenhall Stevenage Hertfordshire SG2 7PU

Submitted Plan Nos

Location plan Pre Existing Ground Floor, Roof and Front, Rear and Side Elevations P1 Proposed Ground Floor, Roof and Front Rear and Side Elevations P2- Proposed Block Plan, First Floor, Section and New Wall Constriction

1.0 Policies

- D1 Sustainable design
- D2 House exts, replcmnt dwellings outbuild
- D3 Protecting living conditions
- CGB4 Exist buildings in the RA Beyond GB
- SECN12 Achieving well-designed places

2.0 Relevant site history

- 2.1 81/00813/1 Erection of single storey side and rear extension and front entrance porch. CP

3.0 Representations

3.1 NHC Environmental Health

Air Quality – No objection.

Noise – No objections.

Land Contamination – Condition No objections

- 3.2 **Waste Officer** - We already collect from this location; no further comments from waste.

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

- 3.5 **Hertfordshire Ecology** – No objections.

4.0 Planning Considerations

4.1 **Site and Surroundings**

- 4.1.1 Elysian Sky is a detached bungalow in Luffenhall. Neighbouring properties are located to the south and the other side of the road. The surrounding area is rural open countryside. The site is well screened from the highway.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the erection of one dwelling following demolition of existing dwelling. (Development has commenced).
- 4.2.2 The replacement dwelling is almost complete following a site visit

4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the development is acceptable in principle, design, neighbour amenity, future living conditions, parking and highways, trees and landscaping and ecology.

Principle

- 4.3.2 The site is in the Rural Area Beyond the Green Belt (RA). Policy CGB4 of the adopted Local Plan applies to proposed extensions to buildings in the RA, with the key parts of that Policy stating:
- a) Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:
- c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s);
- 4.3.4 The overall policy approach is considered fundamentally to protect or maintain the rural character of the countryside. The proposed development is a replacement dwelling on the site, which would retain this use, therefore the use is not considered harmful to the character of the countryside given the existing.
- 4.3.5 The proposed dwelling would be marginally larger than the existing single storey building. The new dwelling would however be have a similar position on the site as the existing.
- 4.3.6 It is not considered that the proposed replacement dwelling will have visual impacts so significant that it would cause overall harm to the countryside. There would also be benefits to the character of the countryside from the condition of the existing building and its poor state of appearance. Overall, I consider the proposal acceptable in principle in the Rural Area. The proposal complies with Policies SP5, CGB1 and CGB4 of the Local Plan.

Design

- 4.3.8 There are no objections to the demolition of the existing single storey building as it is in a poor state of repair and appearance, is not listed and is not in a Conservation Area. The demolition of this building would be expected to result in a more coherent appearance of the site which is considered would benefit its appearance.
- 4.3.9 The new dwelling is considered to be of an appropriate size and height for a 4 bed dwelling, and would be comparable to the existing. The dwelling is therefore considered to be of an acceptable size. The dwelling would sit where the existing dwelling is within the site and away from its boundaries, and would not appear cramped or dominant within the site. The external materials are considered to be of an acceptable quality.
- 4.3.10 As stated in the previous section, impacts on the character and appearance of the wider locality would not be considered harmful due to the siting of the dwelling. The design is therefore acceptable. The proposal complies with Policies D1, D2 of the adopted Local Plan; and Sections 12 of the NPPF.

Neighbour amenity

- 4.3.11 Given the replacement dwelling is almost identical to the existing no harmful loss of privacy would be caused. The proposal complies with Policy D3 of the adopted Local Plan and Section 12 of the NPPF.

Future living conditions

- 4.3.12 The main habitable rooms are considered to comply with the National Space Standards, and would receive adequate outlook, privacy and light. The site is large, and would be able to provide a private garden area of an adequate size and quality. No outside sheds or storage buildings are shown, however due to the size of the site and the amount of screening it would have it is considered that such details can be required by condition. The dwelling would not be adversely affected by nearby land uses, buildings and trees. Future living conditions are acceptable, and the proposal complies with Policy D1 of the Local Plan and Section 12 of the NPPF.

Parking and highways

- 4.3.13 The dwelling would have four bedrooms, which requires a minimum of two parking spaces in the site under current Council standards. At least two would be provided, which complies with current policies. One secure covered cycle space is also required under the standards, which is not shown, however details could also be required by condition. Sufficient space for bin storage is shown on block plan, and would be near the front of the site for to be accessible for refuse collection. The highways officer has not raised objections, subject to conditions of which the first two I'm minded to impose (the S278 is not a planning matter, and the development is nearly built so a CMP is not required), therefore impacts on the public highway are considered

acceptable. The proposal therefore complies with Policies T1 and T2 of the Local Plan and Section 9 of the NPPF.

Trees, landscaping, and ecology

- 4.3.14 There are no details provided for additional landscaping.
- 4.3.15 The site has a relatively large amount of tree coverage, with trees along its boundaries. It is not considered that the dwelling would affect trees on the boundaries due to their distance from them.
- 4.3.16 Creating mandatory biodiversity net gain is not a requirement for this application, which is specified under Regulation 3 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Providing a biodiversity net gain is however considered to be required under Local Plan Policy NE4, which can be required by condition. 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 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.

2. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2026. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024)

3. Prior to the first occupation of the dwellings hereby approved, details of the Air Source Heat Pumps shall be submitted to the LPA and approved in writing and installed on site.

Reason: To ensure that there are no adverse impacts on the design of the dwelling hereby approved or adverse harm on the amenities of the neighbouring occupiers. Local Plan Policies D1 and D3.

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.

Informative/s:

1. AN1) 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
AN2) Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 12 May 2026	