

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01835/FP	Erection of one 4-bed dwelling and detached double garage following demolition of existing outbuildings including parking and landscaping	Barn And Land Adjacent Public Footpath 022 Luffenhall Hertfordshire SG2 7PX

Submitted Plan Nos

03 PL01C 02a PL02 PL03 PL04A BNG 01B

1.0 Policies

Date of expiry of statutory period: 05.11. 2024

Extension of statutory period: 3.02.2025

Reason for Delay: Negotiations / amended plans and re-consultation with the Highway Authority

1.0 **Site History**

1.1 None relevant

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP11: Natural Resources and Sustainability
Policy SP13: Historic Environment
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy CGB1: Rural Areas beyond the Green Belt
Policy CGB4: Existing buildings in the Rural Area Beyond the Green Belt
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy D4: Air Quality
Policy NE4: Biodiversity and geological sites
Policy HE1: Designated Heritage Assets

2.2 **National Planning Policy Framework (NPPF) (December 2024)**

Section 2: Achieving sustainable development
Section 4: Decision making
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places and beautiful places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.3 **Vehicle Parking at New Development SPD (2011)**

2.4 **Baldock, Bygrave and Clothall Neighbourhood Plan**

Policy G3: Creating well designed places
Policy G4: Sustainable Design
Policy V2: Clothall and Luffenhall

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – Responses received from two neighbours raising the following objection:

- ☐ Proposal is identical to a dismissed appeal decision to the north at Long Acre
- ☐ Hope that this does not set a precedent for the demolition of modern farm buildings for housing
- ☐ Power line would be too close to the proposed house (a tree was removed some years ago as being too close). Danger to occupiers and contractors
- ☐ Private right of way and footpath should be retained and shown on the plans
- ☐ Increase in traffic flow during construction and operational stages detrimental to pedestrian safety
- ☐ Contrary to Policies CGB1 & CGB4 of the Local Plan and the Neighbourhood Plan

3.2 **Hertfordshire Highways** –

The Highway Authority have amended their original comments (originally dated 02/10/24) with additional comments received 15th January 2025. The HA now conclude: *'The Highway Authority cannot reasonably restrict the granting of permission for a single dwelling on sustainability grounds where similar properties already exist. The Authority accepts that the proposed development will not adversely impact the wider highway network relative to the existing land use. Therefore, the Highway Authority withdraws the objection stated in its response dated 2/10/24, subject to the condition and informatives set out above'*

3.3 **Luffenhall Parish Meeting** – No response

3.4 **Environmental Health (Air Quality/Land Contamination/Environmental Health (Noise))** – No objection subject to conditions covering contamination and provision of an EV charging point.

With regard to the overhead power line the officer advises that there are no scientifically confirmed health effects caused by such things. As a result there are no restrictions in the UK on EMF grounds on how close a house can be to an overhead line.

3.5 **North Herts Waste and Recycling** – No response.

3.6 **Hertfordshire County Council Rights of Way officer:**

Provides the following advice:

'Public Right of Way, Clothall 022, must be kept open and free of obstructions at all times before, during, and after development. Care must be taken when operating construction machinery and other vehicles near to the footpath to ensure that members of the public are not in any danger, and that the surface of the path is not damaged. If, for safety reasons, it becomes necessary to close the Public Footpath, then a Temporary Traffic Regulation Order (TTRO) must be applied for and granted before any closure or works can take place. There is a notice period and costs associated with applying for a TTRO, more information about the process can be gathered by contacting .

The Definitive Statement for Clothall 022 states that the path must be no less than 2m in width along it's entire length, this minimum width must be adhered to, and an increase in the available width is highly desirable.

Further information about the proposed surface of the Public Footpath is required as it is unclear from the plans whether the path will be resurfaced as part of the development or not. If there are plans to resurface the footpath, then guidance on this can be sought by contact HCCs Rights of Way team at the email address provided above. The specifications detailed in the Non Motorised Route Design Guide should be adhered to for any Right of Way surfacing works'.

In response to an amended plan the officer further advises:
'Proposed materials and widths are suitable. Hedge needs to be maintained to ensure footpath is not obstructed'

- 3.8 **North Hertfordshire Ecology** – No objection to the proposal. Advises that the scheme, as proposed, would result in a 160% gain in habitat units and 40% gain in hedgerow units and so is compliant with the mandatory requirement for eligible developments to deliver 10% Biodiversity Net Gain (BNG)

Two conditions are recommended covering an Ecological Enhancement Plan and the standard BNG Net Gain condition

- 3.9 **UK Power Networks:** No response

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises an L shaped barn with associated hardstanding located on the east side of the lane which runs north south through Luffenhall. The site includes several old vehicles and scrap equipment.
- 4.1.2 The site is within the hamlet of Luffenhall which comprises a small number of dwellings just to the north west of Cromer (a village in East Herts).
- 4.1.3 Tylers Barn to the north is a Grade II listed house formerly a barn forming part of Church Farm. Church Farmhouse further to the north is also Grade II listed.
- 4.1.4 The site lies within the Rural Area Beyond the Green Belt as designated in the North Herts Local Plan.

4.2 **Proposal**

- 4.2.1 Full planning permission is sought for the erection of one 4-bed dwelling and detached double garage following demolition of existing outbuildings including parking and landscaping (as amended by plans and information received 22nd October 2024 and 18th November 2024).
- 4.2.2 The dwelling would have an overall footprint of 183 sq metres and would be two storey with mainly single storey eaves. External materials for the house and garage would include an external facing brickwork plinth with black featheredge weatherboarding, plain roof tiles and painted timber doors and window frames.
- 4.2.3 The application is supported by the following documents:

- ☐ Planning Statement

- ☐ Statutory BNG Metric
- ☐ Ecological Appraisal
- ☐ Full proposed plans and elevations

4.2.4 Amended plans and further information has been submitted during the course of this application to address the impact of the development on the adjacent public footpath.

4.3 **Key Issues**

4.3.1 The key issues for consideration are the

- ☐ The Principle of Development
- ☐ The Impact on Designated Heritage Assets
- ☐ Sustainability
- ☐ Design, Layout and Impact on character and appearance of the area
- ☐ Living Conditions
- ☐ Landscaping and ecology
- ☐ Highways, Access, parking and impact on public footpath
- ☐ Environmental matters (Flooding, contamination, construction noise etc)
- ☐ Planning Balance

4.3.2 Principle of development

4.3.3 The site is in the Rural Area beyond the Green Belt in the adopted Local Plan. Policy SP5 states the Council will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of additional detailed policies. These policies are CGB1 and CGB4. Part d) of CGB1 is considered applicable, as the proposal relates to existing rural buildings. Policy CGB4 states that planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:

b) Any existing building to be converted for re-use does not require major extension or reconstruction; 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); and d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.

4.3.4 The existing building on-site measures between 4 – 5 metres in height and has a total area of 360 sqm. The footprint of the dwelling and garage would amount to 183 sqm resulting in a 100% reduction in built footprint on the site. The height of the dwelling would reach 7.75m at its highest point but with other parts around 5.5m and lower. The eaves height would be mainly at single storey level (approximately 2.5m). In view of the substantial reduction in footprint however it is considered that the resultant building would not have any materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building.

4.3.5 The proposal is considered to meet c) and d) of Policy CGB4 above.

4.3.6 Policy V2 (Clothall and Luffenhall) of the Neighbourhood Plan (NP) states that in the case of Luffenhall development should *'be limited to those forms of development allowed by the North Hertfordshire Local Plan (excluding new housing, other than where it involves the conversion or replacement of an existing building and maintain*

the rural appearance and physical form of these villages, with narrow lanes bordered with trees and hedgerows, a lack of continuous urban frontages, most houses set well back from the road and an absence of footpaths and street lighting’.

- 4.3.7 In this case it is considered that the development complies with the relevant LP policies and that the development, in maintaining the existing tree and hedgerow along the north and western boundaries with the new dwelling set behind this landscape buffer, will comply with Policy V2 of the NP.
- 4.3.8 The National Planning Policy sets out policies relating to rural housing at paragraphs 82 to 84. The thrust of policies is to promote sustainable development in rural areas, enhance or maintain the vitality of rural communities and avoid the development of isolated homes. The site is not in an isolated location within the countryside but forms part of the small settlement of Luffenhall. It is considered therefore that the proposal would not conflict with the NPPF relating to the provision of rural housing.
- 4.3.9 Overall therefore the proposed development in land use and locational terms is considered to be acceptable in principle.

4.3.10 The impact on designated heritage assets

- 4.3.11 The heritage assets affected by this proposal are Tylers Barn and Church Farmhouse to the north of the application site. Section 16 of the NPPF and Policies SP13 and HE1 of the local plan seek to ensure that proposals affecting heritage assets take account of the following:

- ☐ Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;
- ☐ Incorporate a palette of materials that make a positive contribution to local character or distinctiveness where it is appropriate and justified;
- ☐ Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use

- 4.3.6 The submitted planning statement includes a section on heritage impact which notes that the listed buildings to the north are physically separated from the site by a vegetated screen along the northern boundary stating that :

The presence of this vegetation ensures there is no visual relationship between the heritage asset and the site, therefore impacts to the heritage asset would be minimal; less than substantial, at the lower end of the scale, as a worse-case scenario.

The assessment further states:

However, given the current condition of the site with a dilapidated barn building, and the open-air storage of vehicles, it is considered that the redevelopment of the site with a high-quality and attractive dwelling that is in-keeping with the character and appearance of the locality would improve the character and appearance of the site, helping to enhance the immediate setting of the adjacent heritage asset. This scheme benefit is considered to greatly outweigh any minimal harm that may arise. Overall, the

proposed development would help to conserve and enhance the historic environment, in line with section 16 of the NPPF, and policies SP13 and HE1 of the local plan

- 4.3.7 I would agree with the above assessment. There is little doubt that the appearance of the existing barn and the collection of scrap vehicles and other machinery present on the site detracts considerably from the setting of the heritage assets to the north and indeed the wider area being visible from the public footpath 022.
- 4.3.8 Paragraph 212 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). In this case the proposal would remove a 20th century barn of poor quality that is considered to have a neutral and / or detracting significance. The removal of this barn is assessed as having between major positive impact on the heritage significance of the adjacent Tylers barn in particular. Overall the proposal will not detract from the significance of the nearby heritage assets and would if anything enhance the wider setting of the heritage assets nearby.
- 4.3.9 Sustainability
- 4.3.10 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.11 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase which is a modest benefit.
- 4.3.12 Secondly, in terms of the social objective, this would add an additional dwelling to the districts housing figures which could be delivered in a relatively short space of time, which is a modest benefit. The Council currently cannot demonstrate a deliverable five-year supply of housing land as required by the Framework.
- 4.3.13 In terms of the environmental objective, it is acknowledged that future occupiers of this proposal would be reliant on private vehicles for the majority of their needs. This issue is covered in more detail in the section below on highway matters however the site is only a relatively short distance from Weston a category 'A' village which has a primary school and some local facilities. The site is also closer to Cottered to the east which also has some local facilities. Paragraph 83 of the Framework states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. This proposal, in providing a residential use for a redundant building has the potential to meet this objective.
- 4.3.14 More importantly however the proposal would enhance the setting of the adjacent heritage asset and redevelop previously developed land thus meeting paragraph 84 c) of the Framework.
- 4.3.15 The proposal will incorporate sustainable building features, such as an EV charging point and a condition is recommended to secure other low carbon and energy reducing features in the construction and operational phase of the development. Overall, these environmental benefits are deemed appropriate relative to the scale of development proposed.

4.3.16 As such, it is considered that the proposal accords with the three strands of sustainability and attributed due weight in the planning balance.

4.3.17 Design, layout and impact on the character and appearance of the area

4.3.18 Policy D1 of the Local Plan states that planning permission will be granted for development proposals that respond positively to the sites local context and create or enhance the public realm. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context.

4.3.19 The proposal would result in the removal of an unattractive and poorly maintained barn and the removal of several scrap vehicles and other waste material. There would be an immediate benefit to the appearance of the site through the removal of the existing development particularly as the existing barn and site is visible from the lane and the adjacent public footpath.

4.3.20 The proposed dwelling has been sensitively designed with external materials that are similar to The Old Stables and Tylers barn to the north (black weatherboard and plain roof tiles). Fir trees to the north west also has plain tiles and dormer windows similar to that proposed. Manor Farm to the south also includes timber weatherboarding and plain tiles on the outbuildings dormer / plain tiles on the main house. The development will therefore enhance the setting of the site and maintain the rural character of the lane. Works to the existing access are limited with only minor cutting back of the hedgerow to achieve adequate sightlines. The proposed development is therefore considered to respond positively to local context, in accordance with Policies SP9 and D1 of the Local Plan.

4.3.21 Living conditions and amenity of adjoining occupiers

4.3.22 Policy D1 of the Local Plan states that, amongst other things, development proposals should meet or exceed the nationally described space standards. 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.

4.3.23 The residential use of the site would be compatible with the adjoining residential use of Tylers Barn, Church Farm and Manor Farmhouse to the south. There are no other immediately adjoining neighbours that would be affected by the proposal. As such, the scheme will not give rise to any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties. This is in accordance with Policies D1 and D3 of the Local Plan.

4.3.24 The proposed dwelling at approximately 183 sqm would exceed the minimum nationally described space standards for a 4 bedroom/8-person property (127 sqm), would have sizable rear private amenity space, and would see all habitable rooms achieve suitable levels of natural light.

4.3.25 In terms of the position of the proposed dwelling to the overhead powerline that crosses the site, the Council's Environmental Health officer has been consulted and has not raised any objections advising that there are no grounds to object to the development in terms of electric magnetic field impact. The submitted drawing shows that the siting of the dwelling is outside of the maximum swing for an overhead cable as prescribed by UK Power Networks.

4.3.26 It is therefore my view that the proposal would not result in any harm to the reasonable living conditions and well-being of future occupiers.

4.3.27 Landscaping and ecology

4.3.28 The application is accompanied by a landscape plan (BNG 01B) which illustrates how the site will be landscaped with regard to soft and hard landscaping materials / planting and the drawing confirms the existing trees and hedgerow along the northern and western boundaries are to be retained. Exact details of the new landscaping including material for the driveway and boundary treatments can be confirmed by a condition.

4.3.29 The proposal is accompanied by an ecological report which includes a preliminary bat roosting assessment and follow up bat emergence survey as well as a reptile survey. The report concludes that bats and reptiles do not represent a constraint to the redevelopment of the site. No evidence of hedgehogs was found either. Generally the application site was found to support a very limited diversity of habitats with the loss of some mixed scrub not predicted to have a significant effect on important or protected habitats.

4.3.30 This proposal is a 'small site' for the purposes of Biodiversity Net Gain (BNG). The ecological report reveals that the proposal will achieve a +160% biodiversity net gain in on-site habitats and a +40.71% biodiversity net gain in hedgerow habitats.

4.3.31 In view of the above there are considered to be no objections to the landscaping and ecology matters under this application, in accordance with Policy NE4 of the Local Plan.

4.3.32 Access, parking and impact on public footpath

4.3.33 Hertfordshire Highways have revised their comments on 15th January 2025 following their initial concerns and objections on sustainability grounds.

4.3.34 The Highway Authority's advises

'There is no footway on the access road, which is single track, unlit and has a 60mph speed limit. There are no retail businesses, community services or bus stops within reasonable walking distance of the site. The local road network is equally unsafe for cyclists. The nearest major settlements (Stevenage and Baldock) with their respective railway stations are approximately thirty minutes from the site by bicycle. However the Highway Authority accepts that a few existing dwellings are grouped together close to the application site.'

4.3.35 Further to the above the HA comments that the location is acceptable to accommodate emergency vehicles and that the existing access is to be re-used with an acceptable visibility splay.

4.3.36 The NPPF states at paragraph 110 that *'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'* However,

in this regard it is considered that the provision of one dwelling cannot be deemed significant in scale and paragraph 110 does explain that transport solutions will vary between urban and rural areas.

- 4.3.37 The NPPF also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that where there are groups of smaller settlements, development in one village may support services in a nearby village. In this case there is other residential development nearby including at Cromer . In addition, whilst the NPPF seeks to avoid isolated homes in the countryside, there are several exceptions to this approach as set out in paragraph 84, of which c) - where a development would re-use redundant or disused buildings and enhance its immediate setting, would be relevant in this case.
- 4.3.38 The location of the site does present an opportunity to drive a short distance or cycle to nearby facilities in Weston, a category 'A' village or the larger towns of Baldock, Letchworth and Stevenage. This proposal will also include the availability of high-speed broadband for home working and shopping and the proposed installation of electric vehicle charging points are further options which will reduce the reliance on petrol and diesel cars.
- 4.3.39 Overall the limited scale of the development means that the number of car journeys would not be significant and given the proximity of a range of services in nearby Baldock and Stevenage and slightly further afield in Letchworth, the majority of journeys are likely to be short.
- 4.3.40 In taking account all of the above, it is considered that the proposal would be reasonably located in terms of access to local services and facilities and would facilitate sustainable modes of transport in a manner commensurate to its scale and location. Given the guidance in the NPPF it is considered that there are not sufficient highway concerns to justify a refusal of planning permission on highway grounds in this instance.
- 4.3.41 In terms of parking, the development would provide off-street parking spaces for several vehicles in accordance with parking guidelines set out in the Council's parking guidance SPD.
- 4.3.42 The site currently has a wide vehicular access and site lines of 2.4m x 430m in both directions can be achieved as annotated on the submitted drawings. The highway authority has not objected to the proposed development in terms of highway safety or amenity and their objection is based on the development not promoting sustainable transport.
- 4.3.43 The development would not infringe on the route of the public footpath Clothall 022 in fact the route for at least 25m from the lane eastwards would be better defined with a gravel surface and thereafter with a post and rail fence on the north side. The comments from a neighbour regarding the maintenance of their right of way across the land is acknowledged however this is a civil matter beyond the control of the Local Planning Authority. The submitted plans clearly show the maintenance of the public footpath through the site. An informative is recommended advising the developer that future occupiers have a responsibility to maintain the public right of way in perpetuity.
- 4.3.44 Environmental matters
- 4.3.45 The site lies within Flood Zone 1 and not within the more vulnerable to flooding areas (Zone 2 and 3). The hard-surfaced area within the former farmyard site will be

reduced by the introduction of gardens at the rear of the barn and therefore there will be reduced impact with respect to surface water run-off.

4.3.46 Whilst the site has an historical agricultural use and contains some scrap vehicles the Council's Environmental Health officer is satisfied with a precautionary condition which requires the submission of an investigative risk assessment should any contamination be found during construction.

4.3.47 The proposed development, by virtue of its limited scale would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with the criteria set out in Policy D1 'Sustainable Design' of the North Hertfordshire Local Plan 2011-2031 and Section 14 - 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF 2024.

4.3.48 **Conclusion and planning balance**

4.3.49 The site is located within the Rural Area Beyond the Green Belt but within reasonable distance to other villages and settlements that provide local services (such as schools, pubs, churches, village halls). Although of minor benefit, the development would contribute in a very modest way to the Council's housing supply. The proposal would be in compliance with Policy CGB4 of the Local Plan concerning the replacement of existing rural buildings in the Rural Area Beyond the Green Belt, and paragraph 84 (c) of the NPPF which allows for the housing development in the countryside that would re-use redundant or disused buildings and enhance its immediate setting.

4.3.50 The proposal would enhance the setting of the adjacent listed building in conformity with Policy HE1 of the Local Plan and the guidance set out in Section 16 of the NPPF. This aspect of the scheme can be given considerable weight.

4.3.51 The dwelling has been designed with a mix of traditional and contemporary features which respect the rural character and appearance of the area. As such, the proposal is deemed in accordance with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF. This should be given moderate weight.

4.3.52 The proposal is a small site that will deliver measurable gains in biodiversity, in accordance with Policy NE4 of the Local Plan. The route, surfacing and boundary treatment to the public footpath through the site would be enhanced and more clearly defined. These are small but important benefits to the scheme.

4.3.53 The proposal is considered acceptable in terms of parking provision and highway safety having regard to the low level of traffic on the adjacent lane and the low number of traffic movement generated. The proposal would comply in general terms with Policies T1 and T2 of the Local Plan.

4.3.54 There are some negative aspects to the scheme such as the lack of sustainable transport choices and the increase in height of the building compared to the existing structure but these concerns are considered to be outweighed by the benefits outlined above.

4.3.55 An important consideration in the planning balance is that the proposal would not have a greater impact upon the openness and character and appearance of the area than the building that would be replaced. Therefore, in the circumstances it is considered appropriate that permitted development rights for extensions and outbuildings be removed. As such permitted development could result in harm to the openness and

character and appearance of the area compared to the existing circumstances. The removal of permitted development rights would not prevent such developments but introduce control by the Local Planning Authority over such matters.

4.3.56 The Council does not have a 5-year supply of deliverable housing land. Therefore, the tilted balance set out at paragraph 11 (d) of the NPPF applies. This stipulates that planning permission should be granted unless: (i) the application of policies in the NPPF that protect assets of particular importance provides a strong reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. It has been concluded that the proposal would not harm the significance of nearby designated heritage assets through development within their setting and the proposal would not have adverse impacts that would significantly and demonstrably outweigh the identified benefits that would arise from the delivery of the proposed dwelling.

4.3.57 Overall, taking all matters into account, the proposal complies with the Local Plan and the NPPF as a whole and the application is recommended for approval, subject to conditions.

Alternative Options

None applicable

Pre-Commencement Conditions

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 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 date of this permission.

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. No above ground works shall take place until a scheme for ecological enhancements has been submitted to and approved in writing by the local planning authority. The scheme shall be informed by the August 2024 Preliminary Ecological Appraisal and measures within the scheme shall be implemented as approved and retained thereafter in perpetuity.

Reason: To ensure that the development delivers ecological enhancements in accordance with Policy NE4 of the North Herts Local Plan (2022)

5. 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 BS10175:2011. 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 protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

6. Prior to occupation, the proposed new dwelling, 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 North Herts Local Plan

7. Prior to the relevant phase of works full details of all hard and soft landscaping measures, including boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Policy D1 of the Local Plan.

8. 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.

9. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

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.

10. 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 to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

11. Prior to the commencement of development, a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation. The approved measures must be implemented on site for each dwelling hereby approved prior to its first occupation.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031

12. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The CMP would need to include details of:
- a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements;
 - d. Construction and storage compounds (including areas designated for car parking);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities, including delivery times and removal of waste, and to avoid school pick up/drop off times.

Reason: in order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.
- The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.
- There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).
- Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage 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:

Environmental Health Informative:

1) EV Charging Point Specification:

A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

- o UK Government issued legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov regulations.

Public Right of Way

The developers attention is drawn to the responsibilities of any future occupiers of the dwelling hereby permitted to maintain the public right of way through the site in perpetuity.

Highway Informatives:

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.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 21 January 2025	