

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01464/FP	Erection of two 3-bed semi-detached dwellings including cycle/garden store; parking and landscaping.	Land To The East Side Of Maydencroft Gardens Gosmore Hertfordshire

Submitted Plan Nos

Existing Location Plan Proposed Location Plan W721 W722 W723 W724 W725 W726

D1	Sustainable design
D3	Protecting living conditions
HE1	Designated heritage assets
HE4	Archaeology
NE4	Biodiversity and geological sites
SECN11	Making effective use of land
SECN13	Protecting Green Belt Land
SECN14	Meeting climate change,coastal,flooding
SECN16	Conserve + enhance historic environment
T2	Parking

1.0 **Planning Policy**

1.1 National Planning Policy Framework (December 2024)

2. Achieving sustainable development

- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

1.2 North Herts Local Plan 2011 – 2031

Policy SP2: Policy SP1: Sustainable Development in North Hertfordshire
 Policy SP2: Settlement Hierarchy and Spatial Distribution
 Policy SP5: Countryside and Green Belt
 Policy SP6: Sustainable Transport
 Policy SP8: Housing
 Policy SP9: Design and Sustainability
 Policy SP10 - Healthy Communities
 Policy SP11: Natural Resources and Sustainability
 Policy SP12: Green Infrastructure, Landscape and Biodiversity
 Policy T1: Assessment of Transport Matters
 Policy T2: Parking
 Policy D1: Sustainable Design
 Policy D3: Protecting Living Conditions
 Policy NE1: Landscape
 Policy NE2: Green Infrastructure
 Policy NE4: Biodiversity and geological sites
 Policy NE7: Reducing Flood Risk
 Policy HE1: Designated Heritage Assets

2.0 Site History

- 2.1 17/02289/1: Residential development of eight units comprising of 1 x 2 bed, 3 x 3 bed and 4 x 4 bed dwellings together with associated access road, garaging and infrastructure following demolition of existing aquatic plant nursery buildings. (As amended by drawings received 4/9/18). Granted 19/10/2017. This development has been implemented and completed.

3.0 Representations

- 3.1 St. Ippolyts Parish Council: 'No objections'
- 3.2 Site Notice Adjoining occupiers: Comments have been received in support and against this application (full details on web site).

Comments in support include the following:

- ☐ Proposal will complete the Maydencroft Gardens development as originally intended (for 10 dwellings)
- ☐ Additional accommodation for two families
- ☐ Services already in place
- ☐ Little impact on neighbours
- ☐ Currently an eyesore plot of land
- ☐ No impact on neighbours
- ☐ Design is acceptable
- ☐ Consider a contribution for Gosmore Gate footpath project
- ☐ Request swift bricks

Comments against / objecting

- ☐ Adverse impact on Maydencroft Cottage (LB) and Conservation Area
- ☐ Previously reduced from 10 to 8 units – there has been no change in circumstances.
- ☐ Traffic and infrastructure concerns
- ☐ Environmental and light pollution
- ☐ Concerns over this proposal setting precedent for future development

Conservation officer / consultee: Advice received from Place Services on 21st November 2024 which can be summarised as follows:

- ☐ Recent housing development has eroded the rural setting
- ☐ Site makes a positive minor contribution to the character of the Conservation Area
- ☐ Proposal would have an urbanising effect on the setting of the Conservation Area
- ☐ Would result in less than substantial harm to the setting of the CA but at the lower end.
- ☐ Impact on the listed building would be neutral or very minimal

NHDC Ecologist : Recommends conditions.

NHDC Waste & Recycling officer:

Provides general advice with regard to waste matters

NHDC Environmental Health:

Noise – No objection. Recommends a Construction Management Plan condition

Air Quality – Requests an electric vehicle ready domestic charging point condition

Contamination – Requests a precautionary land contamination condition

Hertfordshire Historic Environment officer (archaeology):

Advises unlikely to have any significant impact on heritage assets of archaeological interest. No further comments to make.

4.1 Site and Surroundings

- 4.2.1 The application site relates to an essentially square shaped piece of land located within the Maydencroft Gardens development off Maydencroft Lane, Gosmore. The land was previously developed having been part of the former Maidencroft Aquatics Plant Nursery site. The majority of that site has now been re-developed for housing in the form of the 8 units presently forming Maydencroft Gardens. The application site itself however did not form part of the redevelopment scheme permitted under ref: 17/02289/1.

4.2 Proposal

- 4.2.1 Erection of two 3-bed semi-detached dwellings including cycle/garden store; parking and landscaping.

The submitted drawings show the provision of a pair of semi-detached dwellings located in the centre of the application site with gardens to the rear and side and two parking spaces each to the front served off the existing Maydencroft Gardens access road. The dwellings would have an L-shaped footprint and contain 3 bedrooms each. External materials would consist of a brick plinth with the main elevations being in render and feather edged boarding with plain brown tiles for the roofs. The first floor accommodation is contained within the roofspace with a low eaves level and therefore the dwellings could be described as being one and half stories in height.

The application is accompanied by the following documents:

- ☐ Planning, Design and Access statement
- ☐ Addendum concerning infilling with appeal decisions
- ☐ BNG Metric and Not Gain Assessment
- ☐ Tree Protection Plan
- ☐ Drainage Strategy
- ☐ Arboricultural Impact assessment
- ☐ Transport Assessment
- ☐ Preliminary Ecological Appraisal (2023)

The submitted DAS states that the proposed houses would be for the rental market.

4.3 Key Issues

4.3.1 Principle of the development

- 4.3.2 The site is currently located within the Green Belt as is the whole of the Maydencroft Gardens development. The category 'A' village boundary of Gosmore is located approximately 55 m to the north west on the opposite side of Maydencroft Lane. The site is previously developed land as it was previously part of the former Maydencroft Aquatics Plant Nursery site which included a number of structures and hard surfaced areas. The site itself has some hardsurfacing.
- 4.3.3 With the publication of the new National Planning Policy Framework in December 2024 the Government has introduced a new land use category of development – Grey Belt – within which development in the Green Belt may not be considered inappropriate

provided it meets the definition of Grey Belt as set out in the Glossary within the NPPF on page 73. The definition of Grey Belt is set out as follows:

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

4.3.4 In this case, the application site is previously developed land. The site is located immediately adjacent to other housing in Maydencroft Gardens and shares the same access road off Maydencroft Lane. There is development to the north (Maydencroft Cottage) and to the east (a Nursery site) and there are houses forming part of the Maydencroft Garden development opposite and to the south west. The land immediately to the south is amenity land to the Maydencroft Gardens development and contains a drainage pond / swale as part of the drainage infrastructure to the Maydencroft Gardens development.

4.3.5 Because of the above described characteristics of the site and the context of the surrounding development I consider that the site itself does not strongly contribute to parts a), b) or d) of paragraph 143 of the NPPF . These parts are as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- d) to preserve the setting and special character of historic towns; and

In this case the development of the site would not conflict with purpose a) as Gosmore is a village and could not be considered a large built-up area, , it would not involve the merging of neighbouring towns (purpose b)) and there would be no harm to the setting and special character of an historic town (purpose c)).

In my view the proposed development site could therefore be considered 'Grey Belt' .

4.3.6 Paragraph 155 of the NPPF states that housing, commercial and other development should not be regarded as inappropriate development where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework(57); and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156 – 157.

- 4.3.7 In this case, the development site being a comparatively small piece of land effectively surrounded by development would not conflict with a) above. In terms of b) NHDC does not currently have a five year supply of deliverable housing sites. The site could also be considered a sustainable location being next to a category A village. The Golden Rules at d) only apply for major development which this application is not. Therefore taking into account all of the above, the proposed development can be considered as being on Grey Belt in compliance with the criteria set out in paragraph 155 and not therefore inappropriate development. Very special circumstances are not therefore required to be demonstrated.
- 4.3.8 Paragraph 153 of the NPPF states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (See footnote 55)'. Footnote 55 excludes previously developed land or Grey Belt where development is not inappropriate which is the case here.
- 4.3.9 Even if it is considered that the site does not meet the definition of 'Grey Belt' the applicant has put forward a robust case, backed by various appeal decisions both within and outside of the district, to say that the proposed development constitutes 'infilling' meeting exception e) 'infilling in villages' as set out in paragraph 154 of the NPPF.
- 4.3.10 It is clear from these appeal decisions that, in the absence of any definition in the NPPF or NPPG or any adopted local plan policy specifically addressing this issue, that infilling can be considered more widely than infilling a frontage gap and should take into account a site's relationship with its surroundings. In this case the application site is flanked by development on at least three sides with amenity land to the south. Furthermore the site is practically adjacent to the settlement boundary of the village of Gosmore and that Maydencroft Gardens, through which this development will be accessed, can be read as being physically and visually related to Gosmore and therefore the application site comprises limited infilling in a village. As such the development would not be considered to constitute inappropriate development in the Green Belt as it would comply with the exception at paragraph 154 e) of the Framework.
- 4.3.11 Further to the above it is noted that the site may also comply with the exception at paragraph 154 g) as the site is previously developed land and because of the limited height and scale of the proposal together with the surrounding built form the development is unlikely to cause 'substantial harm to the openness of the Green Belt'.
- 4.3.12 Given the above analysis it is considered that the proposed development can be considered acceptable in principle.
- 4.3.13 **Impact on the character and appearance of the area**
- 4.3.14 The proposed dwellings would essentially form part of the Maydencroft Gardens residential development and would be very similar in scale and appearance reflecting the one and half storey design and materials of the existing residential cul-de-sac.
- 4.3.15 The dwellings, like the existing houses, would have a modest footprint and would have reasonably sized private gardens together with sufficient parking to meet the standards

set out in the Council's parking standards Supplementary Planning document. A landscape plan, arboricultural tree protection plan and landscaping and planting schedule demonstrate that existing mature planting / hedgerows will be protected and new landscaping introduced that will enhance the setting of the site. Overall I consider that the proposals will integrate well into the existing residential cul-de-sac and in fact enhance the surroundings consistent with the requirements of Policy SP9 of the Local Plan.

4.3.16 Impact on designated heritage assets

- 4.3.17 The two heritage assets affected by this development are Maydencroft Cottage to the north (Grade II listed) and the Gosmore Conservation Area.
- 4.3.18 The site shares its northern boundary with the Gosmore CA. Along this boundary is a tall (4 metre high) evergreen hedgerow that is shown to lie within the application site. It is not a landscape feature specifically mentioned in the Gosmore Conservation Area Character Statement but it is shown to be retained as part of the landscape proposals. The hedgerow along the eastern boundary is also to be retained.
- 4.3.19 The Gosmore CACS shows a key view pointing south eastwards along Maydencroft Lane at the entrance to Maydencroft Gardens. No changes are proposed to this vehicular access which would affect this key view and the dwellings would not be easily visible from Maydencroft Lane because of their setback into the site and the screening afforded by the high hedgerows around two sides of the site.
- 4.3.20 The Council's Conservation & Heritage consultant considers that the proposal, which includes the housing itself and other domestic alterations, would diminish the rural character and sever the link between the application site and the wider setting of the Conservation Area. The consultant considers that notwithstanding new landscaping the development would be harmful as it would have an urbanising effect on the setting of the Conservation Area. However there would be less than substantial harm to the setting of the CA and at the lower end of less than substantial harm.
- 4.3.20 The proposed development would be located adjacent to the rear garden boundary of Maydencroft Cottage and set behind the high hedgerow which delineates this boundary. The Council's heritage consultant says that the application site makes a neutral contribution to the setting of Maydencroft Cottage and concludes that the proposal will have an acceptable impact on the significance of the listed building in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.3.21 Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case the less than substantial harm is at the lower end of the scale and there is a public benefit in the delivery of two new houses to add to the Council's housing stock at a time when the Council cannot demonstrate a five year supply of housing land. Furthermore, there would be the visual benefit of improving the appearance of the site with two well designed houses in a well landscaped setting. These two benefits outweigh the limited harm identified to heritage assets and therefore the development can be considered to be acceptable in terms of its impact on heritage assets.

4.3.22 In terms of archaeology, the Council's historic environment advisor has stated that the development is unlikely to have a significant impact on heritage assets of archaeological interest.

4.3.23 Highway impact and Access and parking matters

4.3.24 The application is accompanied by a Transport statement (TS) to evaluate the impact of the construction of the two proposed dwellings on the existing site access arrangement.

4.3.25 The TS explains that the existing Maydencroft Gardens roadway has a carriageway width of 5.5 metres and is designed as a shared surface. Highway standards confirm that a shared surface access with a minimum carriageway width of 4.1 metres can serve up to 50 residential dwellings. Therefore the addition of two additional houses as proposed falls well within the design criteria for the road. There are no changes proposed to the main vehicular access serving Maydencroft Gardens through which the proposed site will be accessed.

4.3.26 The Highway Authority (HA) recognise the private road status of Maydencroft Gardens. The HA comments that: *'Subject to the informatives, this level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity, therefore; the highway authority would not wish to restrict the grant of planning permission'.*

4.3.27 The proposed development shows the provision of 5 parking spaces which is sufficient to meet SPD standards. There are already visitor parking spaces (5) within the development of Maydencroft Gardens and the carriageway can accommodate further visitor parking but this would be infrequent for a further two dwellings in my view and a total of five visitor parking spaces for 10 dwellings within the expanded Maydencroft Gardens would seem a proportionate amount of visitor parking in my view.

4.3.28 Given there are no objections from the Highway Authority and the adequate parking proposed I consider that the proposed development is acceptable in highway, access and parking terms.

4.3.29 Living conditions

4.3.30 The proposed houses would provide 3 bedrooms and each have an overall floorspace of around 140 sqm comfortably exceeding the national minimum space standards. Each house would have a rear garden of some 100sqm providing sufficient private amenity space. The site is enclosed on two sides by high hedgerow and the southern boundary will be supplemented with planting. The layout ensures a high standard of privacy for the future residents. The nearest affected existing dwelling is Maydencroft Cottage to the north however this property has a good sized rear garden and is separated by a high boundary hedge from the application site. The upper parts of the dwellings and their roof will be visible to the occupiers of Maydencroft Cottage from a distance (of approximately a minimum distance of 30 m from the rear elevation of Maydencroft Cottage) but I consider that this separation distance is acceptable by modern standards. Only 1 rooflight faces Maydencroft Cottage but this would be high level and to a landing area. The proposed plots would be at least 33m from the nearest properties opposite in

Maydenscroft Gardens which is acceptable. In view of the above there would be no material loss of privacy for neighbours.

4.3.31 Environmental matters

4.3.32 Ecology

The submitted Preliminary Ecological Appraisal (PEA) identified the site as unvegetated ground; a mixture of gravel and bare ground with small patches of short ephemeral vegetation and hedgerows. The PEA concludes that the site has no potential habitat for amphibians, reptiles, bats or invertebrates with limited habitat for dormice or hedgehogs. No protected or notable plant species were recorded during the survey. An ecological enhancements condition is recommended.

4.3.33 Biodiversity Net Gain

4.3.34 The site has been subject to a Preliminary Ecological Appraisal and also a Biodiversity Net Gain Assessment. The site is currently mainly hardsurfaced with habitat potential limited to the surrounding hedgerow which is to be retained. Post development there would be a significant amount of new landscaping and biodiversity habitat. The Biodiversity Metric indicates a net change in biodiversity of +200.79% The proposal therefore delivers a significant and measurable biodiversity net gain far in excess of that required by Local Plan Policy NE4.

No objections are raised from the Council's Ecologist who recommends an ecological enhancements condition.

4.3.35 Contamination

4.3.36 The submitted report by Brown2Green recommends a phase II Intrusive Investigation is completed. It is recommended that the development is carried out in accordance with the recommendations in this document.

4.3.37 Flooding

4.3.38 The application is accompanied by a comprehensive Flood Risk & Sustainable Drainage strategy provided by consultants Stomor. This confirms that the site lies within flood zone 1 and so not at risk from flooding from the sea, rivers or other local water courses.

4.3.39 Sustainability and Climate change

4.3.40 In terms of using resources prudently and adapting to climate change it is acknowledged that most journeys to the site are likely to be by private car. However, the site is within walking distance of the High Street (5 minutes) where there is the village green, a pub and bus service into Hitchin and nearby facilities in St. Ippolyts including primary school church and post office / shop. The site could not therefore be considered isolated from the local community. Paragraph 110 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The Local Plan allocates Gosmore as a category 'A' village and as such takes account of the

accessibility to services and facilities in the locality and nearby settlements. Cycling storage is provided to encourage non-car use.

4.3.41 Charging points for electric vehicles will be secured by a planning condition.

4.4 **Conclusion**

Taking into account the above matters and conclusion reached it is considered that the development would meet the three strands of sustainable development as required by the Framework and is therefore acceptable in planning and highway terms.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

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

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 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. No development shall take place until an Ecological Enhancement Plan (EES) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4

4. Notwithstanding the submitted drawings the proposed parking spaces should be provided in accordance with the standards set out in the Hertfordshire County Council document Place & Movement Design Guide (i.e. each space being 2.5m in width and 5m in length).

Reason: To ensure satisfactory parking arrangements in accordance with HCC guidance and Policy T2 of the Local Plan.

5. Prior to occupation, each 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.

6. Prior to the commencement of any development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of construction materials
- c) Control of dust relating to groundworks and subsequent construction
- d) Details of consultation and complaint management with local businesses and neighbours
- e) Management of associated waste generated during construction process
- f) Mechanisms to deal with environmental impacts such as noise, air quality and artificial light used and arising from groundworks and associated construction methods.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of protecting the amenity of surrounding residents and to comply with Policy D3 of the Local Plan

7. The development hereby approved shall be carried out in accordance with the recommendations and actions set out in the submitted contamination report by Brown2Green dated 15th March 2023. 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.

Biodiversity Net Gain

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 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) 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)

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.

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).

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.

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>

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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 18 December 2024	