

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01882/FP	Erection of one 3-bed dwelling including associated parking, landscaping and works following demolition of existing fire damaged 3-bed dwelling.	2 Pledgers Place Barkway Royston Hertfordshire SG8 8DQ

Submitted Plan Nos

242028-105D 242028-106 242028-00 242028-02 242028-101 242028-102 242028-103D 242028-104H

1.0 Policies

D1 Sustainable design

D3	Protecting living conditions
T2	Parking
HE1	Designated heritage assets
NE4	Biodiversity and geological sites
NE7	Reducing flood risk
SP2	Settlement Hierarchy and Spatial Distrib
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
SECN16	Conserve + enhance historic environment

2.0 **Site History**

- 2.1 17/02155/1HH - Installation of electric roller garage doors (in black) to open car port. – Conditional Permission
- 2.2 14/02467/1 - 2 x 4-bed detached dwellings, cart shed providing parking for 2 cars for each dwelling and associated amenity areas following demolition of existing industrial buildings (as amended by plans received 26 November 2014). – Conditional Permission
- 2.3 15/02362/1DOC - Discharge of Condition 8 - Surface water management plan for Planning application 14/02467/1 granted 23.02.15. – Approval of Details

2.4 15/00980/1DOC - Discharge of Condition 9 - Environmental Risk Assessment for Planning application 14/02467/1 granted 23.2.15 – Approval of Details

2.5 15/00977/1DOC - Discharge of Condition 3 - Details and/or samples of materials for Planning application 14/02467/1 granted 23.02.15 (as amended by email received 16 July 2015) – Approval of Details

3.0 **Representations**

3.1 **Neighbour Consultation** – 1x Support.

3.2 **Parish Council** – No objection.

3.3 Archaeology – “In this instance I consider that this development is unlikely to have a significant impact on heritage assets of archaeological interest and I have no comment to make upon the proposal.”

3.4 Ecology – No Objection

3.5 Waste – Provides details for collection.

3.6 Environmental Health:

3.6.1 Contaminated Land – Does not raise objection, but advises requirement for a condition.

3.6.2 Noise – No Objections.

3.6.3 Air Quality – EV Charger condition and informative recommended.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises land behind Barkway high street and is within the Barkway conservation area. The previous dwelling burned down and is now demolished, with all remains removed from the site except for the concrete base and the garage, which was undamaged by the fire.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of one 3-bed dwelling including parking, landscaping and associated works following the demolition of an existing fire damaged dwelling.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact of the development upon nearby Heritage Assets.
- The impact that the proposed development would have on the living conditions of neighbouring properties.

- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of Development:

- 4.3.2 The site is within the defined settlement boundary of Barkway, wherein Policy SP2 permits housing, along with supporting infrastructure. The replacement dwelling is considered to fall within the scope of this policy, and therefore the principle of development is supported.

Design and Appearance:

- 4.3.3 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework. Barkway Neighbourhood Plan Policies BN H2, BN H4, BN H6 and BN H8 are applicable and are broadly consistent with Local Policy.
- 4.3.4 The proposed dwelling would predominantly sit within the footprint of the now demolished fire damaged dwelling, with its siting being slightly further south than before and with the massing of the dwelling varying slightly, however, its footprint would remain consistent in scale to the demolished structure.
- 4.3.5 The design of the proposed dwelling seeks to replicate the demolished dwelling, with a similar layout, height, fenestration layout and roof form being proposed. The existing double garage would remain on site and the application seeks to retain this structure for use by the replacement dwelling. Patio space and the driveway together with the lawn are proposed to be retained.
- 4.3.6 Due to its siting, behind the building line along Barkway High Street, I do not consider that the proposed structure would be harmful to the character and appearance of the public realm. Due to the sympathetic nature of the development, in terms of in keeping scale, built form and materials of construction, I do not consider that the development would appear out of place or be harmful when viewed together with neighbouring dwellings.
- 4.3.7 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The proposed development is also considered to be in compliance with Barkway Neighbourhood Plan policies. The design and appearance are therefore acceptable.

Impact upon Conservation Area and Heritage Assets:

- 4.3.8 The site is within the Barkway Conservation Area and is in relative proximity to a Grade II Listed Building to the east. Given the similarity between the now demolished and the proposed dwelling, I consider that the principle for the replacement dwelling and its relationship with surrounding heritage assets would be acceptable. I also consider that harm would not arise due to this similarity between the previous development and the

proposed dwelling. Policy HE1 of the North Herts Local Plan 2011-2031 and Section 16 of the NPPF would therefore be complied with. It should be noted that the previous application received a representation from the Conservation Officer advising that the erection of these dwellings was acceptable in 2014, and given the similarity between this proposal and the scheme that received permission, I consider that the development would be acceptable and would not contribute harm to the significance or the setting of surrounding heritage assets. This is considered to be in compliance with the provisions set by policies BN HA1 and BN HA3 within the Barkway Neighbourhood Plan.

Impact on Neighbouring Properties:

- 4.3.9 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.10 The proposed dwelling would feature a similar layout and scale to the previous dwelling. Outlook from windows would be consistent with the original dwelling, and is therefore unlikely to unacceptably overlook or detract from the amenities afforded to neighbouring occupiers. Dominance and loss of light would not be significant given that the height of the dwelling and its massing would not significantly increase, and given that its position and orientation would not be significantly altered. No neighbour objections were received.
- 4.3.11 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Standard of Amenity for Future Occupiers:

- 4.3.12 Paragraph 135 (f) of the NPPF states that “**decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users**”.
- 4.3.13 The proposed dwelling would benefit from a large internal floor area that exceeds the described requirements as set out in the National Space Standards. The rooms would be well served by windows to allow for sufficient outlook and light and the dwelling would be served by an acceptable level of amenity space. Sufficient storage space is provided to meet the needs of the dwelling as proposed. The dwelling would be well served by garden space to the front and rear. The amenity of future occupiers would be suitably met.

Highways and Parking:

- 4.3.14 The proposed development would be served by a minimum of two parking spaces that are off-street, therefore impacts to parking provision locally would not be harmful. An existing shared driveway would be utilised for providing vehicle access and egress for the site. Hertfordshire Highways have not made representation for the proposed development. The previous application concluded that the development would not harm the safe operation of the highway, and I consider that the above matters regarding safe egress and access to the site are material to this decision. The development is considered to be acceptable in highways terms.

Environmental Implications:

- 4.3.15 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.
- 4.3.16 The previous permission was granted subject to a scheme for surface water containment being submitted. This was submitted and approved by LPA ref. 15/02362/1DOC. This was required due to there being a risk of flooding within the site, and at the request of the Lead Local Flood Authority. Having reviewed the site, it is within Flood Zone 1. As this has been implemented and given its modest scale and flood zone designation mean that it is not required to carry over this condition onto this permission.

Biodiversity Net Gain:

- 4.3.17 This application is not required to demonstrate a 10% Biodiversity Net Gain given that it would benefit from the 'De minimis' exemption as described by Government Regulations given that it would not be impacting upon on-site habitat. Policy NE4 requires development to deliver measurable biodiversity net gain where possible. Plans have been submitted to introduce bird boxes, therefore I consider this condition would be met.

4.4 **Conclusion**

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 **Alternative Options**

- 4.5.1 None applicable.

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. 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. 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.

5. Prior to the first commencement of development, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site. The landscape scheme shall include:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained, including how it will be protected during the construction works;
- b) what new trees, shrubs, hedges are to be planted and areas grassed, together with the species proposed and the size and density of planting, this includes planting within the car park to provide shade, structure and ameliorate the expanse of hard surfacing;
- c) the location and type of any new walls, fences or other means of enclosure, and details of any hard surfacing proposed;
- d) details of any earthworks proposed.
- e) the location of retained ecological features and location and type of any habitat boxes / structures to be installed
- f) the areas to be sown or planted with specific seed mixes or specific species for biodiversity value

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

6. 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.

7. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a view to determining the presence of contamination likely to be harmful to human health, and the built and natural environment.
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
- (d) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to, and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

8. Prior to occupation, each of the 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.

9. The proposed bird boxes indicated on plan reference 242028-104H shall be implemented on site, and retained in perpetuity with the dwelling hereby approved.

Reason: To provide measurable gains of biodiversity within the site, as required by Local Plan Policy NE4.

Biodiversity Net Gain

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. 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.

2) The above condition is considered relevant and reasonable for the following reasons:

- o Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).

- o Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra low emission vehicles.

- o HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to 'preserve the character and quality of the Hertfordshire environment' and 'make journeys and their impact safer and healthier', as well as its Emissions Reduction Policy 19.

- o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 15 January 2025	