

<u>Location:</u>	Site Of Former Greenside London Road Langley Hertfordshire SG4 7PP
<u>Applicant:</u>	Mr Hemphill
<u>Proposal:</u>	Variation of Condition 1 (Approved drawings) of planning permission reference 24/00671/FP granted on 25.10.2024 for Erection of six detached 4-bed dwellings following demolition of existing dwelling/outbuildings and builder yard buildings. (Amended plans received 13/08/24).
<u>Ref. No:</u>	26/01373/S73
<u>Officer:</u>	Saffron Loasby

Date of expiry of statutory period: 13th August 2026

Extension of statutory period: 7th September 2026

Reason for Delay: In order to schedule the application to a Planning Committee

Reason for Referral to Committee: Residential development on a site more than 0.5 hectares (see paragraph 8.4.5 (a) of the Council Constitution)

1.0 **Planning Policy**

1.1 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 SP5: Countryside and Green Belt
 Policy SP6: Sustainable Transport
 Policy SP9: Design and Sustainability
 Policy SP12: Green Infrastructure, Landscape and Biodiversity
 Policy SP13: Historic Environment

Policy T1: Assessment of Transport Matters
 Policy T2: Parking
 Policy HS5: Accessible and adaptable housing
 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 NE8: Sustainable Drainage Systems
Policy NE10: Water Framework Directive and wastewater infrastructure
Policy HE1: Designated Heritage Assets
Policy HE4: Archaeology

1.2 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
Section 13: Protecting Green Belt land
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

1.3 Supplementary Planning Guidance

Vehicle Parking at New Development SPD (2011) (Plus Appendix 4 in North Herts Local Plan 2011 – 2031)

Sustainability SPD (2024)

District Design Code (2026)

1.4 Neighbourhood Plan

There is no Neighbourhood Plan for the Parish of Langley.

2.0 **Relevant site history**

- 2.1 24/00671/FP – Erection of six detached 4-bed dwellings following demolition of existing dwelling/outbuildings and builder yard buildings. (Amended plans received 13/08/24) – Approved 28/10/2024
- 2.2 22/01835/FP – Erection of 4 detached dwellings following demolition of existing dwelling / outbuildings and builders yard – Granted conditional permission on 06/06/23. This was determined under delegated authority due to an error regarding the size of the site area.
- 2.3 21/01439/PRE – Erection of 8 dwellings with associated infrastructure. The reply concluded that 8 dwellings could not be supported in this Green Belt location as this would fail to comply with the NPPF para 154 exception g advice, as 8 dwellings would have a materially greater impact on the Green Belt than the buildings to be removed.

- 2.4 00/00345/1HH - Single storey side extension, rear and side conservatory to include new porch – Granted Conditional Permission on 27/04/2000.
- 2.5 90/00586/1 - Single storey rear extension. (As amended by plans received 24th May 1990) – Granted Conditional Permission on 25/05/1990.
- 2.6 89/00512/1 - Detached dwelling with garage (outline - siting, design, external appearance and landscaping reserved) (As amended by plans received 5th May 1989)

3.0 **Representations**

- 3.1 **HCC Highways** – no comment to make.
- 3.2 **HCC Archaeology** – no comment to make.
- 3.3 **HCC Ecology officer** - the proposals are unlikely to have any significant ecological impacts; therefore the application can be determined accordingly.
- 3.4 **HCC Rights of Way** – awaiting correspondence since amended plan received 24/07/2026. Consultation expiry 18/08/2026
- 3.5 **NHDC Environmental Health** – no objection subject to any undischarged conditions placed on 24/00671/FP being retained.
- 3.6 **Langley Parish Council** – No comments received.
- 3.7 The application has been advertised with a site noted erected 25th June 2026, a press notice dated 25th June 2026 and neighbour notification letters. No replies have been received. One email has been received however this did not include a full address and neither objected nor supported the scheme.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site, known as Greenside, is situated on the east side of London Road and within the settlement of Langley. The site was previously described as containing a dwellinghouse, builders' yard, and ancillary outbuildings. This has since changed given the extant planning permission and the various discharge of conditions. Development on site has commenced.
- 4.1.2 The application site is situated within the Green Belt. The public rights of way footpath no.14 runs along the western boundary of the site outside of the red line planning application site area.

4.2 **Proposal**

- 4.2.1 This is a S73 application to vary the approved 2024 permission. It would supersede the 2024 permission if it is granted permission and then implemented. This application is assessed based on the proposed changes. The sought changes are the addition of car

ports to each of the approved dwellings. Plots 1 and 2 propose double bay carports and plots 3-6 propose single car ports. The design of both car ports comprises a timber frame with open frontage under a dual pitch, tiled roof. The single carports measure 2.7m x 4.9m externally, 3.2m to the ridge and 2.2m to the eaves. The double carports measure 5.4m x 5m externally, sit 3.7m to the ridge and 2.2m to the eaves.

4.3 Key Issues

- 4.3.1 Given the planning history there is no objection to the residential development of this site and the full committee report for application 24/00671/FP is attached at Appendix 1 for information purposes. The main issue in the determination of this application is whether the proposed carports are suitable additions to scheme, and whether there is any other harm that would result as part of the proposal.

Assessment

Green Belt

- 4.3.2 The site comprises previously developed land within the Green Belt and has an established planning history for residential redevelopment. The extant permission for six dwellings superseded an earlier permission for four dwellings and four garages and, in granting the six-dwelling permission, regard was expressly had to the scale of the former buildings on the site, which had a combined footprint of approximately 1,012m². The approved six-dwelling scheme has a footprint of approximately 974m² and represents an extant fallback against which the effect of the current amendments is a material consideration.
- 4.3.3 The current proposal introduces approximately 98m² of additional single-storey garage accommodation, resulting in an overall footprint of approximately 1,072m². This represents an increase of 98m² over the extant six-dwelling scheme, but only approximately 60m², or 6%, over the former built footprint of the site. Whilst the carports therefore introduce additional built form compared with the extant permission, footprint alone is not determinative of the effect upon Green Belt openness. Regard must also be had to the scale, height, volume, siting and visual effects of the development.
- 4.3.4 Paragraph 154(g) of the NPPF provides that the limited infilling or partial or complete redevelopment of previously developed land need not be regarded as inappropriate development in the Green Belt where it would not cause substantial harm to the openness of the Green Belt. In this case, having regard to the previously developed character of the site, the extent of its former built footprint, the extant permission for six dwellings and the limited scale and single-storey form of the additional carports within the context of the approved residential development, it is considered that the amended scheme, taken as a whole, would not cause substantial harm to either the spatial or visual openness of the Green Belt.
- 4.3.5 The proposal is therefore considered to represent limited redevelopment of previously developed land falling within the exception at paragraph 154(g) of the NPPF. The development is consequently not inappropriate development in the Green Belt and there is no requirement to demonstrate very special circumstances. The proposed amendments are acceptable in Green Belt policy terms.

Character and Appearance

- 4.3.6 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. 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. These considerations are echoed in Sections 6 and 12 of the NPPF.
- 4.3.7 The principle, siting and general arrangement of six dwellings on the site has previously been established through the extant permission. The current application does not alter the number of dwellings proposed but seeks amendments to the approved scheme including the introduction of additional carports. It should be noted that the position of the six proposed dwellings will not change as a result of this proposal.
- 4.3.8 In assessing the change in the layout, regard has been had to the relationship of the proposed carports with the approved dwellings, their position within the overall residential development, and their effect upon the character and appearance of the site and surrounding area. The carports are subordinate in scale and form to the principal dwellings and would be read as ancillary domestic buildings forming part of the overall residential layout, rather than as unrelated or visually dominant additions. The car ports are positioned to overlap where car parking spaces were previously proposed.
- 4.3.9 Although the carports increase the amount of built form within the site, their single-storey scale and positioning in association with the approved dwellings would maintain an appropriate hierarchy of development and would not result in an unduly cramped or overdeveloped appearance. The car ports would be open on one side and of timber construction. The amended layout would retain an appropriate balance between built development and open space and would continue to provide adequate separation between buildings and a coherent arrangement of dwellings, parking and ancillary development.
- 4.3.10 The introduction of carports would also provide some undercover storage for vehicles and domestic storage which might otherwise be accommodated within external parking and garden areas. The proposed timber frames, and complementary materials are considered to be consistent with the approved dwellings, and the carports would integrate satisfactorily with the architectural character of the development.
- 4.3.11 Overall, the amendments would not materially alter the established character or design rationale of the approved residential scheme. The scale, siting, layout and appearance of the additional carport accommodation are considered appropriate to the residential character of the development and would not result in material harm to the character and appearance of the site or surrounding area. Regarding the PROW, no response has been received, however as the layout is within the bounds of the previously approved site layout, it is not considered there would be any impact on the PROW. The amended scheme is therefore considered acceptable in design and layout terms.

Parking

- 4.3.12 Local Plan Policy SP6: Sustainable transport confirms that the Council will seek to secure accessibility improvements and promote the use of sustainable transport modes insofar as reasonable and practicable. Local Plan Policy T1 Assessment of transport matters and Policy T2 Parking are also relevant considerations.
- 4.3.13 The proposed carports would provide appropriate off-street parking for the six approved dwellings. Whilst some of the parking dimensions fall marginally short of those set out within the North Herts Design Code, the spaces remain functional and separate bin and cycle storage has already been agreed through the earlier conditions. The carports would also increase parking provision in some instances, consistent with the greater parking requirements for dwellings of four bedrooms or more. Overall, the parking provision is therefore considered acceptable.
- 4.3.14 It is also relevant that the layout of the six-dwelling scheme was approved prior to the formal adoption of the Design Code, with the current Section 73 application submitted shortly before its adoption. Whilst the Design Code is a material consideration, it would not be reasonable to require substantial changes to an established and approved layout solely to achieve full compliance with standards introduced subsequently. Having regard to the extant permission and the limited scope of the Section 73 application, the minor areas of non-compliance are not considered to result in any material parking or highway harm.

Conclusion

- 4.3.15 There is no objection to the proposed changes in relation to impact on the Green Belt, and the proposed changes are considered to respect the character and appearance of the site and the new development. The proposed changes are in accordance with the NPPF, the North Hertfordshire Local Plan Policies and the District Design Code.
- 4.3.16 Grant conditional permission. Since the granting of the 2024 permission, there has been progress in getting the details required by the conditions imposed on that permission agreed. Therefore, the conditions below / recommended reflect this progress and refer to the relevant DOC application when relevant.

Alternative Options

- 4.3.17 None applicable

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 is resolved to be **GRANTED** subject to:

- A) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required; and
- B) The conditions and informatives set out below:

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, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission or subsequent approval of reserved matters.

3. The materials to be used on all external elevations and the roof of the development hereby permitted shall be carried out in accordance with the details agreed under application ref. no. 25/00976/DOC unless otherwise agreed in writing by the Local Planning Authority.

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 (and any further new class that may be introduced by way of an update) 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 occupation, each dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

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 and to comply with Policy D4 of the North Hertfordshire Local Plan 2011 to 2031.

6. All public right of way routes (Langley footpath 014) shall remain undisturbed and unobstructed at all times unless legally stopped up or diverted prior to the commencement of the development hereby permitted or closed temporarily for the purpose of works on the footpath, by a Temporary Traffic Regulation Order, Road traffic Regulation Act 1984. The alignment of any public right of way shall be protected by temporary fencing/signing in accordance with details first submitted to, and approved in writing by, Highway Authorities Rights of Way Service throughout the course of the development.

Reason: To safeguard the rights of the public and in the interest of pedestrian safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

7. Prior to occupation of the development hereby permitted, the landscape details shall be carried out in accordance with the details agreed under application ref. no. 25/01102/DOC unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the completed development and to ensure biodiversity net gain is delivered.

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. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of 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. The requirements of parts (a), (b) and (c) of this condition have been discharged under planning reference 25/01104/DOC. The development shall be carried out in accordance with the details approved under that application.

The site shall not be occupied or brought into use until:

- (a) All works which form part of the approved Remediation Method Statement, where required, have been fully completed and, if required, a formal agreement has been submitted to and approved by the Local Planning Authority which provides for the ongoing monitoring and/or maintenance of the remediation scheme; and
- (b) A Remediation Verification Report confirming that the site is suitable for its approved use has been submitted to and approved in writing by the Local Planning Authority.

Any contamination not previously identified or reported, which is encountered during the development of the site, shall be brought to the attention of the Local Planning Authority as soon as reasonably practicable. A scheme to render such contamination harmless shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be fully implemented prior to occupation of the 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.

11. The development hereby permitted, shall be carried out in accordance with the Construction Method Statement agreed under application ref. no. 25/01106/DOC unless otherwise agreed in writing by the Local Planning Authority. The construction of the development shall only be carried out in accordance with the approved details.

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).

12. Prior to any above ground works being commenced, details of all external lighting for the development, hereby permitted, shall be carried out in accordance with the details agreed under application ref.no 25/01107/DOC. This should include non-intrusive light fittings and locations designed to minimise light spill into adjoining residential properties. Thereafter, the development shall be completed in complete accordance with the approved details.

Reason: In the interests of residential amenity and to minimise light nuisance.

13. The development shall be carried out in full accordance with the Ecological Enhancement Plan and details approved under planning reference 25/01108/DOC.

All ecological enhancement measures approved under planning reference 25/01108/DOC shall be fully implemented prior to the first occupation of the first dwellinghouse and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure the development secures biodiversity enhancements in accordance with Policy NE4 of the Local Plan.

14. The development shall be carried out in full accordance with the Sustainability Strategy and details approved under planning reference 25/01110/DOC. The approved measures must be implemented on site for each dwelling 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.

15. No gates shall be provided across the access to the site.

Reason: In the interests of local visual amenity and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

16. Prior to the first occupation of the first dwelling, a scheme of traffic calming measures to be submitted to, and agreed in writing by the Local Planning Authority, and installed on site and be retained thereafter.

Reason: To ensure traffic is moving at a slow speed to protect users of the footpath No.14 in accordance with Policy T1 of the Local Plan.

17. Notwithstanding the details on the proposed site layout plan, drawing no. 2023-16-PL-001, the four visitor parking spaces are to be laid with grasscrete and thereafter retained as such.

Reason: To allow for a green edge buffer to the edge of the application site in the interests in the setting of the neighbouring listed building, The Forge. LP Policy HE1.

18. The carports hereby permitted shall be retained permanently for the parking of motor vehicles ancillary to the respective dwellings and shall not be enclosed, converted or otherwise altered to provide additional accommodation or storage without the prior written permission of the Local Planning Authority.

Reason: To ensure the continued availability of appropriate off-street parking and to retain the open and lightweight appearance of the carports, in the interests of the character and appearance of the development and the surrounding area to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.