

St Albans City and District Council – S62A comments

BACKGROUND

Site / Surroundings: No. 1 is a two storey detached dwelling located to the north east of Wheatfield Road. The surrounding area is residential where a number of dwellings within the locality have been replaced.

Proposal:

This application proposes demolition of existing four bedroom house and outbuildings, construction of replacement four bedroom house and double garage.

Relevant Plan History:

5/23/1225 Four bedroom house and double garage following demolition of existing house and garage, associated parking and landscaping. Refused for the following reason:

Insufficient information has been submitted for the Local Planning Authority to fully determine the impact of the proposed development on bats. The application is therefore contrary to Policy 106 (Nature Conservation) of the St Albans District Local Plan Review 1994, Policy ESD13 of the Harpenden Neighbourhood Plan and the provisions of the National Planning Policy Framework, 2023.

5/11/2204 Replacement garage and temporary portacabin. Granted.

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development plan is the St Albans District Local Plan Review 1994 and the Harpenden Neighbourhood Plan.

The NPPF 2023 is also a material consideration.

Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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 this Framework taken as a whole.

Paragraphs 224 and 225 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Given the age of the development plan, assessment of the proposal against the relevant policies will be limited to those which accord with the NPPF. The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

National Planning Policy Framework

St. Albans District Local Plan Review 1994:

POLICY 2	Settlement Strategy
POLICY 34	Highways Consideration in Development Control
POLICY 39	Parking Standards, General Requirements
POLICY 4	New Housing Development in Towns
POLICY 40	Residential Development Parking Standards
POLICY 69	General Design and Layout
POLICY 70	Design and Layout of New Housing
POLICY 74	Landscaping and Tree Preservation
POLICY 106	Nature Conservation

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POLICY SS1	The Spatial Strategy
POLICY ESD1	Design Strategy
POLICY ESD2	Local Character and Heritage
POLICY ESD5	New Car Parking Design
POLICY ESD6	Refuse and Recycling
POLICY ESD13	Biodiversity
POLICY ESD14	Trees and Hedges
POLICY ESD15	Sustainability and Energy Efficiency
POLICY ESD19	Water Conservation
POLICY H1	Housing Strategy
POLICY H2	Housing Renewal
POLICY H7	Lifetime Homes
POLICY H9	Private Outdoor Space for Residential Development
POLICY T11	Residential Parking Standards

Supplementary planning Guidance/Documents

Design Advice Leaflet No. 1.
Revised Parking Policies and Standards, 2004.

REPRESENTATIONS

A site notice was displayed on 14.8.24. No representations have been received by the Local Planning Authority.

Nos. 1b, 14, 16, 18 Wheatfield Road; 1 Wheatfield Avenue and 24, 26, 28 The Uplands were notified on 14.8.24. No representations have been received by the Local Planning Authority.

Harpenden Town Council:

No representations have been received.

Consultations:

St Albans City & District Council - Environmental Compliance

Please find suggested conditions attached:

Noise from plant & equipment: Before the use commences a noise assessment should be carried out to establish whether the air source heat pumps that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the air source heat pumps do not, at any time, increase the ambient equivalent continuous noise level at the boundary of nearest noise sensitive receptor.

The rating level of any plant/machinery/equipment to be used shall not exceed the background sound level.

Reason: To protect the amenities of adjoining development. To comply with Policy 70 of the St Albans District Local Plan Review 1994.

Informatives:

Hours of Demolition/Construction Works: No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Noise Insulation – Conversion: The attention of the applicant is drawn to The Building Regulations 2010, Approved Document E ‘Resistance to the passage of sound’, Section 0: Performance.

Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The L_{Amax,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an L_{Amax,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

Dust: Dust from operations on the site should be minimised by spraying water or by carrying out other such works necessary to contain/suppress dust. Visual monitoring of dust should be carried out continuously and Best Practical Means (BPM) should be employed at all times.

The applicant is advised to consider the document entitled 'The control of dust and emissions from construction and demolition - Best Practice Guidance', produced in partnership by the Greater London Authority and London Councils.

Bonfires: Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

Lighting Details: Details of any external lighting proposed in connection with the development should be submitted to and approved by the Local Planning Authority prior to the commencement of development.

Contaminated Land: Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Asbestos: Prior to works commencing it is recommended that the applicant carry out a survey to identify the presence of any asbestos containing materials on the site, either bonded with cement or unbonded. If asbestos cement products are found they should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos should be removed by a licensed contractor.

St Albans City & District Council – Parking

No representations received at the time of writing this report.

St Albans City & District Council – Trees & Woodlands

No representations received at the time of writing this report.

St Albans City & District Council – Waste Management

No representations received at the time of writing this report.

Herts County Council – Highways

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Informatives:

HCC as Highway Authority recommends inclusion of the following Advisory Notices (AN)/highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Storage of Materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If

this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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

COMMENTS:

Context: The site is located on Wheatfield Road some 62m from the junction with The Uplands. Wheatfield Road is an unclassified local access road and is highway maintainable at public expense. A 30mph speed limit applies. On HCC's Place and Movement network, Wheatfield Road is classed as P2/M1 (Eg. Residential Street). No reportable highway accidents recorded within the vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRow map) directly affects the site or would be affected by the proposal. The county council considers Wheatfield Road not to be a traffic sensitive road.

Proposed Development: Involves the demolition of the existing four bedroom house and outbuildings. Construction of replacement four-bedroom house and double garage.

Access: An existing dropped kerb and vehicle crossover provides for vehicular access from the highway to the frontage of the site. The application form states that no new or altered vehicular or pedestrian access is proposed to or from the public highway.

Trip Generation: The additional habitable space to be created as a result / nature of the proposed development is unlikely to result in an increase in additional vehicle trips to and from the site. No significant, or severe, impact on the transport network is identified.

Parking: The LPA shall be responsible for assessing the proposed development against local parking standards and to satisfy for itself that any level of parking it requires can be

achieved within the boundary of the site and not overhang the highway, including the highway footway / grass verge/ vehicle crossover. A hard-surfaced resin driveway would make provision for on-site parking spaces. The proposed garage is approximately 6.2m wide and 7m deep. This is in accordance with Hertfordshire's Place and Movement Planning Design Guide (adopted 2024). "The minimum internal garage dimensions for cars should be 6m x 3m (internal dimension) based on a large family car of 2m width and a minimum clearance of at least 0.5m each side required to open car doors on both the driver and passenger side and an average car length of about 4.5m."

Accessibility: A footway is located to the front of the application site, providing pedestrian access to the local area and amenities, Wheatfield Road is residential in nature. Harpenden Town Centre and Train Station are both a short bus ride away. Several bus stops with both northbound and southbound services are located on St Albans Road and Redbourn Lane.

Surface Water Flood Risk to the Highway: The transport network needs to be resilient to the risks from the impacts of climate change, including changing weather patterns and extreme events. Policy 5 and of the Hertfordshire Local Transport Plan (LTP4) seek to secure developer mitigation measures to limit the impacts of development on the network. HCC's Place and Movement Planning Design Guide, states that water from areas that are not adoptable highway must not be allowed to run onto areas of adopted highway. The Government's flood risk maps for planning indicate parts of the nearby highway carriageway to be at low risk of surface water flooding:<https://flood-map-for-planning.service.gov.uk/>

The application indicates that surface water will be discharged by way of a soakaway, an informative is recommended on this respect (AN4).

Emergency Vehicle Access: Consistent with the National Planning Policy Framework (2023), paragraph 116 (d), applications for development should allow for access by emergency vehicles. Guidance is set out in Manual for Streets (MfS) (6.7.2). HCC's Place and Movement Planning Design Guide (P&MPDG) (Part 2 Chapter 4). Requirements are set out in the Building Regulations: Fire Safety Approved Document B, Vol 1, Dwellings, 2010 (as subsequently amended). Access for a pumping appliance should be provided to within 45m of a single dwelling house (and within 45m of all points within the dwelling house). As far as it can be reasonably ascertained from submitted plans, the proposed development would be within the recommended emergency vehicle access distance from the highway.

Access for Waste Collection Vehicles: The proposal will not affect existing access arrangements for kerbside collection.

CONCLUSION: HCC as Highway Authority has considered the proposal and concludes that it would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It raises no objections but recommends the inclusion of the above highway informatives/advisory notes.

Herts County Council - Landscape

The following comments are given with regards to landscape matters in line with national and local policy requirements, British Standards, and industry accepted good practice guidance.

NPPF: The National Planning Policy Framework (NPPF) confirms that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside.

Decisions should also ensure that new developments, are sympathetic to local character and history including the surrounding built environment and landscape setting, support healthy lifestyles through the provision of safe and accessible green infrastructure and an

appropriate amount and mix of green and other public space, and are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.

The NPPF recognises that trees make an important contribution to the character and quality of urban environments and serves to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

Local Development Plan:

Policy 69 General Design and Layout
Policy 70 Design and Layout of New Housing
Policy 74 Landscaping and Tree Preservation
Policy 75 Green Space within Settlements

Design Advice Leaflet No. 1 – Design and Layout of New Housing

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ESD14 – Trees and Hedges

Development proposals should be designed to retain ancient, veteran, and mature trees (particularly in ancient woodland) or trees or hedgerows of Ecological, Arboricultural or amenity value and should be accompanied by a tree survey that establishes the health and longevity of any affected trees. Development proposals must not result in unacceptable loss of – or damage to – existing trees or woodlands or hedges or significant landscaping during or because of development.

Where trees must be lost as a result of development, these must be replaced at a ratio of at least 2:1 within the site, with a preference for native trees and for fruit and nut trees. The responsible planting of additional trees that reduce or absorb air pollution from traffic will be supported throughout the Neighbourhood Plan Area.

Landscape Proposals:

We note that it is proposed to retain an existing tree at the frontage of the property, this is a supported approach. It is also understood that the tree protection fencing is proposed around the retained tree as well as in the rear garden to protect the existing vegetation at the rear boundary.

It is proposed to introduce new indian sandstone paving to the perimeter of the dwelling, and resin driveway and tegula edging. The introduction of a new tree and shrub planting areas to the front should help soften the building frontage. Overall, the landscaping scheme is supported.

Summary and Conclusion: We therefore advise the LPA that we have no objection in principle to the proposed development and should the LPA decide to grant planning permission we would suggest that the following conditions be applied:

C565 – Landscape Design Proposals
C566 – Soft Landscape Works.

Herts County Council - Ecology

Overall Recommendation: Application can be determined with no ecological objections (with any informatives/conditions advised below).

Summary of Advice: A bat license from Natural England will be required prior to works commencing.

Supporting Documents: I have made use of the following documents in providing this advice: Emergence and Activity Bat Survey (EBS) by Cherryfield Ecology (7 June 2024).

Comments: The above report details how the proposed demolition of the building will result in the loss of a bat roost. Works must therefore take place under the conditions of a bat license from Natural England. With this information in place, I consider the LPA has sufficient information to fully consider bats and apply and satisfy the Conservation of Habitats and Species Regulations 2017 (as amended) prior to determination. I advise an Informative should be attached to any permission to the effect that:

A bat licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will also be a criminal offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to."

Thames Water

No representations have been received at the time of writing this report.

Affinity Water

No representations have been received at the time of writing this report.

UK Power Networks

We refer to the Planning Application for the above site. The proposed development is in close proximity to our substations and have the following observations to make:

If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required. Any Party Wall Notice should be served on UK Power Networks at its registered office: UK Power Networks, Newton House, 237 Southwark Bridge Road, London SE1 6NP.

Our engineering guidelines state that the distance between a dwelling of two or more stories with living or bedroom windows overlooking a distribution substation should be a minimum of ten metres if the transformer is outdoor, seven metres if the transformer has a GRP surround or one metre if the transformer is enclosed in a brick building. It is a recognised fact that transformers emit a low level hum which can cause annoyance to nearby properties. This noise is mainly airborne in origin and is more noticeable during the summer months when people tend to spend more time in their gardens and sleep with open windows.

A problem can also occur when footings of buildings are too close to substation structures. Vibration from the transformer can be transmitted through the ground and into the walls of adjacent buildings. This, you can imagine, is very annoying.

In practice there is little that can be done to alleviate these problems after the event. We therefore offer advice as follows:

1. The distance between buildings and substations should be greater than seven metres or as far as is practically possible.

2. Care should be taken to ensure that footings of new buildings are kept separated from substation structures.

3. Buildings should be designed so that rooms of high occupancy, i.e. bedrooms and living rooms, do not overlook or have windows opening out over the substation. Minimum distance for this should be at least 10m.

4. If noise attenuation methods are found to be necessary, we would expect to recover our costs from the developer.

Other points to note:

5. UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development.

6. The development may have a detrimental impact on our rights of access to and from the substation. If in doubt please seek advice from our Operational Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.

7. No building materials should be left in a position where they might compromise the security of the substation or could be used as climbing aids to get over the substation surround.

8. There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

9. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.

Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

Herts & Middlesex Wildlife Trust

No representations have been received at the time of writing this report.

DISCUSSION

Main Issues:

Principle of Development

The site is within Harpenden, which is identified as a Town as set out in Policy 2 of the Local Plan. Policy 4 states that within Towns there will be a presumption in favour of housing where housing is consistent with other policies within the Local Plan.

Policy SS1 of the Harpenden Neighbourhood Plan identifies that the priority for new development is within the built up area of Harpenden (as shown in Figure 4.1 of that document), which this site is.

Therefore the principle of this development is acceptable and in compliance with the St Albans District Local Plan and Harpenden Neighbourhood Plan.

Policy H2 of the HNP states that “the redevelopment of existing residential properties that are robustly demonstrated to be no longer fit for purpose will be supported”. A statement submitted during the course of the application outlines that following a detailed evaluation of the existing house it was determined that “due to its age and design, the current dwelling was not fit for purpose for the needs of the client. It was established that only one of the current walls could be retained so it was not economically viable to extend the house with this in mind”. The proposal is therefore in accordance with Policy H2 of the HNP.

Design and Layout

The application site is located within an established residential area that is characterised by detached dwellings on large plots. A large number of dwellings in the locality have either been extended or replaced.

The replacement dwelling will sit centrally on the plot and with the two storey elements being inset from the side boundaries by approximately 5.3m and 7.4m preventing an adverse terracing effect in the street scene and reflecting the character of the existing. The single storey side projections will also be inset from the boundaries, with the development as a whole reflecting the spacious character of the locality.

The ridge and eaves height, design and form will result in a dwelling that is in context with its surroundings and will sit comfortably within the street scene, repeating design elements used elsewhere in the surrounding area. A small area of crown will be formed at roof level however the building remains in scale with its surroundings and the crown will not be obvious from street level, preventing an adverse impact on the street scene.

The detailed design of the replacement dwelling, including the provision of solar panels on one side elevation, is considered acceptable and in keeping with the character and appearance of the street scene.

Details of the materials for the proposed replacement dwelling have been included within this application and are given as brick: brick – Michelmersh Freshfield Lane First Quality; boarding – black stained oak; render – Weberplast Silver Pearl silicon; tile hanging – Keymer Shire plain clay Priory; roof – Keymer Goxhill plain clay dark chestnut; Windows – white upvc; doors – white aluminium/black timber; paving – 600x600 Indian Sandstone Golden Fosile and driveway – Rein buff and Marshalls Tegula “Natural” granite edgings. These materials are likely to be acceptable in this location however further details, in the form of samples (prior to works above ground) would be required via condition to ensure the finished appearance of the development is acceptable.

In regard to landscaping, the site does contain some trees, including within the front garden, none of which are protected by virtue of a tree preservation order or conservation area. Tree protection measures for the duration of the construction of the development are proposed in this submission, in compliance with Policy 74.

It is considered, in this case, that sufficient information has been provided within the application in regard to proposed hard and soft landscaping.

In regard to refuse and recycling, an area to the side of the building is allocated as “recycling storage area, in accordance with Policy ESD6 of the HNP.

It is noted that air source heat pumps are proposed to be installed to the rear and side of the garage. The air source heat pumps at the rear would not be in view from outside of the site being situated at ground level. The side heat pump would be above ground level however it is set back from the proposed front elevation and street scene. There is no objection to these pumps in regard to their impact on character.

In conclusion, the development is acceptable and would result in a building that is in scale and character with the street scene and locality. The development is in accordance with Policies 69, 70 and 74 of the Local Plan, ESD1, ESD2, ESD5, ESD6 and ESD14 of the HNP and the NPPF.

Impact on the visual and residential amenities of future occupiers and neighbours

A planning principle as set out in the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 69 and 70 of the Local Plan Review 1994, and the Council's Design Advice Leaflet No. 1.

Future occupiers

Supplementary Design Guidance "Design Advice Leaflet No. 1, Design and Layout of New Housing" specifies that dwellings should have 40 square metres of amenity space for the first bedroom and an additional 20 square metres of amenity space for each bedroom thereafter.

The proposed replacement dwelling would have four bedrooms. The site will retain in excess of 790sqm of rear amenity space, which reflects the local character of the area and is in excess of the figures in Design Advice Leaflet No. 1. The development therefore complies with the Design Advice Leaflet No. 1 and Policy H9 of the HNP.

Internally, all the main habitable rooms within the new dwelling would have an acceptable outlook and standard of environment, in compliance with Policy 70.

Impact on Neighbours

The site is side on to the rear of Nos. 26 and 28 The Uplands. Given the relationship between the site and these adjacent properties, the separation distance and development proposed, it will not result in an overbearing impact, loss of light or outlook to the occupiers of these adjacent properties.

One first floor side facing window is proposed looking towards Nos. 26 and 28. The window serves an ensuite and can therefore be conditioned to remain obscurely glazed and non opening below a height of 1.7m above finished floor level, to prevent loss of privacy.

The rear of the site adjoins the rear garden of No. 24 The Uplands. The site will retain a rear boundary distance of approximately 27m, preventing overlooking and loss of privacy.

No. 1b Wheatfield Road is a two storey detached dwelling adjacent the application site.

The proposed replacement dwelling will not intrude into a 45 degree line of visibility from No. 1b's nearest ground floor window preventing loss of light. The two storey element of the building will be inset from the side boundary by approximately 7.4m, with the single storey side protection being inset by approximately 1.2m, preventing an overbearing impact and loss of outlook.

One first floor side facing window is proposed looking towards No. 1b. The window in question serves a bathroom and can therefore be conditioned to remain obscurely glazed and non-opening below a height of 1.7m above finished floor level, to prevent loss of privacy.

The development proposes the installation of air source heat pumps to the rear of the garage at ground level and above ground level to the side. Whilst there is no objection to their installation, a condition would be required for the submission of a noise assessment prior to their installation to ensure there would be no impact on the residential amenity of adjacent occupiers.

In conclusion, the development will not have a detrimental impact on the residential amenity of the occupiers of adjacent dwellings, in compliance with Policies 69 and 70 of the Local Plan.

Ecology

The previously refused application was accompanied by a Preliminary Roost Assessment. The assessment carried out found that the building had a high potential for roosting bats and, in line with best practice, three activity surveys were recommended to establish the presence or absence of roosting bats. Only two out of the three surveys were carried out, with the second survey being carried out at the sub optimal time. However, the second survey did confirm the presence of a bat roost.

In line with best practice guidelines and for the Local Planning Authority to be confident that Natural England will issue a licence, a further two emergence surveys were required to be able to identify the type of roost, its importance and to inform required mitigation. In the absence of the emergence surveys the local planning authority had insufficient information to fully assess the impact of the development on bats and therefore the application was refused.

This current application has included the results of the required emergence surveys and details of recommended mitigation. Sufficient information now exists for the impact of the development on bats to be fully assessed. In line with the response received from HCC Ecology, an informative can be included advising the applicant that a license from Natural England will be required and that the terms of that license, including mitigation and compensation requirements, should be adhered to.

The previous reason for refusal has therefore been overcome and this resubmission complies with Policy 106 of the Local Plan, Policy ESD13 of the HNP and the NPPF.

Sustainability/Energy Efficiency and Water Conservation

Policy ESD15 of the HNP states that "*Developments should be designed to minimise energy consumption including through the use of sustainable materials, high energy efficiency levels, the incorporation of renewable energy initiatives and the efficient design of the building*". Policy ESD 19 deals with water conservation.

A statement was submitted in support of the application with the following information:

- where possible existing materials from the current house will be re-cycled, this would include the re-using of reclaimed roof tiles and bricks. If bricks cannot be reclaimed they can be crushed with other blockwork for hardcore;
- the current house has sub-standard windows and levels of insulation throughout. All new works will meet standards required by Building Control;
- all windows and doors will be replaced to improve the thermal performance, the replacement of the existing boiler and hot water cylinder with more efficient air source heat pumps;
- new toilets and water appliances throughout the build will also be of the most efficient design in terms of water usage and efficiency;

The proposal is therefore contrary to Policies ESD15 and ESD19 of the HNP.

Impact on highways / parking considerations

The development proposes four bedrooms. Under Policy 40, a four bedroom dwelling would require the provision of 3.5 car parking spaces. The Revised Parking Policies and Standards and the NPPF allow for a lesser provision dependent upon the sustainable

location of the site. In this case, the development proposes a garage and at least two further car parking spaces on hardstanding to the front.

The application is therefore in accordance with Policies 39 and 40 of the Local Plan, the Revised Parking Policies and Standards, Policy T11 of the Harpenden Neighbourhood Plan and the NPPF.

Herts County Council have not raised any objection on highway safety grounds, subject to the inclusion of informatives. Therefore, the proposal is in accordance with Policy 34 of the District Plan.

Biodiversity Net Gain

The effect of Paragraph 13 of Schedule 7A of 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 application form states that the development will be self build and custom build development as the house has been design by the clients for their own use to live in. It is noted that development which consists of no more than 9 dwellings, and is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 fall under one of the exemptions to Biodiversity Net Gain. If the development as proposed would fall under the definition of section 1(A1) of the Self-build and Custom Housebuilding Act 2015 then it would be exempt from BNG in this case.

REASONS FOR GRANT

The replacement dwelling is acceptable in principle. The proposed development would be acceptable in terms of its impact on local character and appearance, impact on the amenities of future occupiers and occupiers of adjacent dwellings and impact on parking, the highway network, landscaping and protected species. The proposed development is therefore in accordance with Polices SS1, ESD1, ESD2, ESD5, ESD6, ESD13, ESD14, ESD15, ESD19, H1, H2, H7, H9 and T11 of the Harpenden Neighbourhood Plan; Policies 2 (Settlement Strategy), 4 (New Housing Development in Towns), 34 (Highways Considerations in Development Control), 39 (Parking Standards, General Requirements), 40 (Residential Development Parking Standards), 69 (General Design and Layout), 70 (Design and Layout of New Housing), 74 (Landscaping and Tree Preservation), 106 (Nature Conservation) and Revised Parking Policies and Standards, January 2002 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

Recommended Conditions should the Inspector wish to grant permission:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, FWR/2023/30 Revision B,

FWR/2023/110 Revision B, FWR/2023/03 Revision D, FWR/2023/01 Revision D, FWR/2023/02.

For the avoidance of doubt and in the interests of proper planning.

3. Prior to commencement of the development hereby granted, the existing trees shall be protected in accordance with the details on drawing no. FWR/2023/100 Revision B and the submitted tree protection statement.

To protect existing trees during construction to ensure the character and amenity of the area are not impaired. To comply with Policy 74 of the St Albans District Local Plan Review 1994.

4. Other than demolition, prior to works above ground samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Sample materials should be made available on site when discharging this condition. Development shall be carried out in accordance with the approved details.

To ensure that the finished appearance of the development is satisfactory. To comply with Policies 69 and 70 of the St. Albans District Local Plan Review 1994.

5. The window(s) to be created in the first floor side elevations facing towards Nos. 26 and 28 The Uplands and 1b Wheatfield Road shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

To maintain the privacy of adjoining residents. To comply with Policy 72 of the St. Albans District Local Plan Review 1994.

6. Prior to occupation the proposed hard and soft landscaping of the site shall be carried out in accordance with the details on approved drawing no. FWR/2023/110 Revision B.

To ensure the satisfactory landscaping of the site in accordance with Policy 74 of the St Albans District Local Plan Review 1994.

7. Prior to the installation of the air source heat pumps, a noise assessment should be carried out to establish whether the air source heat pumps that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the air source heat pumps do not, at any time, increase the ambient equivalent continuous noise level at the boundary of nearest noise sensitive receptor.

The rating level of any plant/machinery/equipment to be used shall not exceed the background sound level.

To protect the amenities of adjoining development. To comply with Policy 70 of the St Albans District Local Plan Review 1994.

8. Biodiversity Gain Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (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 St Albans City and District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply:

Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Informatives:

1. This determination was based on the following drawings and information: Site location plan, FWR/2023/30 Revision B, FWR/2023/110 Revision B, FWR/2023/03 Revision D, FWR/2023/01 Revision D, FWR/2023/02, existing block plan, existing floor plans, existing elevations, Design & Access Statement, Ecology Statement, Tree Protection Statement.
2. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District.
3. The applicant is informed that the Local Planning Authority would encourage the use of sustainable energy efficient building materials and alternative energy sources in construction and would encourage the consideration of alternative forms of heating, for example solar power.
4. The applicant is requested to ensure no damage is caused to the footpath and highway verge during the course of the development. Any damage should be repaired to the satisfaction of Hertfordshire Highways.
5. 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 website:<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

6. 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 website:<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

7. 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.

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

9. Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days, nor on any Saturday before 08.00 hours or after 13.00 hours

10. Remember - you are responsible for the legal and safe disposal of any waste associated with your project. In the event of your waste being fly tipped or otherwise disposed of illegally or irresponsibly, you could be held liable and face prosecution. If you give waste to anyone else ensure they are authorised to carry it. Ask for their carrier's authorisation. You can check online at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by telephone 03708 506 506.

11. When carrying out these works please give utmost consideration to the impact during construction on the environment, neighbours and the public. Think about using a company to carry out the works who are registered under the Considerate Constructors Scheme. This commits those registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the

Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

12. A bat licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will also be a criminal offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.

13. Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

14. Details of any external lighting proposed in connection with the development should be submitted to and approved by the Local Planning Authority prior to the commencement of development.

15. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

16. Prior to works commencing it is recommended that the applicant carry out a survey to identify the presence of any asbestos containing materials on the site, either bonded with cement or unbonded. If asbestos cement products are found they should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos should be removed by a licensed contractor.

17. If permission is granted to proceed in phases:
If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

Irreplaceable habitat:

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990:

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition:

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.