

<u>Location:</u>	Land West Of Tuthill House Kelshall Tops Therfield Hertfordshire SG8 9PT
<u>Applicant:</u>	Mr. Richard Parry
<u>Proposal:</u>	Variation of condition 2 (revised plans) of planning permission 24/02606/FP granted 31.07.2025 for erection of three detached dwellings (1 x 3-bed, 1 x 4-bed and 1 x 5-bed) and with associated infrastructure and landscaping.
<u>Ref. No:</u>	26/01416/S73
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 06.08.2026

Reason for Delay (if applicable)

Reason for Referral to Committee (if applicable)

Submitted Plan Nos

1549B-THSYD-SCN-XX-XX-DR-A-01.001-A3-PL01 - Site Location Plan 1549B-THSYD-SCN-XX-XX-DR-A-01.002-A3-PL02 - Proposed Site Layout Plan 1549B-THSYD-SCN-XX-XX-DR-A-20.010-A3-PL02 - Proposed Streetscene 1549B-THSYD-SCN-HT1-XX-DR-A-10.001-A3-PL01 - Proposed Plot 1 Ground and First Floor Elevations 1549B-THSYD-SCN-HT2-XX-DR-A-10.001-A3-PL01 - Proposed Plot 2 Proposed Ground and First Floor Plan 1549B-THSYD-SCN-HT3-XX-DR-A-20.001-A3-PL01 - Proposed Plot 3 Proposed Ground and First Floor and Ele

1.0 Policies

1.1 Target Determination date: 6th August 2026

1.2 Extension of time date: 30th September 2026

1.3 Reason for delay

1.3.1 Committee timetable and application load.

1.4 Reason for referral to committee

1.4.1 The application site area at just over 0.5ha requires that this planning application for residential development must be determined by the Planning Control Committee under the Council's constitution and scheme of delegation.

1.5 Supporting documents

Plans

1. -DR-A-01.001-A3-PL01 – site location plan;
2. -DR-A-20.010-A3-PL02 – proposed street scenes;
3. -DR-A-10.001-A3-PL01 – proposed plot 1;
4. -DR-A-10.001-A3-PL01 – proposed plot 2;
5. -DR-A-20.001-A3-PL01 – proposed plot 3;
6. -DR-A-01.002-A3-PL02 – proposed site layout.

Supporting documents

1. Validity Statement.

1.6 Policies

1.6.1 National Planning Policy Framework August 2026:

1. Section 3 – Decision-making policies
2. Section 6 - Delivering a sufficient supply of new homes
 - ☐ HO7: Meeting the need for homes
3. Section 12 – Making effective use of land.
 - ☐ L2: Making effective use of land
 - ☐ L3: Achieving appropriate densities
4. Section 14 – Achieving well designed places.
 - ☐ DP3: Key principles for well-designed places
 - ☐ DP4: The design process
5. Section 15 – Promoting sustainable transport
 - ☐ TR3: Locating development in sustainable locations
 - ☐ TR4: Street design, access and parking
6. Section 17 – Pollution, public protection and security
 - ☐ P2: Ground conditions
 - ☐ Living conditions and pollution
7. Section 19 – Conserving and enhancing the natural environment
 - ☐ N2: Improving the natural environment
 - ☐ N3: Trees in new development
8. Section 20 – Conserving and enhancing the historic environment.
 - ☐ HE5: Assessing effects on heritage assets
 - ☐ HE6: Proposals affecting designated heritage assets

1.6.2 North Hertfordshire Local Plan 2011 - 2031

Strategic Policies:

1. SP1 - Sustainable development in North Hertfordshire.
2. SP2 - Settlement Hierarchy.
3. SP5 – Countryside and Green Belt.
4. SP6 – Sustainable Transport.
5. SP8 – Housing.
6. SP9 - Design and Sustainability.

7. SP11 - Natural resources and sustainability.
8. SP12 - Green infrastructure, biodiversity and landscape.
9. SP13 - Historic Environment.

Development Management Policies:

1. CGB1 – Rural areas beyond the Green Belt.
2. T1 - Assessment of transport matters.
3. T2 – Parking.
4. HS3 - Housing mix.
5. D1 - Sustainable design.
6. D3 - Protecting living conditions.
7. NE1 – Landscape.
8. NE4 – Biodiversity and geological sites.
9. NE7 - Reducing flood risk;
10. NE8 - Sustainable drainage systems.
11. NE11 – Contaminated Land.
12. HE1- Designated Heritage Assets.
13. HE4 -Archaeology.

Neighbourhood Plan

- 1.7 There is no neighbourhood plan for Therfield.

- 1.8 Supplementary Planning Documents:

1. Vehicle Parking at New Development Supplementary Planning Document (Sept 2011);
2. Design Supplementary Planning Document (July 2011);
3. Design Code (June 2026).

- 2.0 **Site History**

- 2.1 This site has a complex planning history summarised below.
- 2.2 92/00143/1 – application to use the land for open storage of agricultural vehicles and as operating depot for 4 HGV. This was approved subject to a S106 agreement.
- 2.3 93/00543/1TD - application for a 15m telecommunications mast was accepted as permitted development subject to an amendment to the S106 agreement.
- 2.4 93/01303/1 - application for a small storage building approved.
- 2.5 05/00355/1 - application for use of site for storage and distribution of building materials. Refused at the Royston and District Area Committee on 21 April 2005.
- 2.6 18/02846/S106A - application to vary/remove the S106 agreement was submitted in 2018 but subsequently withdrawn.
- 2.7 20/00118/OP - outline planning application for 18 dwellings. Refused at the meeting of the Planning Control Committee held on 16 July 2020.
- 2.8 20/00117/OP - outline planning for a 6 dwellings. Refused at the meeting of the Planning Control Committee held on 16 July 2020.

- 2.9 20/03071/FP – application for 3 dwellings. Withdrawn 23.03.21.
- 2.10 21/01349/FP - application for 3 dwellings. Withdrawn 06.01.22.
- 2.11 21/03533/FP – application for 3 dwellings. Refused on 13.02.23 and subsequently appealed and dismissed at appeal. The decision letter for this appeal is attached at Appendix 1.
- 2.12 24/01986/FP – application for 3 dwellings. Application was found to be invalid and was not proceeded with.
- 2.13 24/02606/FP – application for 3 dwellings. Conditional permission 31.07.25.

3.0 **Representations**

- 3.1 **HCC Historic Advisor** – no objection subject to conditions.
- 3.2 **HCC Highways** – No objections subject to conditions.
- 3.3 **Historic England** – no comment.
- 3.4 **NHDC Ecology Officer** – no objection subject to BNG conditions.
- 3.5 **NHDC Environmental Health** – no objection.
- 3.6 **Therfield Parish Council** – no response at time of writing.
- 3.7 The application has been advertised with neighbour notification letters and a site notice. Two objections have been received. Key points are:
1. The development is outside of the village borders, opening up further possible development and thus ruining the village.
 2. The application is invalid as notice has not been given to the freehold owner of the land within the application site beyond the northern boundary of title HD307468.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises an enclosed and gated area of land which is largely down to concrete hardstanding. The site occupies a position on the south side of the Kelshall Road, on the part of the road forming a ridge (hence the road name Kelshall Tops) and the site has a slightly elevated land level in comparison to the lane with a belt of trees running along the boundary with lane.

4.2 **Proposal**

- 4.2.1 This is a S.73 application seeking to vary planning permission 24/02606/FP (the parent permission) by way of making some minor changes to the external design of the three houses. Whilst the application is in effect a new planning application proposing three detached dwellings, the proposed changes between the approved parent application and this proposed S73 application are:

1. On the east side elevation of plot 1, two rooflights are being changed to two through eaves small dormer windows.
2. On the rear elevation of plot 2, two rooflights are being changed to two through eaves small dormer windows.
3. On plot 3, two rooflights are being added to the front roof slope, one rooflight is being removed from the rear roof slope and a single storey rear extension is being added.
4. Brown timber garage doors are being added to enclose the open car ports for each dwelling.
5. Removal of the access point to the Public Right of Way on the east side boundary.

4.3 **Key Issues**

- 4.3.1 The report for application 24/02606/FP is attached as Appendix 1 for the meeting of this committee on 3 April 2025 and discusses the principle of development and the planning history for the site, sustainability, layout and design, residential amenity, heritage considerations, parking, highways, public rights of way, BNG and landscaping. These matters are not changed in this proposal and do not need to be repeated in this report.

Design

- 4.3.2 Regarding the amendments proposed by this S73 application, there is no objection to the change in two rooflights to two small dormer windows for plots 1 and 2. This is to allow fire access from the first floor of these homes to comply with Building Regulations.
- 4.3.3 There is also no objection to the changes to plot 3. The single storey rear extension would be 4.7m deep by 11.7m wide and allow for the house to comprise of a hallway with W.C, a study, lounge, utility and open plan kitchen, dining and family room at ground floor. At first floor level there would be three double en-suite bedrooms. The changes to the roof with the alterations to the rooflights would not have a material visual impact on the property. Due to the siting of the house on the west side of the site, the rear extension would not have an adverse impact on the neighbouring plots.
- 4.3.4 There is no objection to the timber garage doors. Each house would have a double garage and at least two on plot parking spaces. Even if the garages end up being used for storage, there is ample parking for the dwellings and visitors. The addition of the garage doors would deliver unity across the development, which may not be achieved if individual homeowners added garage doors in the future.
- 4.3.5 There is no objection to any of these changes in design terms, and these changes are considered to comply with Local Plan Policies D1 and D3 and NPPF Policy DP3.

Access

- 4.3.6 This application is showing the removal of the access from the east side boundary on to the public right of way running adjacent to the east side of the site. The owner of this land has commented that trees and hedgerow would need to be removed to allow the access point which they as landowner object to. There is no objection to the loss of the connection point as the site area is not a large major housing development where a pedestrian connection point is a Local Plan Policy requirement. The main vehicular access with the lane is not changed or affected by this change, and the loss of this footpath link is not considered to negatively impact the proposal.

Validity

- 4.3.7 The validity of the application has been challenged by a neighbour. The applicant has provided a legal statement setting out why they consider the application to be valid, to which officers agree. It is for the Local Planning Authority to determine whether a planning application is valid and the application is considered to be valid and is able to be determined.

Planning Obligation and S73 application

- 4.3.8 There is a completed legal agreement for the parent application which is to protect the BNG area for 30 years. This document makes provision for a S73 application to be determined and for the legal agreement to still apply. Therefore, no amendment or Deed of Variation for the completed S106 Agreement is required.

4.4 Conclusion

- 4.4.1 There is no objection to these minor changes and the application is recommended for conditional permission. The wording of the conditions has been amended to reflect the discharge of condition applications that have been submitted.

4.5 Alternative Options

- 4.5.1 None applicable

4.6 Pre-Commencement Conditions

- 4.6.1 I can confirm that the applicant agrees with the pre-commencement conditions that are proposed. The wording to condition 9 has been amended to pre-occupation rather than pre-construction, as requested by the applicant due to the time taken to achieve completed S278 Agreements with HCC. This is not considered to be a material change to the outcome of the condition, as it will still ensure that the highways works are achieved before the site is occupied.

5.0 Legal Implications

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

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the recommended conditions and informatives.

1. The development hereby permitted shall be begun before the expiration of 3 years from the grant of planning permission 24/02606/FP.

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. The external materials shall be in accordance with the details to be agreed by application 26/01236/DOC unless otherwise agreed in writing.

The wording of the condition to be agreed by application 26/1236/DOC is:

Precise details or actual 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. The hard and soft landscaping shall be in accordance with the details to be agreed by application 26/01237/DOC unless otherwise agreed in writing.

The wording of the condition to be agreed by application 26/1237/DOC is:

Prior to the commencement of the development hereby permitted full details of a comprehensive hard and soft landscaping, planting scheme and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

All approved hard standing shall be completed prior to the first occupation of the development and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

The approved soft landscaping / planting details 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 ensure that the full landscaping scheme set out in the application is improved and implemented in full in a timely manner in the interests of phasing and to ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and N2

5. The removal of the hardstanding shall be in accordance with the details to be agreed by application 26/01240/DOC unless otherwise agreed in writing.

The wording of the condition to be agreed by application 26/1240/DOC is:

Prior to the commencement of the development hereby permitted a full management plan and method statement (including a timetable for the works) to achieve the break up and safe and sustainable disposal of the concrete apron on the site shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the correct phasing of the development and to enable a comprehensive soft landscaping plan to be delivered on this site in association with the development hereby permitted. Local Plan Policy NE2

6. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

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

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, AA, 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.

9. Prior to the first occupation of the first dwellinghouse of the development hereby permitted, additional plans must be submitted and approved in written by the Local Planning Authority in consultation with the Highway Authority for modification to the existing vehicular access as indicated on the drawing number (RefTHSYD-SCN-XX-XX-DR-A01. 002.A3, Rev PL02).

Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

10. The visibility splays shall be in accordance with the details to be agreed by application 26/01241/DOC unless otherwise agreed in writing.

The wording of the condition to be agreed by application 26/1241/DOC is:

No dwelling hereby permitted shall be occupied until the vehicle to vehicle intervisibility splays of 2.4 metres by x 57 metres to the eastern direction and 2.4 metres by x 59 metres to the western direction shall be provided and permanently maintained as shown on the drawing (Ref-1549B-THSYD-SCN-XX-XX-DR-A-01.002-A3-PL02). Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan

11. The gradient of the main access from the adjacent Kelshall Road shall not exceed 1 in 20 for the first 12 metres from the edge of the carriageway into the site as measured from the near channel edge of the adjacent carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

12. Before first use of the development, all onsite parking areas as shown on the drawing (Ref-1549B-THSYD-SCN-XX-XX-DR-A-01.002-A3-PL02) shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimize danger, obstruction, and inconvenience to users of the highway and of the premises.

13. The development shall be in accordance with the details to be agreed in the Construction Traffic Management Plan to be agreed by application 26/01243/DOC unless otherwise agreed in writing.

The wording of the condition to be agreed by application 26/1243/DOC is:

No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- o Construction vehicle numbers, type, routing.
- o Traffic management requirements.
- o Construction and storage compounds (including areas designated for car parking);
- o Siting and details of wheel washing facilities.
- o Cleaning of site entrances, site tracks and the adjacent public highway.
- o Timing of construction activities to avoid school pick up/drop off times.
- o Provision of sufficient on-site parking prior to commencement of construction activities.
- o Post construction cleanliness.

Reason: In the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

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

- a) The demolition construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Control of dust and dirt arising from demolition and construction
- d) Waste management proposals
- e) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour during construction.

Reason: In the interests of environmental impacts and local amenity. Local Plan Policy D3

15. A) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- 1. The programme and methodology of site investigation and recording
- 2. The programme and methodology of site investigation and recording as required by the evaluation results
- 3. The programme for post investigation assessment
- 4. Provision to be made for analysis of the site investigation and recording
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation

B) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To comply with the provisions of Local Plan Policy HE4.

16. The sustainability measures shall be in accordance with the details to be agreed by application 26/01244/DOC unless otherwise agreed in writing.

The wording of the condition to be agreed by application 26/1244/DOC is:

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

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

17. The roofs of all three buildings shall be constructed with exposed rafter feet (open eaves) unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the character and appearance of the area and to the setting of Tuthill Manor under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031

18. All windows/external doors/glazed screen framing shall be manufactured in timber and the windows shall receive flush as opposed to stormproof casements unless otherwise agreed and approved in writing by the Local Planning Authority. Added as condition 19.

Reason: To ensure that special regard is paid to the character and appearance of the area and to the setting of Tuthill Manor under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

19. All rainwater goods are to be cast-iron effect (i.e. Floplast, Brett Martin, Lee Jones products).

Reason: To ensure that special regard is paid to the character and appearance of the area and to the setting of Tuthill Manor under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

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.