

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01325/S73	Variation of Condition 2 (revised plans) of planning permission 24/01962/FP granted on 10.12.2024 for Erection of custom/self-build detached 5-bed dwelling with shared vehicular access.	Land Adjacent To Red Brick Cottage The Street Kelshall Royston Hertfordshire SG8 9SQ

Submitted Plan Nos

738 P-01B 738 P-02B

D1	Sustainable design
D3	Protecting living conditions
SECN12	Achieving well-designed places

2.0 **Site History**

- 2.1 **24/01962/FP** - Erection of custom/self-build detached 5-bed dwelling with shared vehicular access.

Conditional Permission

24/02934/DOC - Details reserved by Condition 3 (CMP) of planning permission reference 24/01962/FP granted on 10.12.2024.

Approved.

25/00130/DOC - Details reserved by Condition 4 (Hard and Soft Landscaping) of planning permission reference 24/01962/FP granted on 10.12.2024

Approved

25/00131/DOC - Details reserved by Condition 6 (External Materials) of planning permission reference 24/01962/FP granted on 10.12.2024.

Approved

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – None received
- 3.2 **Hertfordshire Highways** – No comment.
- 3.3 **Environmental Health (Air Quality, Land Contamination, Noise)** – No comment.
- 3.4 **Waste and Recycling** – None received.
- 3.5 **Kelshall Parish Council** – None received.

- 3.6 **County Rights of Way** – *“The footpath which runs through the site must be kept open and available at all times, if there is a need to temporarily close the route for safety purposes then a Temporary Traffic Regulation Order must be applied for and granted before any works or closure can take place.*

Any damage to the surface of the route, whether by vehicles, spilled materials etc must be repaired to Hertfordshire County Council’s standards.

The plans include a proposal to divert the public Right of Way, it must be stressed that there is no guarantee of success of Public Rights of Way Diversions and that until a public path diversion order has been made, confirmed (certificated, if necessary) and the changes to the Definitive Map and Statement are made, the current line of the footpath must remain open and useable.

The proposed diversion route will be constrained on both sides by fencing/hedging, it is recommended that the developer makes this route as wide as possible, in order to make the route more acceptable to user groups, as well as to reduce the risk of the route being narrowed by growth from the proposed hedgerow”.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is a parcel of land located adjacent to Red Brick Cottage and fronting The Street, Kelshall. The site is split from The Street by a mature hedgerow which has been partially removed to facilitate vehicular access to the dwelling currently under construction. There is a public footpath that runs in a diagonal line through the site from the southernmost corner to the north of the site.

4.2 **Proposal**

- 4.2.1 The application proposes the variation of Condition 2 (revised plans) of planning permission 24/01962/FP granted on 10.12.2024 for Erection of custom/self-build detached 5-bed dwelling with shared vehicular access.
- 4.2.2 For the avoidance of doubt, the changes proposed with this application are a revision to the front porch to include a large, glazed element with a pitched roof and a modest increase in depth of the main living room two-storey rear element.

4.3 **Key Issues**

- 4.3.1 The principle of these works is already established by application ref: 24/01962/FP. Therefore, the consideration of this application is how acceptable the proposed amendments to the scheme are relative to that which was approved.

Design

- 4.3.2 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. These considerations are echoed in Section 12 of the NPPF.

- 4.3.3 The proposed changes to this scheme see the omission of the approved single-storey lean-to porch element with a central rooflight at first floor, and replacing it with a large, two-storey glazed element with a pitched roof. The proposal would also see the depth of the two-storey rear element serving the living room increase by approx. 1.0m. It is considered that both proposed changes to the scheme are modest in the context of the scheme that was approved under the main permission. The large, glazed element on the front elevation will be a marked contemporary change compared to what was approved but given that this site is not within a designated area, this is not considered objectionable in design terms. The modest increase in depth is acceptable.
- 4.3.4 The proposal is therefore deemed acceptable in design terms and in accordance with Policy D1 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbours

- 4.3.5 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.6 The proposed changes to the scheme are unlikely to result in any materially detrimental impacts upon the reasonable living conditions and well-being of neighbours, with respect to overdominance and loss of daylight/sunlight, given the scale and type of changes proposed herein.
- 4.3.7 As such, the proposal will not cause unacceptable harm to living conditions, in line with Policy D3 of the Local Plan.

Biodiversity Net Gain

- 4.3.8 This proposal is exempt from BNG as it is a section 73 application.

4.4 Conclusion

- 4.4.1 The proposal is considered acceptable in planning terms and in accordance with Policies D1 and D3 of the Local Plan, as well as Section 12 of the NPPF.

4.5 Alternative Options

- 4.5.1 N/A

4.6 Pre-Commencement Conditions

- 4.6.1 N/A

5.0 Recommendation

- 5.1 That planning permission be **GRANTED** subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of 3 years from the grant of planning application 24/01962/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 Construction Management Plan approved under application reference 24/02934/DOC for the development hereby permitted shall be carried out in accordance with those details, unless otherwise agreed in writing by the Local Planning Authority. The full wording of the condition reads as follows:

No development hereby permitted shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include elements of the CLOCS standards, as set out in the Councils' Highway Authority's Construction Management template. Thereafter, the development shall only be carried out in accordance with the approved CMP. The CMP shall include details of the following:

- a. Access arrangements to the site;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading, and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Provision of sufficient on-site parking prior to commencement of construction activities;
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- h. Where works cannot be contained wholly within the site, include a plan showing the site layout on the highway including extent of hoarding, pedestrian routes, and remaining road width for vehicle movements.

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).

4. The hard and soft landscaping scheme details as approved under application ref: 25/00130/DOC shall be carried out in accordance with those details unless otherwise agreed in writing by the Local Planning Authority. The full wording of the condition reads as follows:

No development hereby permitted shall commence until full details of the landscaping scheme for the areas surrounding the proposed dwelling have been submitted to and approved in writing by the local planning authority. The details of the landscaping scheme shall include the following:

- a) what new and existing trees, shrubs, hedges, and grassed areas are to be retained/planted, together with the species proposed and the size and density of planting;
- b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
- c) details of any earthworks proposed.
- d) a schedule of maintenance for the soft landscaping, including that any planting will be maintained for a period of at least 5 years from the date of planting. The soft landscaping within the approved scheme shall be implemented in the first planting season following the completion of the development, and any hard landscaping, including any means of enclosure within the approved scheme shall be completed prior to the first occupation of the proposed dwelling.

Reason: To ensure a suitable scheme is implemented on the site and in the interests of the finished appearance of the completed development.

5. Before the commencement of any other works on the site, trees and hedgerows 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.

6. The approved details of external materials under application reference 25/00131/DOC to be used on all external elevations and the roof of the development hereby permitted shall be carried out in accordance with those details, 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.

7. Prior to the first occupation of the development hereby permitted, the vehicular access shall be completed and thereafter retained as shown on drawing 738 P-01B Proposed Site Plan, in accordance with detailed specifications to be first submitted to and approved in writing by the local planning authority. The details shall also include appropriate arrangements for surface water to be intercepted and disposed of separately, so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

8. The development hereby permitted shall be carried out wholly in accordance with the programme of measures stated to adhere to guidance, legislation and planning policies, set out in Table 6 of the submitted 'Preliminary Ecological Appraisal by Arbtech' dated April 2022, as conditioned by the Inspector for the immediately adjacent site under planning refs: 22/01229/FP and 24/00065/S73.

Reason: To safeguard any protected species that may be present at the site, as required by the NPPF and in accordance with Policy NE4 of the Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) no development as set out in Class E of Part 1 of Schedule 2 to the Order, including any building, structures and swimming pool, shall be erected other than those expressly authorised by this permission

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.

10. Prior to occupation, each new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

11. 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.

12. Prior to the commencement of the works hereby granted a footpath diversion order shall have been applied for to the Local Planning Authority under the Town and Country Planning Act 1990 Section 257 and a temporary diversion/stopping up order granted by the Hertfordshire County Council Public Rights of Way department. At no point shall the public footpath be blocked or access impeded until such time as both the above criteria are satisfied. Guidance on the application can be found at <https://www.north-herts.gov.uk/public-footpath-diversions> or by contacting the officer delegated on 01462 474431.

Reason: To ensure that the route of the public footpath remains open for use by members of the public at all times . To comply with Policy D1 of the North Herts

Biodiversity Net Gain

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

Proactive Statement:

Planning permission has been granted for this proposal. 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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 9 July 2025	