

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01611/FP	Erection of one detached 5-bed dwelling and detached double garage.	Land South Of Flint House North End Kelshall Hertfordshire SG8 9SD

Submitted Plan Nos

PA-001 PA-002 PA-003 PA-004 PA-005 11786 Tree Constraints Plan 2400880-ACE-01-00-DR-C-0001
Proposed Access Plan

SP2	Settlement Hierarchy and Spatial Distrib
CGB1	Rural Areas beyond the Green Belt.
D1	Sustainable design
SP9	Design and Sustainability
D3	Protecting living conditions
T2	Parking
NE4	Biodiversity and geological sites
SECN12	Achieving well-designed places

2.0 **Site History**

2.1 None

3.0 **Representations**

3.1 **Kelshall Parish Meeting** – *“We refer to the above application and are concerned about another large development in the village! Whilst the proposed building appears to conform with the new planning regulations we do not believe the village needs a 5 bed house. If it is to go ahead then a 3 bed property would be more appropriate and satisfy a need of smaller homes required in rural locations.*

However, we are concerned about the location of this application where the access is situated on a dangerous bend and with the increased traffic movements associated with a property of this size would lead to potential collisions with not only other vehicles but also cyclists and pedestrians!

The property would also put further strain on the utilities such as water and sewage which are already at breaking point.

Given these concerns we feel we cannot support this application in its current form.”

Whilst this objection from the Parish Meeting is noted and its contents considered in this report, the rights set out under section 8.4.5 (c) (ii) of the Council's Constitution do not apply to Parish Meetings, only Parish or Town Councils. Therefore, the only vehicle through which this application would be called-in to Planning Control Committee is under the provisions of (iii), which is where within three weeks of the matter appearing in the weekly lists of applications, a member requests in writing that the matter be determined by the Committee. No such request has been received within the allotted time and therefore, this application can be determined under delegated authority.

- 3.2 **Hertfordshire Highways** - No objection subject to conditions covering the formation of the access works prior to occupation, the provision of the agreed visibility splays prior to occupation, and formation of the access road prior to occupation.
- 3.3 **Environmental Heath (Land Contamination, Air Quality, Noise/Nuisances)** – No objection subject to condition covering EV charging points and informatives.
- 3.4 **North Herts Ecologist** – BNG condition applies, two conditions recommended covering the submission of a Biodiversity Method Statement and Ecological Enhancements Scheme prior to commencement, and guidance given on the GCN DLL.
- 3.5 **Waste and Recycling** – None received.
- 3.6 **Site Notice and Neighbour Consultation** – Comments received from The Grange and Keys, 1 objection and 1 neutral, raising the following matters (summary):
 - ☐ Consider that T8 to T11 should be retained and TPO'd.
 - ☐ Note that trees that were to be retained on another site were felled, would not like the same thing to happen here.
 - ☐ The access is on a bend in the road which is unsafe.
 - ☐ Question the validity of the traffic survey and visibility splays.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is a small field located on the east side of North End, Kelshall. The site is located between two residential properties, Flint House to the north and Keys to the south, with an existing field gate access onto the highway. The site is relatively flat and benefits from several mature trees on the front and side boundaries. The site is located within the Rural Area beyond the Green Belt.

4.2 **Proposal**

- 4.2.1 The application seeks planning permission for the erection of one detached 5-bed dwelling and detached double garage.
- 4.2.2 The proposed dwelling would be sited in the centre of the plot, with the double garage located on the northern boundary in front of the proposed access road. The dwelling would be a sizable 5-bedroom property that has been designed to resemble an agrarian, barn style, utilising black timber weatherboarding and natural slate roof tiles. It would benefit from a large rear, side and front garden area, bin and cycle storage and solar panels on the south facing roof slope. Access to the dwelling would be utilised by the existing field gate access on North End. All existing trees on the front and side boundaries are to be retained.

4.3 **Key Issues**

- 4.3.1 The key issues in this case are:

- ☐ Principle of Development/Rural Area beyond the Green Belt
- ☐ Design and Appearance
- ☐ Impact on Neighbours/Future Occupiers
- ☐ Highways, Access, and Parking
- ☐ Landscaping
- ☐ Ecology and Biodiversity Net Gain
- ☐ Sustainability
- ☐ Other Matters

Principle of Development/Rural Area beyond the Green Belt

- 4.3.2 The site is allocated as within the Rural Area beyond the Green Belt in the Local Plan where there is a general presumption against development. This said, Kelshall has been designated as a 'Category B' village in the Local Plan
- 4.3.3 Policy SP2 of the Local Plan states that *"infilling development which does not extend the built core of the village will be allowed in the Category B villages"*
- 4.3.4 Policy CGB1 of the Local Plan states that *"In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:*
- a) Is infilling development which does not extend the built core of a Category B village;*
- 4.3.5 It is considered that the village of Kelshall can be characterised as a linear village, with sporadic built form from the southern part of The Street up towards North End. The village does not have a defined settlement boundary, so an objective assessment is required to determine the built core. Having considered the character of the village, there are small clusters of built form in Kelshall, located towards North End, the centre of the village around the junction, and on The Street. These clusters are, in the spirit of Policy SP2 and CGB1 of the Local Plan, considered to be the built core of Kelshall. The site is

located immediately south of Flint House and north of Keys, both of which are residential properties. Furthermore, when you consider the location of the site from a bird's eye view, it appears to be an infill plot in the context of the two immediate neighbours. Therefore, in a village where built form is sporadic in nature, this site would be physically and visually related to existing properties on two sides in a linear fashion, which would dictate that it can be considered as an infill plot for the purposes of the Policies SP2 and CGB1 of the Local Plan.

- 4.3.6 The proposal is therefore considered acceptable in principle in the Rural area beyond the Green Belt, in line with Policies SP2 and CGB1 of the Local Plan.

Design and Appearance

- 4.3.7 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.8 The dwelling would be a sizable 5-bedroom property with a dual-pitched roof that has been designed to resemble an agrarian, barn style, utilising black timber weatherboarding and natural slate roof tiles. The double garage would be dual-pitched and utilise similar materials to the proposed dwelling. The dwelling would sit centrally on the plot with a generous gap on the frontage before the highway and the sides between the immediate neighbours.
- 4.3.9 It is considered that the proposed development is acceptable in design terms. The location of the dwelling and double garage on this plot is appropriate, as there would be sufficient space between the front and side elevations between the respective boundaries to retain the spacious character of the area and the trees on the frontage/sides, whilst also being largely in-line with the front elevations of the neighbouring properties relative to North End. The proposed materials would be appropriate in this context, as they would reflect the rural, agrarian character of the area. The detached double garage is set back well within the plot and is modest in height, which is deemed acceptable. The incorporation of solar panels on the south facing roof slope.
- 4.3.10 Therefore, the proposed development is deemed in accordance with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbours/Future Occupiers

- 4.3.11 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.
- 4.3.12 The property would benefit from two main neighbours, Flint Cottage to the north and Keys to the south, both of which would have significant separation distances and

landscaping between them. As such, whilst the proposed dwelling would be a noticeable change due to the presence of new built form, it is considered that the proposal would not result in any materially adverse impacts on the reasonable living conditions and well-being of neighbouring properties, with respect to overdominance, loss of privacy and loss of daylight/sunlight.

4.3.13 The dwelling would exceed the nationally prescribed minimum space standards for a 5-bed/9-person dwelling, it would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of natural light. Therefore, the proposal would not result in unacceptable harm to the reasonable living conditions of future occupiers.

4.3.14 This is deemed in accordance with Policy D3 of the Local Plan and Section 12 of the NPPF.

Highways, Access, and Parking

4.3.15 In terms of access, the existing access which is a field gate is to be utilised for the proposed dwelling, leading to an internal access/driveway finished in resin bound aggregate. The proposed access plan shows that suitable visibility splays can be achieved.

4.3.16 The Highway Authority have formally responded to this application with no objections subject to conditions. In planning terms, the proposed access arrangement is appropriate as it will not form a new access onto the highway. Whilst the Council acknowledge the comments made by interested parties regarding the suitability of the access on this existing bend in the road, and the validity of the traffic surveys, the Highway Authority have considered this part of the proposal and have no objections subject to conditions, so it would be unreasonable of the Council to object in this respect.

4.3.17 The proposal seeks to erect a detached garage that can accommodate 2 vehicles with a sizable driveway for at least 4 vehicles. Given that the proposal is for a 5-bedroom property, this requires 2 parking spaces in line with Policy T2 of the Local Plan and The Vehicle Parking at New Developments SPD. Therefore, there are no objections on parking grounds as the scheme complies with this requirement.

Landscaping

4.3.18 The supporting Planning Statement and proposed site plan shows that the proposal will consist of grass and resin bound aggregate for the garden and driveway, as well as post and rail fencing on the boundaries. The supporting Arboricultural Impact Assessment concludes that the proposal seeks to retain all of the trees on the site, with pruning works to T2, T3, G5, T6 and T8 to provide clearance from the proposed garage, or to ensure suitable clearance over the proposed driveway for vehicle use. The new buildings will not be within any of the root protection zones and the driveway is to be finished in permeable material, which is sympathetic to the affected trees and should not impact them adversely.

- 4.3.19 The comments from interested parties in regard to the retention of the frontage trees and their possible protection via a TPO are noted. As such, it is considered reasonable to enforce tree protection conditions that will ensure that the trees are protected during construction and consider the possibility of further protection in due course.

Ecology and Biodiversity Net Gain

- 4.3.20 The proposal and the submitted Ecological Appraisal have been considered by the North Herts Ecologist. The appraisal considers the presence of Great Crested Newts and following consultation with the North Herts Ecologist, a countersigned copy of the Great Crested Newts District Level Licensing Scheme certificate has been submitted to the Council to confirm that appropriate mitigation in the form of a payment will be made to address the impacts of the development on this protected species, which is considered acceptable. Furthermore, the North Herts Ecologist has recommended the imposition of two conditions covering the submission of a Biodiversity Method Statement and Ecological Enhancements Scheme prior to commencement, which are considered reasonable given the conclusions of the PEA.
- 4.3.21 The proposal will also be subject to the mandatory requirements of Biodiversity Net Gain under Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4.3.22 Overall, the proposal would have an acceptable ecological impact subject to the mandatory BNG condition, the payment towards the GCN DLL scheme, and the above recommended conditions which would deliver measurable gains in biodiversity, in accordance with Policy NE4 of the Local Plan.

Sustainability

- 4.3.23 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.24 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase which is a benefit. Secondly, in terms of the social objective, this proposal would add an additional dwelling to the districts housing figures which could be delivered in a short space of time. Lastly, in terms of the environmental objective, the scheme has been supported by a sustainability statement which outlines the various measures that are proposed, as well as the separate ecological matters already considered in this report. The development has been designed to exceed Part L building regulations requirements. In line with the national and local policies, regulated CO₂ emissions from the development will be reduced by 81.46% from the notional emissions once energy efficiency measures and lean measures are taken into account. The use of air source heat pumps and photovoltaic panels are to be incorporated in the design because they achieve a CO₂ percentage reduction of 47.53% contributing to the overall reduction of 81.46% in carbon emissions. This is considered acceptable in the context of a single dwelling scheme.

- 4.3.25 Overall, on the grounds of sustainability, the proposal is considered acceptable given the modest nature of the development.

Other Matters

- 4.3.26 It is considered reasonable in this case to remove permitted development rights through Classes A, B, C, D and E of the GPDO 2015, given the positive contribution of the site to the rural character of the area and the well designed dwelling and garage which are fairly large on this sizable plot.
- 4.3.27 It is also deemed appropriate in this case to condition that no gates shall be erected across the sites access without the approval of the Local Planning Authority.

4.4 **Conclusion**

- 4.4.1 Overall, the proposal is considered acceptable in planning terms and is in accordance with the relevant local and national planning policies.

4.5 **Alternative Options**

- 4.5.1 None.

4.6 **Pre-Commencement Conditions**

- 4.6.1 The agent has agreed to the proposed pre-commencement conditions.

5.0 **Recommendation**

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

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

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

3. The dwelling hereby permitted shall only be finished in the materials as stated on drawing number PA-003 and thereafter shall be retained as such, unless otherwise agreed in writing by the LPA.

Reason: To ensure that the building is in-keeping with the character of the area and to protect the visual amenities of the locality and to comply with Policies D1 and SP9 of the North Hertfordshire Local Plan 2011 to 2031.

4. Prior to the first occupation hereby permitted the vehicular access improvements, as indicated on drawing number 2400880-ACE-01-00-DR-C-0001 shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number (2400880-ACE-01-00-DR-C-0001). The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Prior to first occupation of the development the access road shall be of a bound material for the first 5m into the site to prevent material spilling onto the road.

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

7. 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.

8. 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.

9. No development shall take place (including any demolition, ground works, site clearance) until a method statement for activities relating to construction has been submitted to and approved in writing by the local planning authority. The content of the method statement shall be informed by the August 2024 Preliminary Ecological Appraisal and where more than 6 months has elapsed an updated ecological walkover survey include the:
- a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure that the development delivers ecological enhancements in accordance with Policy NE4 of the North Herts Local Plan (2022)

10. No above ground works shall take place until a scheme for ecological enhancements has been submitted to and approved in writing by the local planning authority. The scheme shall be informed by the August 2024 Biodiversity Net Gain Report and measures within the scheme shall be implemented as approved and retained thereafter in perpetuity.

Reason: To ensure that the development delivers ecological enhancements in accordance with Policy NE4 of the North Herts Local Plan (2022)

11. The trees to be retained on site as shown on plan 11786 Tree Constraints Plan shall be retained and protected by the protection measures shown on this approved plan.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

12. The approved details of hard and soft landscaping as shown on plan PA-003 shall be carried out prior to the first occupation of the building or the completion of the development, whichever is the sooner.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy SP9 of the North Hertfordshire Local Plan 2011 to 2031.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

14. No gates shall be provided across the access to the site without the formal approval of the Local Planning Authority.

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

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to 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 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 North Hertfordshire District Council.

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

(<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Proactive Statement:

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

Informative/s:

1. AN1) Storage of materials: The applicant is advised that the storage of materials associated with 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-developerinformation/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 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-developerinformation/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.
The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/development-management/highways-development-management.aspx>
2. A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>
- o UK Government issued legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov regulations.

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

- o Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).
- o Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra low emission vehicles.
- o HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to 'preserve the character and quality of the Hertfordshire environment' and 'make journeys and their impact safer and healthier', as well as its Emissions Reduction Policy 19.
- o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.

3. As part of this application you have submitted a counter signed Natural England District Level Licensing (DLL) scheme IACPC given the potential for harms and impacts on Great Crested Newts. You are advised to move to stage 4 of the DLL now that planning permission is granted.

<https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes-for-developers/developers-how-to-join-the-great-crested-newt-district-level-licensing-scheme>

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 14 November 2024	