

Location: Land Adjacent To Red Brick Cottage
The Street
Kelshall
Royston
Hertfordshire
SG8 9SQ

Applicant: Mr and Mrs Cordell

Proposal: Erection of one detached 4-bed dwelling including new vehicular access, garage, parking and landscaping (as amended by plans received 9th August 2022).

Ref. No: 22/01229/FP

Officer: Alex Howard

Date of expiry of statutory period: 1st July 2022.

Extension of statutory period: 16th December 2022

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: The application has been called in by Cllr Morris on the basis that the applicant believes that:

- The application site cannot be described as infill.
- The character of the village is not continuous ribbon development and the views between houses towards the countryside are part of this special character.
- This proposal would destroy the unique character of the village.
- Considers another previously approved application in Kelshall (20/02292/OP) to be infill and different to this site, so this application should be refused.

1.0 **Site History**

1.1 N/A.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP12: Green Infrastructure, Landscape and Biodiversity

Policy SP13: Historic Environment

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy CGB1: Rural Areas beyond the Green Belt

Policy D1: Sustainable Design

Policy D3: Protecting Living Conditions
Policy D4: Air Quality
Policy NE1: Landscape
Policy NE4: Biodiversity and Geological Sites
Policy HE11: Contaminated Land
Policy HE4: Archaeology

Supplementary Planning Documents

Vehicle Parking at New Development SPD September 2011

2.2 National Planning Policy Framework (July 2021)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable development
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment

3.0 Representations

3.1 Site Notice and Neighbour Consultation – A total of 21 representations were received from interested parties, all objecting to the proposal on the following grounds (summary):

- The Street is a single-track road with no footpaths and two blind bends. It is not designed or equipped to accommodate infill development.
- Concerns that the hedgerow that fronts The Street is an Ancient Hedgerow, which if removed would have a negative impact on biodiversity.
- The land should remain as a meadow.
- Queries over the accuracy of the Ecological Impact Assessment.
- Queries over the accuracy and placement of the Speed Survey.
- Concerns over the potential precedent that could be set for further development in Kelshall.
- Concerns over the general impact of this scheme on the existing biodiversity on this site.
- Proposed access is located opposite an existing access, enhancing risk of accidents.
- Queries over potential archaeological impacts.
- This site cannot be considered as an infill site.
- Proposal will have a negative impact upon the character of Kelshall.
- Concerns over the potential flooding impacts that could arise post development.
- Belief that possible infill sites should be considered by parishioners.
- Loss of walking space.
- Loss of countryside views from properties opposite the site.
- Potential light pollution.
- Another property on The Street would worsen the impacts already experienced here.

3.2 Hertfordshire Highways – No objection to the original proposal subject to conditions. The Highways officer recommended that the applicant could complete a speed survey on The Street to potentially reduce the visibility splay. This speed survey was carried out and an amended site plan was submitted to Highways for a response. They stated no objection to the revised site plan, subject to conditions.

3.3 Kelshall Parish Council – Objects to the proposal.

- 3.4 **Environmental Health (Air Quality)** – No objection subject to condition.
- 3.5 **Environmental Health (Land Contamination)** – No objection subject to condition and completion of questionnaire.
- 3.6 **Environmental Health (Noise)** – No objection subject to informatives.
- 3.7 **Archaeological Implications** – No objection.
- 3.8 **Waste and Recycling** – Suggested general guidance.
- 3.9 **Hertfordshire Ecology** – No response received. I had sought the advice of Herts Ecology on 2 occasions, relating to the concerns raised by a number of neighbours around the existing hedgerow, which is claimed to be an Ancient Hedgerow with extensive biodiversity.
- 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 land is currently used as a meadow and has an existing access to it from The Street, with a metal gate. The site is split from The Street by a mature hedgerow and there is a public footpath that runs in a diagonal line across the area from north to south.
- 4.1.2 Kelshall is designated as a Category B settlement and all of the site is within the Rural Area beyond the Green Belt, as per the Adopted North Hertfordshire Local Plan.
- 4.2 **Proposal**
- 4.2.1 Planning permission is sought for the erection of one chalet bungalow style detached 4-bed dwelling including new vehicular access, garage, parking and landscaping. The dwelling would measure 14.5 metres in width, 11 metres in maximum length, with a pitched and gabled roof to contain pitched roof dormer windows and conservation rooflights. Vehicular access is proposed as a new access from The Street, with the existing access closed and planted with continued hedgerow. A driveway would provide at least two external parking spaces, with two spaces to the garage and ample turning area to the frontage. The double garage is proposed with a pitched roof and matching materials to the dwelling. A cycle store would be located to the rear garden.
- 4.2.2 The application is supported by the following documents:
- Plans and Elevations:
AMENDED 2021-60-03A Existing and Proposed Location Plans, AMENDED 2021-60-02A Proposed Site Plan and Street Scene Elevation, 2021-60-01 Dwelling and Garage Proposed Floor Plans and Elevations, NEW ST-3239-700 Access Drawing.
 - Planning; Design and Access Statement.
 - Preliminary Ecological Appraisal
 - Arboricultural Impact Assessment (and appendices)
 - Speed Survey Technical Note

4.3 Key Issues

4.3.1 The key issues for consideration are the:

- Principle of development
- Design
- Impact on the character of the area
- Impact on neighbouring dwellings
- Impact on future occupiers
- Landscaping
- Access, Parking and Highways
- Other Matters

Principle of Development

- 4.3.2 Kelshall is designated as a Category B settlement within Policy SP2 of the Local Plan, where ***“infilling development which does not extend the built core of the village will be allowed”***. This settlement does not have a defined settlement boundary and is therefore designated as Rural Area beyond the Green Belt in the Local Plan, where there is a general presumption against development unless certain criteria are met. Policy CGB1 sets out these criteria, stating that permission will be granted for ***“infilling development which does not extend within the built core of a Category B village”***. As such, the main consideration at this stage is whether the site can be regarded as infill and whether it will extend the built core of the village, for the purposes of the aforementioned policies.
- 4.3.3 Kelshall can be characterised as a linear village in my view, 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 view is required to determine the built core. In my opinion, 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 in my opinion. The application site is located on the north-east side of The Street, with a number of residential properties located to the south-east and west. There are residential properties to the north of the site, but there is a coppice which separates them physically. As such, it is considered that due to the built form that is present in the areas surrounding the site, it can be classed as part of the villages existing built core. To that end, my professional view is that the proposed development would not extend the built core of this category B village.
- 4.3.4 In my view, when you consider the location of the site from a bird's eye view, it appears to be an infill plot. As already stated, there are a number of residential properties located within close proximity to the site, with Red Brick Cottage to the south-east, five dwellings to the west on the opposite side of The Street and Flint Cottages immediately north of the separating coppice. Therefore, in a village where built form is sporadic in nature, this site would be physically and visually related to a number of existing properties on three sides in a linear fashion, which in my view dictates that it can be considered as an infill plot for the purposes of Local Plan Policy.
- 4.3.5 A number of interested parties have cited a previous decision in Kelshall at Land Adjacent to 9 North End (ref: 20/02292/OP), which approved outline permission for a single dwelling. The view is that the site approved under this application is classed as infill, but the application site before me is not. Whilst it is acknowledged that the site at North End is smaller than the application site, the North End site was only bounded by built form on one side, the host dwelling to the north. Surrounding countryside is located to the west, south and north-east of the site, with other residential properties

located to the east. Therefore, it is my opinion that if the site approved under 20/02292/OP was deemed to be an infill plot, even in light of the aforementioned considerations, then the application site can also be classed as infill for the purposes of planning.

- 4.3.6 On the subject of infill plots and the Rural Area beyond the Green Belt, there are some appeal decisions of relevance to this consideration. An application for a single detached dwelling in Ashwell (ref: 21/01745/FP), that was outside the settlement boundary, was refused for being contrary to the criteria set out in Policy CGB1 of the Local Plan and its predecessor, Saved Policy 6. This was appealed to PINS and allowed, where the Inspector considered that the proposal would not be at odds with the spirit of Policy CGB1. In my view, the application site is more of an infill plot when compared to the Ashwell application in a physical and visual sense. Moreover, an application for three dwellings in Old Knebworth (ref: 20/02109/FP), that was outside the settlement boundary, was refused for constituting inappropriate development in the Green Belt. This was appealed to PINS and allowed, where the Inspector considered that the site could be classed as an infill plot within the village. This site did not benefit from a built-up frontage opposite, which can be said for the application site, and was deemed to be physically and visually related to the settlement. Whilst it is acknowledged that each application is taken on its own merits, my professional view is that in light of these appeal decisions it would be difficult to defend a refusal of this application on the grounds of not being infill, at appeal.
- 4.3.7 Many of the responses received from interested parties in opposition to this proposal are concerned about the potential for a precedent being set. These concerns are indeed acknowledged; however, Kelshall has been designated as a Category B village in the recently adopted Local Plan. This will inevitably invite further applications for housing as part of the planned approach to increasing housing supply in smaller villages, in accordance with the criteria set out in Policy SP2 and CGB1 of the Local Plan.
- 4.3.8 As such, in light of the aforementioned considerations regarding the designation of Kelshall as a Category B settlement in the Local Plan, the sporadic nature of the village and the clusters of built form that make up the villages' built core, this proposal would not extend the built core of this village in my view. Moreover, by virtue of the site's characteristics with existing properties in close proximity and the consideration given to previous delegated and appeal decisions, the proposal can be classed as infill development in my opinion.
- 4.3.9 The proposed development is therefore deemed acceptable in principle, in accordance with Policy SP2 and CGB1 of the Local Plan.

Design

- 4.3.10 The proposal consists of a single chalet bungalow style detached property and detached double garage. The dwelling would measure 14.5 metres in width, 11 metres in maximum length, with a pitched and gabled roof to contain pitched roof dormer windows and rooflights, measuring at a maximum of approx. 3.6m to eaves and 7.3m to ridge. As for materials, it is proposed to utilise Wienerberger Chartham multi stock brickwork plinth, with ebony stained timber weatherboarding and eternit grey slate tiles. Fenestration is proposed of ebony stained timber frames, with conservation rooflights. The double garage is proposed with a pitched roof and matching materials to the dwelling.
- 4.3.11 There are a multitude of traditional architectural styles as well as differing scales, proportions and forms in Kelshall, which can be seen amongst the immediate

neighbouring properties of the site. This mixture of house types is part of the village character and in my opinion, the design of the proposed dwelling would be sympathetic. The chalet bungalow form is considered appropriate in this location, seeing as the site is on a raised ground level from The Street, which will ensure it is not overly dominant in the street scene. The traditional form and architectural style are considered to be in-keeping with the existing dwellings in the village, whilst the use of high-quality materials will ensure the property sits comfortably amongst the existing built form. Therefore, it is my opinion that the design of the proposal is acceptable in planning terms, where the overall proportions and choice of materials will be sympathetic to the existing properties in the village.

- 4.3.12 The proposed detached double garage is to be sited to the south-east side of dwelling hereby proposed, with matching materials and form. The garage will have lower ridge and eaves in comparison to the main property, to ensure its subservience. Therefore, in design terms, I consider the proposed garage to be acceptable.
- 4.3.13 As such, the proposed dwelling and garage are considered sympathetic in form, proportions and design, such that the scheme has responded positively to the site's local context and will be sympathetic to the broad character of existing dwellings in Kelshall. This is in accordance with Policy D1 of the Local Plan and Section 12 of the NPPF.

Impact on the Character of the Area

- 4.3.14 The detached dwelling and garage will be visible over the to-be replaced 2.5m hedgerow that will front The Street, which will to an extent be harmful when compared to the existing arrangement. However, the proposed dwelling is shown to be set back 17.2m from The Street, which is considered to be a significant distance and appropriate given the raised ground level at the site. This set back nature, coupled with the replacement 2.5m hedgerow, will limit the impact of the proposal upon the character and appearance of the area in my view, such that the level of harm attributed would not be adverse.
- 4.3.15 It is also noted at this stage that the proposed development seeks to remove the existing dense 2.5m hedgerow where required, to facilitate the proposed vehicular access and visibility splays, before replacing the hedgerow on either side. This aspect of the development hereby proposed will be looked at in more detail in latter parts of this report, but it is considered that the proposed vehicular access will also have an impact upon the character of the area. Many of the representations received from interested parties state that this hedge is part of the village's character, a point I agree with entirely. That said, the proposed access is to be approx. 4.2m wide and the entire hedgerow is approx. 65m wide, which is not a considerable loss of hedgerow in my opinion. Therefore, whilst the proposed access will have some impact upon the character of this area, I do not consider this level of harm to be significant, given the width of the replacement hedgerow by comparison to the amount lost to the proposed access.
- 4.3.16 As such, it is my view that whilst the proposed development will result in a marked change to the character of the area, through the erection of built form on land where there currently is none and the removal of part of the hedge (following its replacement), the set-back nature and sympathetic design of the proposal is such that I do not consider the level of harm upon the character of the area to be adverse.

Impact on Neighbouring Dwellings

- 4.3.17 The location and scale of the proposed dwelling on this site is such that there would be a significant distance between it and the immediate neighbours. A distance of 45 metres would be between the front windows of the new dwelling and the opposite properties along The Street. There is only one habitable room first floor window proposed, which is to be a bedroom, with the other two windows being a landing window and a rooflight to the bathroom. The bathroom window would be obscure glazed via condition.
- 4.3.18 It is considered that the proposed bedroom and landing windows are acceptable to be clear glazed and opening, given the very significant distance to the dwellings opposite the site which is unlikely to result in any material increase in overlooking abilities or loss of privacy. Moreover, whilst it is acknowledged that the proposed dwelling would be situated on land that has a raised ground level when compared to the properties on The Street, the chalet bungalow form and scale is such that in my opinion, compounded by the setback location, the scheme is unlikely to result in any overbearing and daylight/sunlight impacts upon these immediate neighbours.
- 4.3.19 Concerns were raised by the neighbours opposite the site on The Street, that the proposal would directly impact upon the views they currently enjoy of this meadow and would potentially cause light pollution from windows and vehicles entering/leaving the site. Taking the impact on views first, outlook is not a protected aspect in planning and therefore I am unable to attach any weight to this perceived harm. Secondly, whilst a dwelling on this plot would see increased levels of light from the property and vehicles compared to what there is now, this would be intermittent and would not be a sufficient or appropriate reason to object to this proposal in my opinion.
- 4.3.20 Therefore, in light of the above, whilst it is acknowledged that the proposal will have some impact upon the amenities, reasonable living conditions and well-being of neighbours, it is unlikely that a dwelling of this scale and location will occasion adverse levels of harm to these neighbouring properties. This is in accordance with Policy D3 of the Local Plan and Section 12 of the NPPF.

Impact on Future Occupiers

- 4.3.21 The proposal would provide a high standard of residential amenity and living conditions for future occupiers. The dwelling would exceed the nationally described space standards with an internal layout providing 217 sqm of accommodation (the minimum is 118sqm for a 4bedroom/7 person dwelling with two stories). All windows would receive a high standard of natural light and outlook. The rear garden would be sizable and would be an appropriate amenity space for occupants to enjoy.
- 4.3.22 As such, the scheme would provide a high standard of amenity for future occupiers, in accordance with Policy D1 of the Local Plan and Section 12 of the NPPF.

Landscaping/Ecology

- 4.3.23 In regard to landscaping, the proposal seeks to utilise the space around the proposed development for a lawn/grass area. The hedgerow and trees on the northern boundary are to be retained as is, with a new 2.5m hedgerow planted on the diagonal south-east boundary, adjacent to the existing public footpath. The existing pond to the rear of the site is to be retained. In my view, the above proposals are acceptable in planning terms as they will ensure a biodiversity net gain, in line with Policy NE4 of the Local Plan.
- 4.3.24 One of the more significant considerations of this application is centred around the existing hedgerow that fronts The Street. The hedgerow is approx. 2.5m in height and spans the entire width of the site's frontage. Many of the representations I have

received from interested parties are concerned with the hedgerow, stating that it is an 'Ancient Hedgerow' which is also rich in biodiversity. Some of the interested parties were also unclear about what was happening to this hedgerow, as the plans and submitted information have conflicting information.

4.3.25 It is my understanding that the existing hedgerow on the frontage with The Street was always proposed to be removed and replaced to accommodate the proposed access and required visibility splays. It is not possible to retain the existing hedgerow as it and achieve the required access visibility levels, based on the information submitted. It is my opinion that the hedgerow in question is a positive part of this areas character and in light of the concerns raised by interested parties, it was considered appropriate to consult Hertfordshire County Council's Archaeology and Ecology Departments, to determine whether this hedgerow is afforded some form or protection. The response received from Archaeology via email is as follows:

- *"Kelshall is in HCC's Landscape Character Area 229 (LANDSCAPE CHARACTER ASSESSMENT OF NORTH HERTFORDSHIRE), which has several recommendations for how hedgerows should be dealt with in this area, though none of them advise blanket preservation.*
- *Ecological criteria may be able to define whether the hedgerow is 'ancient', as the presence and maturity of certain species will indicate to a qualified ecologist how long the hedge has been established on the site. If the hedge is removed and replaced, ecology's main concerns would be that it was replaced with native species and to produce a biodiversity net gain (both of which I note are discussed in the DAS).*
- *From a Historic Environment perspective, the hedgerow does not appear to mark a parish or township boundary, or the boundary of a known estate or manor. It does not incorporate a known archaeological feature on our Historic Environment Record. It is also not visible on the first edition OS map for this area or the enclosure map of 1757. It is, however, adjacent to the roadway of The Street, through the village centre of Kelshall. There is unlikely to have been any significant change in the road line shown on the maps, and the existing hedgerow may therefore be an ancient roadside feature".*

4.3.26 There is legislation under The Hedgerow Regulations 1997 which states that some hedgerows are offered protection if they meet certain criteria relating to length, location and importance. These are expressed below and have been taken from the Gov.uk website:

Length

A hedgerow is protected if it's:

- more than 20m long with gaps of 20m or less in its length*
- less than 20m long, but meets another hedge at each end*

Location

A hedgerow is protected if it's on or next to:

- land used for agriculture or forestry*
- land used for breeding or keeping horses, ponies or donkeys*
- common land*
- a village green*
- a site of special scientific interest*
- a protected European site such as a special area of conservation or special protection area*
- a local or national nature reserve*
- land belonging to the state*

A hedgerow is not protected if it's in, or marks the boundary of, a private garden.

'Importance'

A hedgerow is important, and is protected, if it's at least 30 years old and meets at least one of these criteria:

- marks all or part of a parish boundary that existed before 1850*
- contains an archaeological feature such as a scheduled monument*
- is completely or partly in or next to an archaeological site listed on a Historic Environment Record (HER), (formerly a Sites and Monuments Record)*
- marks the boundary of an estate or manor or looks to be related to any building or other feature that's part of the estate or manor that existed before 1600*
- is part of a field system or looks to be related to any building or other feature associated with the field system that existed before 1845 - you can check the County Records Office for this information*
- contains protected species listed in the Wildlife and Countryside Act 1981*
- contains species that are endangered, vulnerable and rare and identified in the British Red Data books*
- includes woody species and associated features as specified in Schedule 1, Part II Criteria, paragraph 7(1) of the Hedgerow Regulations - the number of woody species needed to meet the criteria is one less in northern counties".*

4.3.27 This hedge is more than 20m long with gaps of 20m or less and next to a paddock, so it would meet the tests of length and location. The remaining test related to importance and was the purpose of the consultation with County's Archaeological and Ecology Departments, to determine whether the hedge does in fact meet this test.

4.3.28 As a result of the above response stated in 4.3.25 from Archaeology, my query was internally passed on to the Ecology Department for comment, but no response has been received since then. Moreover, County Archaeology have formally responded to the consultation, stating that the "*development is unlikely to have a significant impact on heritage assets of archaeological interest and I have no comment to make upon the proposal*".

4.3.29 Therefore, in line of the above, there is no conclusive evidence before me to suggest that the hedgerow in question is afforded any level of protection in an archaeological or ecological sense, in the absence of a response from the Ecology team.

4.3.30 The proposed development states that following the removal of this mature hedgerow on the frontage, a new native hedgerow grown to 2.5m high will be put back in line with the required access/visibility splays, to mitigate the loss of important landscaping and biodiversity in this area. In my opinion, this is an appropriate compromise to the loss of the existing hedgerow. The replacement hedgerow would be subject to a suitably worded condition, should permission be granted.

4.3.31 The proposal also looks to incorporate hard landscaping for the driveway, in the form of permeable shingle and grey cobbles, which are acceptable in my opinion.

4.3.32 With respect to the ecology of the site, the applicant has submitted a Preliminary Ecological Assessment that has been undertaken by Arbtech in April 2022. The report concludes that no protected species are present on the site, with a precautionary working method to be adopted throughout the development and for hedgerow removal at the appropriate time of the year. This is contrary to some of the representations I have received from neighbours, who suggest there are various species of wildlife at this site and that the accuracy of this report is questionable. However, in the absence of a formal response from Hertfordshire Ecology, it would be unreasonable to object to this proposal on ecological grounds in my view. It is considered appropriate to

condition that the precautionary measures set out in the Preliminary Ecological Assessment be carried out on site, should permission be granted.

- 4.3.33 Overall, the proposed development will provide a net gain of biodiversity, through the planting of hedgerows on the south-east boundary, retention of the northern hedgerows and trees and rear pond, and replacement of the hedgerow fronting The Street. This is considered compliant with Policy NE4 of the Local Plan and Section 15 of the NPPF.

Access, Parking and Highways

- 4.3.34 The application proposes a new vehicular access of The Street with appropriate visibility splays. The originally proposed vehicular access point was shown in the centre of the site's frontage onto The Street, opposite No.3 and 4. Following consultation with the agent and the Hertfordshire Highway Department, due to the considerations around moving the proposed access away from opposite the neighbour's driveway so far as practicable, the applicant commissioned a speed survey to determine whether speeds are below the 85th percentile for the 30mph speed limit. If the survey concluded that they were, then the visibility splay requirements could be reduced. As such, following the result of the speed survey and after taking the representations of the neighbour's opposite into account, the vehicular access location has been moved slightly south away from the existing driveway. The results of the speed survey concluded that the visibility splays could be reduced from the standard measurements (from 2.4m x 43m to 2m x 27m and 2m x 31m). The Highway Authority were consulted on the amended plans identifying the new access location and amended visibility splays, stating no objection subject to conditions. As such, the proposed access and visibility splays are considered acceptable in planning terms. Concerns have been raised over the accuracy of the speed survey and how it was conducted, however seeing as Highways have not considered any issues with the submitted information, I have no reason to object in this regard.
- 4.3.35 As a result of the setback replacement hedgerow, reduced visibility splays and relocation of the access, there is an opportunity to incorporate some informal passing places either side of the proposed access. This would, in my opinion, mitigate some of the concerns raised by neighbours by allowing vehicles to pull in to this area (not residents driveways) and therefore reduce the possibility of accidents on the existing single-track road.
- 4.3.36 The proposed development would seek to erect a double garage with ample space for parking on the driveway. This would exceed the required two parking spaces under the Vehicle Parking at New Developments SPD and as such, there are no objections to parking in my opinion. An EV charging point would be incorporated in the proposal, enforced via condition.
- 4.3.37 When taking general highway matters into account, a number of representations received have concerns over the single-track road with no footpaths and two blind bends, where it is stated that numerous near misses have taken place. The comments suggest that The Street is not designed or equipped to accommodate infill development for this reason. Whilst I do acknowledge that The Street is a narrow road with no pedestrian access, the Highway Authority have no objections to the proposal subject to conditions. Therefore, it would be wholly unreasonable to object to this scheme in this regard in the absence of a formal objection from Highways.

Other Matters

- 4.3.38 One concern raised was centred around the existing flooding issues that could be made worse by the proposed development. Whilst I do appreciate that flooding is an issue in Kelshall, the appropriate body to comment on this issue is the Local Lead Flood Authority who do not have the capacity to respond to applications for single dwellings. That said, the site is within Flood Zone 1, which means it would be fair to conclude that the proposed development would result in an increase in flooding.
- 4.3.39 Another concern raised by a local resident was that infill sites should be decided by parishioners. I am not aware of a mechanism to make this a reality but would point out that Parish Councils have the opportunity to comment on planning applications, so they do have a say to an extent.
- 4.3.40 The proposed development seeks to include bins on the side of the dwelling between the double garage. North Herts require 3 wheelie bins and 2 collection boxes, which in my view can be accommodated in this space and not result in any harm to the character of the area.

4.4 **Conclusion**

- 4.4.1 In line with the above, it is necessary for the decision taker to weigh up all of the policy considerations in this regard to determine whether the proposal is in accordance with the Local Plan.

In my opinion, the positive aspects of this scheme are that the proposed development is acceptable in principle, as it can be classed as an infill plot that will not extent the built core of the village, in accordance with Policy SP2 and CGB1 of the Local Plan. The design of the proposed dwelling and garage are considered to be acceptable and sympathetic to the varied character, scale and forms that exist in Kelshall. The proposal should not occasion any significantly adverse impacts upon the reasonable living conditions and well-being of neighbouring dwellings, with respect to overdominance, daylight/sunlight loss, light pollution and overlooking in my view. The dwelling has been designed to exceed minimum space standards and will give future occupiers a high standard of amenity generally. The location of the proposed access has been amended to be away from the opposite neighbour's driveway and the visibility splay requirements have been reduced following the completion of a speed survey, which is considered acceptable in planning terms. Moreover, as a result of the proposal, there is an opportunity to incorporate some informal passing places on The Street either side of the proposed access, which may improve the conditions that have been expressed by neighbours in this regard. The proposal would provide adequate levels of parking in line with the Vehicle Parking at New Developments SPD. Therefore, taking all of the above into consideration, the proposed development is deemed in accordance with Policies SP2, D1, D3, T2 and CGB1 of the Local Plan and Sections 12 and 15 of the NPPF.

However, the proposed development does have negative aspects in my view, which is that to accommodate the proposal, the existing hedgerow that fronts The Street will have to be removed and replaced and the development will have an impact upon the character of the area. Firstly, this hedgerow has drawn a lot of interest from interested parties, due to its age and perceived significance, and is acknowledged to be an important part of this areas character. However, following consultation with the County Council's Archaeology and Ecology Departments there is no conclusive evidence before me to suggest that the hedgerow in question is afforded any level of protection in an archaeological or ecological sense. Therefore, whilst I acknowledge that it is a shame to lose this hedge which no doubt supports biodiversity and positively contributes to the street scene, a reason for refusal on such grounds would not be substantiated and the applicants are proposing to replace it anyway. The applicants

are also proposing to plant another hedgerow on the south-east boundary which, alongside this replacement and retention on the northern boundary, may result in a biodiversity net gain in line with Policy NE4 of the Local Plan. Secondly, the absence of built form on this site is such that the proposal will result in some harm upon the area's character and appearance. The meadow is an attractive space at present and is clearly an enjoyed space by the village. However, in my opinion, the set-back nature and sympathetic design of the proposal is such that I do not consider the level of harm upon the character of the area to be significantly adverse enough to warrant a refusal.

Therefore, when weighing the aforementioned considerations in the planning balance, it is my professional opinion that the positive aspects of the proposal outweigh the negative, which would dictate that planning permission should be granted, subject to conditions.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 The agent is in agreement with the proposed pre-commencement conditions.

4.7 **Climate Change Mitigation Measures**

4.7.1 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 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. Prior to the first commencement of the development hereby permitted, a plan for the storage of cycles and be designed in line with design standards contained in Chapter 11 of the Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020). Prior to first occupation the approved design shall be fully implemented and thereafter retained for this purpose. Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies

1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

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).

4. Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing 2021 / 60 / 02A (Access Point Altered, Dwelling and Garage moved 2.0m south - East) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made 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 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).

5. Prior to the first occupation of the development hereby permitted the vehicular access to, and egress from, the adjoining public highway shall be limited to the access shown on drawing number (2021 / 60 / 02A) only. The existing access shall be permanently closed, and the highway verge /hedgerow shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority.

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).

6. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:
 - 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 a plan should be submitted 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).

7. The applicant will be provided with a questionnaire to complete and return. Once the completed questionnaire is returned, we will use the information provided to ascertain whether a more formal assessment, or investigation of land contamination, is

necessary.

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a view to determining the presence of contamination likely to be harmful to human health, and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

8. Before any development commences, full details of the landscaping plan for the areas surrounding the proposed dwelling are to be submitted to and agreed in writing by the Local Planning Authority. The approved details are to be implemented on site in the first planting season following the completion of the development, and maintained for as long as the development hereby approved is occupied. The details of the landscaping scheme must 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.

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

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

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

10. Details and/or 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 above ground level and shall be implemented as approved.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

11. 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard any protected species that may be present at the site, as required by the NPPF.

12. The bathroom window at first floor level on the front elevation of the development hereby permitted shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

13. Following the removal of the existing mature hedgerow that fronts The Street to commence the development hereby permitted, the replacement hedgerow as indicated on plan no. 2021/60/02A shall be planted in the first planting season immediately after the construction of the new access or prior to occupation of the dwelling hereby permitted; whichever is sooner. The hedgerow shall be maintained in the approved location and allowed to mature to a height of 2.5m and be thereafter retained at that height, unless otherwise agreed in writing by the Local Planning Authority. If any sections of the hedgerow die within the first five years of being planted they are to be replaced.

Reason: To mitigate the loss of the existing mature hedge and preserve the character of the area.

14. Prior to occupation, the proposed 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.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 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.

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.

Informative/s:

1. 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) 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-developer-information/development-management/highways-development-management.aspx>

AN4) 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.

AN5) Gravel / shingle driveways: Where loose gravel or shingle is used, a suitable measure to prevent material spilling onto the road/footpath/verge must be installed. It is an offence under section 148 of the Highways Act 1980 to deposit debris onto the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Further information is available by telephoning 0300 1234047.

AN6) 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.

AN7) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN8) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials

(especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to

proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

2. As the above application is for a small development to one dwelling, and as we are not aware of any previous potentially contaminative use of the site, we have provided a questionnaire for the applicant to complete and return, (available on the NHDC website, www.northherts.gov.uk at Environmental Health Pollution Contaminated Land Development of Brownfield Sites and Developments with Sensitive End Uses). Once the completed questionnaire is returned, we will use the information provided to ascertain whether a more formal assessment, or investigation of land contamination, is necessary.
3. During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.