

Location: Land Adjacent to Dungarvan
Back Lane
Preston
Hertfordshire
SG4 7UJ

Applicant: Mrs S Boyle

Proposal: Erection of one detached 4-bed and two detached 5-bed dwellings including garages and creation of vehicular access off Back Lane (as amended by plan received 19.11.2020).

Ref. No: 20/01564/FP

Officer: Andrew Hunter

Date of expiry of statutory period:

23 September 2020

Submitted Plan Nos.:

PL.001, PL.002, 2020-04-PL.101, 2020-04-PL.102, 2020-04-PL.103, 2020-04-PL.104.

Reason for Delay

Amended details and Committee cycle

Reason for Referral to Committee

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater (the site area is 0.98ha), as set out in 8.4.5 (a) of the Council's 2019 Scheme of Delegation.

1.0 Background

1.1 Members will recall that this application was deferred from consideration at the Planning Control Committee of 15th October 2020 (the original report is attached as **Appendix A**) for the following reasons:

RESOLVED:

That application 20/01564/FP be **DEFERRED** planning permission for the following reasons:

- Members deferred the decision but were minded to grant planning permission. They are looking for a package of measures to seek compliance with Policy HD5 of the Preston Neighbourhood Plan, many of which are already in the scheme, including EV charging points. There is discussion in the policy of water conservation, biodiversity and landscaping. Officers will work with the applicant to seek this submission and report back to Members with a report focussed only on these matters.

1.2 The applicants have produced an amended site plan, an Energy Strategy Statement that includes water conservation measures, and an Arboricultural Method Statement.

1.3 The amended site plan shows the following amendments with respect to biodiversity:

- Wildlife corridors on the side and rear boundaries consisting of tree and hedge planting.
- Additional tree planting in plots 2 and 3.
- New vegetation planting on the front boundary.

The Energy Strategy Statement proposes:

- Using a 'fabric first' approach to reduce energy demand through fabric efficiency such as low U-values, triple glazing and good air-tightness.
- Efficient heating and use of ground source heat pumps.
- Log burning stoves for secondary heating.
- A reduction in carbon emissions of 52.26% compared to those of the latest 2013 Building Regulations Part L1A.
- A 38.76% reduction in the energy requirements of the site.
- Total water consumption is proposed to be 87.47 litres/person/day, exceeding Building Regulations Part G maximum and minimum requirements of 125 and 110 litres/person/day.

1.4 The applicants consider through their supporting statement and consultation with the Local Planning Authority, that they have addressed the issue of lighting and CCTV as raised by the Planning Committee on 15th November. In view of the information submitted the application is reported back to the Planning Committee for determination.

2.0 **Policies**

2.1 See original report at **Appendix A**

3.0 **Representations**

3.1 All neighbours and the Parish Council notified of the original application, including statutory consultees have been re-notified of the proposed additional information. Responses received at the time of writing this report are set out below. Any further comments will be reported at the Committee meeting.

3.2 **Neighbours** – The following objections were received:

- Inadequate amendments.
- Does not maintain privacy.
- Request a 6ft fence 2m from us to maintain privacy and light, and to prevent noise.
- Amended plan shows very few changes.
- No survey has taken place of trees and vegetation.
- Insufficient detail of new vegetation/planting. No landscaping report.
- Access road should be re-located.
- Wildlife areas are needed as hedges are not enough. Inadequate provision of wildlife habitats.
- Some land should be left to nature.
- Energy Statement refers to open fires and air source heat pumps, which are hard to see would provide a carbon reduction and do not work well in cold weather respectively.

- Impacts on sewerage and water pressure.
- The measures relate to cost savings not energy savings.
- Other renewable technologies not included for strange reasons.
- Preferable to know how rainwater is to be harvested.
- Would like to know what information about the surroundings of the site will be in the proposed Home User Guide.
- Can't see a proviso for the footpath.
- Density, size of footprint, height and orientation.
- Issues with covenant.

3.3 Parish Council – Comments dated 27th January 2021:

At their meeting on Thursday 15 October 2020, the Planning Control Committee deferred the decision on this application so that a package of measures to seek compliance with Policy HD5 of the Preston Neighbourhood Plan could be provided.

Three documents have been added to the website: an amended plan on 19 November 2019 and a Tree Protection Order and an Energy Strategy Statement by Briary Energy in January 2021. Preston Parish Council would like to make the following comments on whether these documents meet Policy HD5 of the Preston Parish Neighbourhood Plan (PPNP), as well as instances when other policies of the PPNP have not been addressed.

Amended Site Plan, landscaping and biodiversity

The Parish Council notes that the amended site plan improves the situation for the residents of Dungarvan / Cherry Trees because the boundary is now further away from their windows. However, a hedge around the site can only be classed as minimal landscaping and it does not address biodiversity and the loss of wildlife which will be caused by this development. Policy HD5 of PPNP states: landscape schemes that improve biodiversity will be encouraged. There is nothing on this plan to improve biodiversity.

The Parish Council believes that a full ecology survey should be a condition of any planning consent, taking account of PPNP Policy EH7 which says: *Development proposals should maintain and where practicable enhance the elements of the natural environment as identified in Appendix C2 (pages 68 to 84). Where appropriate development proposals should also incorporate measures to ensure their connectivity to the wider habitats in the neighbourhood area.*

The Parish Council is pleased to see that a Tree Protection Order has been placed on the established oak tree so that it will be saved but does not understand why the site access has not been moved, raising concerns that the oak tree may be damaged during the construction period and thereafter due to the proximity of passing traffic.

The Parish Council believes that PPNP Policy EH8 should be taken into account to preserve other existing trees and hedgerows on this site: Where appropriate and relevant to the site concerned development proposals should retain and maintain existing trees and hedgerows within the site and along its boundaries.

PPNP Policy EH3 states: New development should not have an unacceptable negative impact on the uses and functions of existing green infrastructure (i.e. all types

of green space, large or small, public or private) within the village and wider parish. This statement has not been addressed in any way in the amended plan for this site.

Energy Strategy Statement

The Parish Council has noted the changes to the Energy Strategy Statement, particularly that Ground Source Heat Pumps will be used rather than Air Source Heat Pumps and a log burner will provide supplementary heating when the first version used open fires as secondary heating. It is also noted that rain water will be harvested and used to flush toilets but there are no practical details as to how this is to be achieved.

While these changes would normally be welcome the Parish Council has no confidence in this document. It states that Ground Source Heat Pumps will be used on pages 1,6,8, and 13 but on Page 17 says: A full assessment of appropriate technologies has been undertaken, concluding ASHP the most suitable for this development, providing a 9126kWh energy and 3018.9 kgCO₂ carbon reduction.

The above is a clear example of a cut and paste exercise inefficiently undertaken. It was the Parish Council who pointed out to the Planning Officer that the Site Location and Transport page in the first version issued this year was clearly not for this application. Coventry station is not 3.6 miles from Preston, Hertfordshire. The Parish Council asked for the whole document to be checked for accuracy before being re-issued. Had this been done, the point outlined above should have been corrected.

SuDS on page 18 is very detailed and technical but also very confusing when it contains a map of a different area. If a map is to be included, it should be of the site for development. There is no indication in this document as to what needs to be undertaken on this particular site to address flood risk.

The Parish Council believes that this energy statement should be rejected and one that is accurate and relevant to the proposed development should be issued so that informed comments can be made on what is being provided to address energy and sustainability issues.

Preston Parish Neighbourhood Plan Policies

It is not possible to consider Policy HD5 in isolation. Policies EH3, EH7 and EH8 are interlinked with policy HD5 and for the proposed development overall. The Parish Council does not believe that the points in Policy HD5 have been adequately addressed.

The Parish Council notes that the Planning Officer's original report, paragraph 4.3.13, says that PPNP Policy HD3 will not be complied with in this application but that the three proposed dwellings would be of benefit to the District's housing supply as a whole. The Parish Council firmly believes that it is unacceptable to discount PPNP Policy HD3 and that if this proposal was amended to 6 smaller houses it would be of greater benefit to North Hertfordshire's housing need, as well as complying with PPNP Policy HD3 and, most importantly, would better reflect the housing needs of Preston.

In conclusion, Preston Parish Council would like the decision to be deferred again so that further plans can be submitted which meet the policies of the PPNP and which ensure that these dwellings meet acceptable levels of sustainability and biodiversity.

3.4 **NHDC Grounds Maintenance (Trees) Officer** - Having viewed the arboricultural method statement for the site it would appear satisfactory in protecting the oak tree so as not to affect its condition should works progress.

4.0 **Discussion**

4.1 This discussion concerns whether the additional measures proposed by the applicant comply with Policy HD5 of the Preston Neighbourhood Plan. Policy HD5 states:

*Policy HD5: Sustainability and Energy Efficiency:
Proposals for the provision of measures for water conservation and landscape schemes that improve biodiversity will be encouraged. Proposals with a low carbon footprint will be encouraged. The provision of electric car charging points for all new homes will also be supported as will proposals that enable residents to work from home. Prior to occupation, each residential property shall incorporate an Electric Vehicle (EV) ready, domestic charging point.*

4.2 Section 1.3 of this report sets out additional measures proposed by the applicant to comply with HD5 following the deferral of the application on the 15th October committee. EV charging was previously specified to be required by condition (with this condition to be retained), therefore the proposal would comply with that part of HD5.

4.3 To comply with the other parts of HD5, the amendments propose:

- New tree and hedge planting including wildlife corridors.
- The protection and retention of an Oak tree near the proposed site entrance, as set out in the submitted Arboricultural Method Statement (date January 2021, reference AMS/MF/003/21).
- Reductions in carbon emissions of 52.26% compared to the latest Building Regulations standards, and a 38.76% reduction in the energy requirements of the site.
- Log burning stoves are proposed instead of open fireplaces.
- Water use to be below current Building Regulations standards, including rainwater harvesting.

4.4 The above measures would result in biodiversity gains within the site through additional tree and vegetation planting and wildlife corridors (further details of which would be required by condition). The Oak tree is considered would be protected during construction and retained by the measures set out in the Arboricultural Method Statement (which is considered acceptable by the Council's Tree Officer and is given significant weight), which will be required by condition to be complied with. Solar PV has not been proposed due to poor performance and being visually intrusive. The new dwellings would exceed current Building Regulations standards for carbon emissions and water use, and will be required by condition to comply with the measures in the Energy Strategy Statement.

4.5 With reference to the comments from the Parish Council, the present Energy Statement relates sufficiently to the application site and proposal to be considered as demonstrating Policy HD5 would be complied with. HD5 does not require all renewable energy technologies to be implemented on a development or that methods of water conservation are fully specified – the applicant has in any case given sufficient details in the Energy Statement to demonstrate that those objectives of HD5 would be complied with. How the development relates to other Neighbourhood Plan policies has been addressed in the original report. Regarding the other objections received, those relevant to Policy HD5 have been addressed in this report. One comment

concerns a footpath, however this is not a public footpath therefore no provisions need to be made for it to pass through the site. Other objections relate to matters covered by the original report in Appendix A.

5.0 **Conclusion**

5.1 For the reasons above the proposal complies with Policy HD5 of the Preston Neighbourhood Plan, complies with all other relevant local and national policies, and that planning permission should be granted.

5.2 **Alternative Options**

None.

5.3 **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

6.0 **Legal Implications**

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

7.0 **Recommendation**

7.1 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. **Details and/or samples of materials to be used on all external elevations of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.**

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

4. **Prior to commencement of the approved development, the following landscape details shall be submitted:**

a) which, if any, of the existing vegetation is to be removed and which is to be retained – including details of tree cutting

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed – hard surfaces shall be of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilages of the dwellings

d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. Prior to occupation, each detached property 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.

7. In connection with all site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

Reason: To protect the residential amenity of nearby residents.

8. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plans. Arrangement shall be made for surface water drainage 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.

9. Prior to the commencement of the approved development, a Landscape and Ecological Management Plan shall be submitted to the Local Planning Authority demonstrating a biodiversity gain within the site. The Plan if approved shall then be implemented prior to occupation of the development, and the approved measures shall remain unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of ecology.

10. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided 4.2 metres wide and thereafter retained at the position shown on the approved plan drawing number 2020-04 PL.002. Arrangement shall be made for surface water drainage 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 of surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 35 metres shall be provided to each side of the access where it meets the highway and such splays shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To provide adequate visibility for drivers entering or leaving the site.

12. The gradient of the vehicular access shall not exceed 1:20 for the first 5 meters into the site as measured from the near channel edge of the adjacent carriageway.

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

13. The access shall be constructed in a hard surfacing material for the first 5.0 metres from the back edge of the carriageway.

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

14. Prior to the first occupation of the development hereby permitted details of the waste bin storage area shall be submitted showing the location within 15 metres of the adjacent highway.

Reason: In order to provide adequate waste collection facilities within working distance of the adjacent highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan in the interests of highway safety.

15. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and
 1. The programme and methodology of site investigation and recording;
 2. The programme of post investigation assessment;

3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation;
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: In the interests of archaeology.

16. No demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of investigation approved under condition 15.

Reason: In the interests of archaeology.

17. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

18. Land Contamination Condition
 - (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.

19. The development shall be completed in accordance with the measures set out in the Energy Strategy Statement (dated January 2021).

Reason: To minimise carbon emissions in the interests of the environment and climate change.

20. Throughout the period of construction of the development hereby permitted and thereafter the oak tree adjacent to the proposed site entrance shall be protected and retained, in accordance with the measures set out in the Arboricultural Method Statement (date January 2021, reference AMS/MF/003/21).

Reason: In the interests of the preservation of the tree, biodiversity and ecology.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and 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.