

Location: **Land West Of
Castlefield
Preston
Hertfordshire**

Applicant: **Mr Mark Wigley**

Proposal: **Residential development comprising erection of 21 dwellings (including affordable housing) and associated parking, landscaping, open space and ancillary works with access off Castlefield. (As amended by plans and supporting documents received 29th October 2021).**

Ref. No: 21/02076/FP

Officer: **Tom Rea**

Date of expiry of statutory period: 06/10/2021

Extension of statutory period: 10/02/2022

Reason for referral to Committee: The development is residential development with a site area of 0.5 hectares or greater (the site area is 1.07 hectares) as set out in paragraph 8.4.5 (a) of the Council's Scheme of Delegation

1.0 Policies

1.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 6: Rural Areas beyond the Green Belt

Policy 14: Nature Conservation

Policy 16: Archaeological Areas of Significance and other Archaeological Areas

Policy 26: Housing Proposals

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

1.2 National Planning Policy Framework (Revised July 2021).

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

1.3 Proposed Submission North Hertfordshire Local Plan 2011-2031 (Incorporating the Proposed Main Modifications November 2018 and May 2021)

Strategic Policies

SP1: Sustainable development in North Herts

SP2: Settlement hierarchy

SP6: Sustainable transport

SP7: Infrastructure requirements and developer contributions

SP8: Housing

SP9: Sustainable Design

SP10: Healthy communities

SP11: Natural resources and sustainability

SP12: Green Infrastructure, landscape and biodiversity

SP13: Historic environment

Development Management Policies

T1: Assessment of transport matters

T2: Parking

HS2: Affordable Housing

HS3: Housing mix

HS5: Accessible and adaptable housing

D1: Sustainable Design

D3: Protecting living conditions

D4: Air quality

NE1: Landscape

NE5: New and improved public open space and biodiversity

NE7: Reducing flood risk

NE8: Sustainable Drainage systems

NE9: Water quality and environment

NE10: Water Framework Directive and wastewater infrastructure

NEx: Biodiversity and geological sites

HE1: Designated heritage assets

HE4: Archaeology

1.4 **Supplementary Planning Documents**

Vehicle Parking at New Development September 2011

1.5 **Preston Neighbourhood Plan 2018 – 2031 (Made December 2019)**

The PNP includes a series of objectives and policies covering various aspects of the social, economic and environmental issues that affect the local community and how they can be managed in order to achieve the aims of the Plan. The key policies that are considered relevant to this proposal are set out below:

LIVING IN PRESTON (QUALITY OF LIFE)

Policy QL1: Social Interaction:

Policy QL2: Community Quality of Life:

Policy QL3: Local Distinctiveness:

HOUSING AND DEVELOPMENT

Policy HD1: Residential Development:

Policy HD2: Pedestrian Links and Rights of Way:

Policy HD3: Housing Types:

Policy HD4: Tenure of Housing:

Policy HD5: Sustainability and Energy Efficiency:

Policy HD6: Design:

Policy HD7: Gardens:

Policy HD8: Flood Risk and Drainage Provisions:

Policy HD9: Residential Extensions:

Policy HD10: New Housing Development:

ENVIRONMENT AND HERITAGE

Policy EH1: Village Boundary, Rural Character and Setting:

Policy EH2: Conservation Areas and Heritage Assets:

Policy EH3: Open and Green Spaces:

Policy EH4: Local Green Spaces:

Policy EH5: Tranquillity and Dark Skies:

Policy EH6: Views and Vistas:

Policy EH7: Protecting and Enhancing the Local and Natural Environment:

Policy EH8: Hedgerows, Trees and Verges:

TRANSPORT AND COMMUNICATIONS

Policy TC1: Safe and Sustainable Transport:

Policy TC2: Broadband and Mobile Coverage:

2.0 **Site History**

13/01553/1: Three 2 bedroom semi detached affordable dwellings and three 3 bedroom semi detached affordable dwellings. Access, parking and landscaping (as amended by plans received 19/12/2013).

Granted 18/3/14. Development has been completed (Nos 1 – 6 Castlefield).

21/00590/PRE: Residential development comprising 23 dwellings. Land west of Castlefield, Preston. NHDC and HCC officer and consultee advice provided on 21st May 2021.

3.0 **Representations**

3.1 **Site Notices:** 15.07.2021 & 03.11.2021

Press Notices: 22.07.2021

Consultee responses

3.2 **Preston Parish Council:**

Response to revised 21 dwelling scheme (full comments on web site):

Advise that the PPC is pleased that representations to the original planning application have been taken into account and the plans amended but there are still key issues to be addressed and conditions imposed where necessary. Summary of main areas of concern:

Dwellings

Dwelling mix should be altered to provide more smaller units and less larger units to reflect Emerging Local Plan Policy HS3. Preston already has enough large properties.

The PPC appreciates an attempt has been made to improve local distinctiveness however further amendments are necessary.

Drainage, sewerage and water pressure

Advise that a significant percentage of public responses to this application concern drainage, sewerage and water pressure issues with up to 25% of residents being directly affected. Further information should be provided before planning consent is granted to ensure that the new drainage, fresh water and sewerage systems are fit for purpose. Not clear that the submitted Flood Risk and Drainage Strategy will meet the requirements of the Lead Local Flood Authority. Unclear as to who will maintain the SuDS Maintenance Plan – this should be the developer and not the Parish Council.

Energy and Sustainability

PPC is concerned that there is not enough in the proposals to support NHDC's climate emergency motion to achieve zero carbon emissions in North Hertfordshire by 2030. Query why Ground Source Heat Pumps cannot be specified rather than Air Source Heat Pumps. GSHP's and other measures to reduce water consumption and incorporate more renewable energy technologies should be a condition of any planning consent.

Lighting

The Parish Council would like no external lighting to be incorporated into any planning consent

Broadband and Mobile Coverage

It is encouraging to note that the development should qualify for BT Open Reach's free fibre to the premises scheme however concern over connection timing and distance from the cabinet. Concern over mobile phone signal – this should be a condition of planning consent.

Ecology

Recognise there is no legal requirement to provide a 10% biodiversity net gain before 2023 however the scheme should provide this and mitigate against the impact of the proposed development on local wildlife.

Trees and Green Areas

PPC believe that a 12m buffer should be provided within the site to protect existing trees and hedgerows and to provide a wildlife corridor. Query that there appears to be no long term maintenance plan for the trees and green areas within the site. The PCC consider a maintenance and management scheme must be a condition of any planning consent.

Cumulative impact

The PCC would like consideration given to the cumulative impact of this development in view of the addition of new dwellings in the village since 2011. Concern at adverse impact on traffic, infrastructure and quality of life for existing and prospective residents

Response to revised 21 dwelling scheme (full comments on web site):

Notes the revisions have addressed some previous comments however some PPNP policies still need to be taken into account such as :

Policy QL3: Local Distinctiveness – scheme does not reflect the rural character of Preston

Policy HD1: Residential Development – notes reduction to 21 units but considers density still too high

Policy HD3: Housing Types - Policy not met – suggests two smaller units in lieu of two large units

Policy HD5: Sustainability and Energy efficiency – not enough features to support NHDC's climate emergency motion. Notes inconsistencies in the submitted Energy Statement. Would encourage Ground Source Heat Pumps and Solar Panels

Policy HD8: Flood Risk and Drainage Provisions – not acceptable to propose no changes to foul water disposal. A new sewage system may be required. Water pressure issues need to be further investigated. Drainage strategy must meet LLFA requirements.

Policy EH5: Tranquillity and Dark Skies – all external lighting should be removed from the proposals. Concern at position of parking areas could result in noise and light pollution.

Policy EH7: Protecting and Enhancing the Local and Natural Environment – the developer should implement a 10% biodiversity net gain and to mitigate against the impact of the development on wildlife

Policy EH8: Hedgerows, Trees and Verges – a 12m buffer should be provided to protect existing trees and hedgerows and to provide a wildlife corridor. Landscape maintenance details required.

Policy TC2: Broadband and Mobile Coverage – notes potential fibre network expansion in the village but 2025 is a long time to wait. Query mobile phone coverage – could be conditioned.

Advises that the PPNP is part of the Development Plan so must be taken into account when this application is assessed.

3.4 **The Preston Trust**

Comments summarised as follows (full details on web site):

- Accept that some development on the site is inevitable – the Trust's aim is to secure the right development.
- Density should be reduced
- Concern at impact on heritage assets
- Concern at maintenance responsibilities for landscaping
- Concern at design and layout
- Concerns at drainage issues in the village
- Proposals do not go far enough in respect of climate change
- Access to adequate broadband and telephone services essential
- Note amendments but proposals still too dense and will still have a detrimental Effect on the rural character of Preston failing to recognise the intrinsic character and beauty of the surroundings

3.5 **Hertfordshire Highways:**

No objections subject to conditions and planning obligation in respect of sustainable

transport improvements.

3.6 Environmental Health (Noise & Nuisance)

Recommends conditions and an informative

3.7 Environmental Health (Contamination and Air Quality)

Recommends a land contamination condition and an electric vehicle recharging infrastructure condition.

3.8 Lead Local Flood Authority

Objections raised on 10/09/21 and 2/12/21 with regard to drainage strategy and the LLFA have requested further information. The authority have been reconsulted following the submission of further drainage information on 13th December 2021 and any response will be reported at the Committee meeting.

3.9 NHDC Waste & Recycling officer

Confirms waste arrangements including vehicle access is satisfactory

3.10 Hertfordshire County Council Historic Environment Advisor:

Recommends an archaeological condition

3.11 Hertfordshire County Council Water Authority:

Requests the provision of fire hydrants via a planning condition

3.12 HCC Growth & Infrastructure:

Requests contributions towards secondary education, Stevenage library capacity improvements and Hitchin Young People's Centre.

3.13 HCC Rights of Way unit:

No response received

3.14 Anglian Water:

Advise that the development is outside of their statutory sewage boundary therefore have no comments to make

3.15 Thames Water:

Response regarding surface water:

Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Initial response re sewage disposal advised :

'Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.'

A further response following pre-application advice to Thames by the developer advises:

Foul Water

'If your proposals progress in line with the details you've provided, we're pleased to confirm that there will be sufficient sewerage capacity in the adjacent foul water sewer network to serve your development. This is based on the foul water flows gravitating from the site and discharging to manhole ref. 7806 on the 150mm dia. foul water sewer crossing the South of the site.

This confirmation is valid for 12 months or for the life of any planning approval that this information is used to support, to a maximum of three years. Please note that you must keep us informed of any changes to your design – for example, an increase in the number or density of homes. Such changes could mean there is no longer sufficient sewerage capacity'

Surface Water

Please note that discharging surface water to the public sewer network should only be considered after all other methods of disposal have been investigated and proven to not be viable. In accordance with the Building Act 2000 Clause H3.3, positive connection to a public sewer will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being: 1st Soakaways; 2nd Watercourses; 3rd Sewers. As you have confirmed that all surface water run-off will infiltrate into the ground via deep bore soakaways, this does not involve a connection to the public sewer network and hence we would have no objection to this proposal.

Please note that the Local Planning authority may comment on surface water discharge under the planning process.'

3.16 Affinity Water

Initially advised that they have no comments to make. In a further e-mail to the applicants drainage consultant Affinity Water's analysis team provided the following comments:

'Thank you for your email. You have not provided detailed water loading numbers, but from the information provided we are confident that these 21 dwelling can be supplied with water above the minimum pressure requirements without further upgrade or reinforcement of the local water network.

Looking at water pressure here this is currently adequate, although further building in the area is reducing the head room we have.

We are always looking ahead to see where future development is occurring and we will take steps to increase capacity, either by reinforcement or by altering the way we supply water to an area. In this particular location where pressure is currently adequate but with limited capacity, we may decide to supply the development both from our existing water mains in Templars Lane and Butcher's Lane. Dual feeding the area would give extra support to the development at times of peak demand.

When our Developer Services Team are approached for a new connection, all of the above will be considered and the best approach chosen.'

Alex Rigby
GIS Analyst
Geographical Analysis Team

Affinity Water Limited
Tamblin Way, Hatfield, Hertfordshire AL10 9EZ
Mobile: 07725 069389
Email: alex.rigby@affinitywater.co.uk

3.17 Hertfordshire Ecology:

Any comments received will be reported at the meeting

3.18 Natural England:

Advises that it has no comments to make on this application

3.19 Responses to site notices / public consultation:

Almost 100 responses have been received including the following concerns (full details of correspondence is on the Planning website) :

- Housing needs of Preston already met following permissions since 2011
- Premature in advance of any adoption of the Emerging Local Plan
- Density too high / number of dwellings needs to be further reduced
- Inadequate gardens
- Adverse impact on nature and the local environment
- Increase in light, noise and air pollution. Loss of tranquillity
- Out of character / not in keeping with surrounding pattern / form of development /not characteristic of local distinctiveness
- Some of the land should be retained as public open space
- Inadequate water drainage and sewerage infrastructure
- Inadequate telephone and broadband service
- Housing Mix, density and parking provision does not meet Local Plan / Neighbourhood Plan policies
- Inadequate public transport in the village
- Adverse impact on highway and pedestrian safety

- Lack of other services e.g. shops
- Conflict of interest given NHDC is the landowner
- Adverse impact on listed buildings / conservation area
- Ecological impact not fully assessed
- Amendments do not address concerns
- Concern at lack of wheelchair accessibility
- Loss of security / privacy to school premises
- Loss of privacy / amenity to existing residents
- Further community investments required
- Query whether there is adequate access for service vehicles

The Council has received correspondence in support of the proposals that include the following points:

- Will attract young families
- Will support the school and Red Lion public house
- Will provide affordable housing

4.0 Planning considerations

4.1 Site and surroundings

- 4.2 The application site is located towards the western edge of the settlement boundary of Preston. The site, which is 1.07 hectares in area, is boundaried by residential property to the north and east and to the west by Butchers Lane. The site abuts a public footpath to the south (Preston 004) immediately to the south of which are other residential properties with a frontage to Butchers Lane. The Parish Council play area is located to the south east corner of the site.
- 4.3 The existing vehicular access to the site is off Nos 1 – 6 Castlefield which is an extension of Templars Lane itself accessed off Chequers Lane.
- 4.4 The application site is relatively flat although there is a slope towards the southwest corner. The site contains semi-improved grassland and trees and hedgerows to the majority of the site boundaries with scrubland in the southwest corner .
- 4.5 The prevailing form of development surrounding the site consists of residential development mainly in the form of detached and semi-detached two storey housing although there is some bungalow development close to the site at Templars Lane.
- 4.6 The application site is within the Rural Area beyond the Green Belt as designated in the adopted and Saved Local Plan (SLP) The site is designated a housing site in the emerging Local Plan (eLP) as site PR1 with a dwelling estimate of 21 units. The site is also within the proposed Category 'A' village boundary as identified in eLP Policy SP2 ('Settlement Hierarchy and Spatial Distribution). The allocation excludes the recently constructed units at Nos 1 – 6 Castlefield. The site is not within the Preston Conservation Area.

4.7 Proposals

- 4.8 The proposed development, as amended, seeks full planning permission for 21 dwellings including vehicular access from Castlefield.
- 4.9 In detail the proposed development now comprises the following mix of 1, 2, 3 and 4 homes:

Private / Open Market dwellings – 14 units in total

Plots 1, 2, 9 – 12, 17 & 18 – two storey 3 bedroom houses

Plots 3, 4, 13, 14, 15 , 16 – two storey 4 bedroom houses

Affordable dwellings – 7 units in total

Plots 19 and 20 – 1 x 3 bed , 1 x 1 bed bungalows

Plots 5, 6 7 & 8 - terrace of 2x 2 bed and 2 x 3 bed houses

Plot 21 – 1 x 3 bed detached house

- 4.10 The site layout proposes a generally linear form of development arranged around the access road with the majority of the units concentrated in the eastern half of the site largely as a continuation of and backing onto the Castlefield development. The western part of the site is less densely developed with a wide landscaped buffer to the Butchers Lane boundary and an area of open space taking up most of the south west corner.
- 4.11 Each dwelling would be of a traditional style and design incorporating a mix of hipped and gabled roofs. The main external materials will be red / orange facing brickwork, red tile hanging, pastel coloured boarding and light through render. Rooftiles will be charcoal grey or rustic brown. A full specification of external materials is included.
- 4.12 Vehicular access serving the development would be in the form of a continuation of the existing Castlefield carriageway with a shared surface arrangement. The access road would be of permeable tarmac. All dwellings would front onto the main access road except for the two bungalows which are accessed off a small cul-de-sac. Each house would have access to at least two parking spaces and there are 9 visitor parking spaces.
- 4.13 A full landscaping scheme is included showing retained and new tree and hedgerow planting and a footpath connection will be provided to / from the site onto footpath 004 in the south west corner of the site.
- 4.14 The application is supported by the following:
- Planning, Design and Access statement
 - Heritage statement
 - Transport statement

- Flood Risk Assessment
- Contamination report
- Biodiversity Net Gain report
- Soft landscape specification and management plan
- Aboricultural Impact Assessment
- Preliminary Ecology appraisal
- Reptile Survey report
- Energy statement
- Materials schedule
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4.15 Key issues

4.16 The key issues for consideration of this application are considered as follows:

- The principle of development
- Impact on the character and appearance of the area and design / layout issues
- Impact on the living conditions / quality of life of existing and prospective residents
- Highway impact, access and parking matters
- Impact on heritage assets
- Landscaping and Green Space considerations
- Ecological considerations
- Drainage and flood risk issues
- Other infrastructure matters
- Climate change
- Section 106 and planning conditions

4.17 Principle of the development

4.18 At present the site is within the Rural Area beyond the Green Belt and Policy 6 of the SLP is the key policy consideration. Policy 6 states:

In Rural Areas beyond the Green Belt, the Council will maintain the existing countryside and villages and, and their character. Except in Selected Villages (Policy

7), a development proposal will normally be allowed only if:

i. it is strictly necessary for the needs of agriculture, forestry or any proven need for local community services, provided that:

a. the need cannot practicably be met within a town, excluded village or selected village, and

b. the proposal positively improves the rural environment; or

ii. it would meet an identified rural housing need, in compliance with Policy 29; or

iii. it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas; or

iv. it involves a change to the rural economy in terms of Policy 24 or Policy 25.

4.19 The proposal generally does not meet any of the specific criteria of Policy 6. However the adopted plan is effectively time-expired and its provisions for housing supply do not reflect up-to-date need and the tilted balance outlined by paragraph 11 d) of the NPPF applies in this case. That said, Policy 6 is broadly consistent with the NPPF in terms of its approach to plan led development which is to focus significant development in the most sustainable locations and to control development in the open countryside. Preston is considered to be sustainable location given its level of facilities (primary school, public house, village hall, church and public transport links). The site cannot reasonably be considered open countryside given its location within the village and its characteristics including it being contained by development on three sides in addition to Butchers Lane to the western boundary. The development of the site would not result in an outward expansion of the village and in my assessment the development would not be unduly harmful to the character and appearance of the village (see relevant paragraphs below). I therefore consider that the development broadly complies with Policy 6 of the SLP particularly in view of its general conformity with the NPPF which seeks to promote sustainable development in rural areas where it will enhance or maintain the vitality of rural communities.

4.20 The application site falls within the proposed designated village boundary as recognised in the emerging Local Plan and Neighbourhood Plan. Preston is identified as a Category 'A' village in the Emerging Local Plan within which '*general development will be allowed within defined settlement boundaries*' (extract from Policy SP2 'Settlement Hierarchy and Spatial Distribution'). Furthermore, the site is identified as a housing site in the eLP with a dwelling estimate of 21 units (site PR1). Site PR1 identifies four main site specific policy criteria as follows:

- Consider and mitigate against potential adverse impacts upon nearby Wain Wood SSSI;
- Sensitive design that considers any impacts upon the setting of Preston Conservation Area and adjacent listed buildings;
- Retention of hedgerow boundary with Butchers Lane;
- Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery

4.21 In terms of Wain Wood the application is supported by an impact assessment and mitigation measures set out in an Ecological appraisal. It is considered that the scheme is sensitive to the setting of the Conservation Area and adjacent listed buildings (see fuller assessment below). The Butchers Lane hedgerow is retained and there is no pedestrian or vehicular access proposed through it. A full Drainage Strategy has been submitted setting out the required water infrastructure including foul water and fresh water supply and a Sustainable Urban Drainage system to manage and reduce surface run off rates and to attenuate against storm events. Overall, I consider that the submitted scheme meets the relevant criteria for the development of this site as set out in Policy PR1 of the eLP.

4.22 The Preston Neighbourhood Plan (NP) has been developed so that it is in accordance with the NPPF and the Council's emerging local plan 2011 - 2031. The Preston Neighbourhood Plan, although it does not specifically identify the application site as a housing site, recognises the site as a housing allocation in the emerging Local Plan. At paragraph 5.1 the Neighbourhood Plan states:

'The majority of the community understands the need to accommodate housing growth over the next 13 years and accepts the development target proposed in the emerging NHDC Local Plan 2011 – 2031 of 21 units on land off Templars Lane, which is owned by the District Council'

4.23 Policy HD1 of the PNP 'Residential Development' acknowledges the settlement boundary of the neighbourhood area as being the same as that in the eLP and states that support will be given to residential development within the settlement boundary subject to several criteria. It is considered that the proposed development generally meets with these criteria having regard to the proposed scale of development, the materials proposed and the context of the site and the surrounding pattern of development. More detailed analysis of how the development complies with other relevant NP policies is set out further in this report.

4.24 In conclusion and having regard to the above analysis of the relevant adopted and emerging Local Plan policies and Policy HD1 of the NP as well as NPPF guidance on rural housing, I consider that residential development on the application site is acceptable in principle.

4.25 Impact on the character and appearance of the area and design / layout issues

4.26 The application site is located within the built up area of the village as defined in the NP and the eLP category 'A' settlement boundary. The surrounding land use is mainly residential and there is a wide range of dwelling types ranging from two storey detached and semi-detached dwellings to bungalows. The application proposes a mix

of dwellings from two storey detached, semi-detached, terraced dwellings and bungalows which is not inconsistent with the surrounding pattern, scale and form of development.

- 4.27 Residential backland development has already been established by the Templars Lane development and Nos 1 – 6 Castlefield and there are other examples of such development within village. The proposals continue this backland form of development extending the Castlefield cul-de-sac to which there can be no objection in principle.
- 4.28 Concerns have been raised to the amount and density of development proposed. The provision of 21 dwellings on the site would equate to approximately 19.7 dwellings per hectare (dph) which although higher than the older surrounding housing density would be less than that recently completed at Nos 1 – 6 Castlefield which has a density of approximately 30 dph. I consider that the density is appropriate when considering the overall range of housing density in the area and the need to make the most efficient use of the site given its allocation for housing in the eLP. The NP notes a preference from earlier survey results amongst residents for small developments of less than 5 houses (paragraph 9.16) however this is not specifically referred to in the main NP policies on Housing and Development (HD1 – HD10). Whilst smaller developments might be preferred they are unlikely to be at the threshold where affordable housing will be delivered and therefore would not achieve the aims of Policies HD3 and HD4 on housing need and affordable tenures. The PR1 site provides the opportunity to meet local affordable need and two and three bedroom homes supported by Policy HD3 in particular.
- 4.29 In terms of site coverage the proposed developed built area (comprising of buildings, roads and hardsurfacing, including driveways, patios and paths) would amount to 4,582 sq metres or 42.9% of the site area. The undeveloped area (comprising open space, soft landscaping and amenity space) would amount to 6,098 sq metres or 57.1% of the site area. I consider that the site coverage ratio is a further measure of density that indicates that the proposed development is not excessive striking a reasonable balance between integrating with and acknowledging the surrounding pattern of development but also making the best use of the site.
- 4.30 Policy HD1 of the NP supports new development within the settlement boundary subject to certain criteria. The site is within the settlement boundary. The dwellings are relatively modest in scale and massing and their height (between one and two stories) reflects the height of surrounding buildings. In terms of impacting on the rural setting the proposal will have little impact on the rural character of Chequers Lane being located behind existing dwellings that front the lane. The Butchers Lane hedgerow is maintained and a landscaped buffer provided along this important boundary with the majority of new houses set well back from it. A significant area of open space is provided in the more sensitive western portion of the site. Bungalows are proposed along the southern boundary with public footpath 004 (Plots 19 and 20). In my view the rural character of the village as experienced from Chequers Lane, Butchers Lane and footpath 004 will be largely maintained. The site is not within the conservation area and as mentioned above the density and layout take account of other buildings in the immediate locality. The development proposes vernacular materials (brick, roof tiles, hanging tiles, render) and there are traditional design features that are common in the village (hipped and gable roofs, porches of various designs, weatherboarding, quoin

brickwork, brick window headers, vertical boarded garage doors with toplight windows, bonnet ridge tiles and paving blocks for drives and visitor parking spaces). It is considered that the proposals are consistent with NP Policy HD1.

- 4.31 Concern has been raised to the housing sizes, types and tenures as referred to by NP Policy HD3 and HD4 and eLP Policy HS3. The proposals offer a range of 1, 2, 3 and 4 bed homes including two bungalows. The majority of houses are 1, 2 or 3 bed units (15 dwellings) and therefore suitable for first time buyers and young families and 7 affordable houses are proposed. This provision meets the last village rural housing needs survey in 2010 and the results of the Neighbourhood Plan survey which concluded a need for 1, 2 and 3 bed homes. Policy HS3 of the eLP sets a target of 60% larger (3+ bed) and 40% smaller (1 or 2 bed) homes however this is a requirement for *'most suburban and edge-of-settlement sites..'* and therefore not applicable to rural villages. Nevertheless, the policy states that a scheme should take account of *'density, scale and character of development appropriate to its location and surroundings'* and I believe the current housing mix is in accordance with this aim. Overall, I do not consider there to be any significant conflict with NP policies HD3 or HD4 or Policy HS3 of the eLP.
- 4.32 Policy HD2 of the NP requires new development to maintain the existing footpath network and provide publicly accessible links from the development to the wider footpath network. This scheme provides a footpath link to existing footpath 004 and therefore a through route to Butchers Lane. This increases the permeability and connectivity of the site with other parts of the village and will be particularly beneficial to existing residents in Castlefield and Templars Lane as well as some residents in Chequers Lane in providing a more direct link to the south of the village and the primary school. The proposal is therefore in accordance with the aims of HD2 of the NP.
- 4.33 Policy HD6 ('Design') of the NP requires appropriate storage facilities for refuse bins, bicycles and mobility scooters. The submitted 'Site Layout – External Works and Materials' plan (04B) shows the location and size of waste and recycling bins for each property and a cycle storage shed (1800 x 1250) is allocated to each house without a garage. Each garage is oversized (3m x 7m) with space allocated for bicycle and mobility storage. I consider Policy HD6 is complied with.
- 4.34 Policy HD7 of the NP requires the provision of gardens proportionate to the size of house concerned. The surrounding older properties to the site have very generous gardens however, perhaps with the exception of Plot 8 (55 sqm), all of the proposed plots meet or exceed the amenity standards set out in Policy 57 of the SLP. I consider that this level of amenity provision, together with the open space within the scheme as well as the close proximity of the Parish Council play area is acceptable and proportionate.
- 4.35 Policy EH1 of the NP ('Village Boundary, Rural Character and Setting') is concerned with ensuring a visual separation of Preston from other villages, protecting open countryside, woodlands, hedgerows and green corridors and where practicable enhancing these. The development proposal does not expand beyond the village

boundary into open countryside and it has no significantly direct impact on woodlands (a further information board is proposed for Wain Wood). The important Butchers Lane hedgerow is maintained and new planting is proposed. The new green space and footpath link to footpath 004 would be open to all residents of the village thereby improving pedestrian linkages and green space in this part of the village. New surfacing will be provided as a result of this development to footpath 004, Church Meadow and the play ground. I consider all of these aspects of the scheme will be consistent with the aim of protecting the village boundary, character and setting.

- 4.36 Policy EH5 (Tranquillity and Dark Skies) has been taken into account. No external lighting is proposed and a condition is recommended to secure this.
- 4.37 Policy EH6 of the NP is concerned with protecting key views and vistas. The proposed development does not affect any of the key views and vistas in the policy. The development will clearly have a visual impact however this will be localised to the site itself, some views from Butchers Lane and views from footpath 004. However, the layout, built form and landscaping of the scheme mitigates against any unacceptable visual impact in my opinion.
- 4.38 Concern has been raised with regard to the cumulative impact of this development in view of the addition of new dwellings in the village since 2011. Within the recognised core of the village (and that as defined in the elp and Neighbourhood Plan) there have been 8 houses constructed and a further one with planning permission. All of these schemes have been in accordance with Policy 6 of the eLP criteria and have been mainly delivered at Castlefield (6 units) under the rural housing exception Policy 29. The key point is that Preston has not had any previous housing allocations in the current Saved Local Plan (a point acknowledged in the NP) and has been relatively protected from large scale housing development through its designation as Rural Area beyond the Green Belt and the application of Policy 6 to any development proposals that have come forward. As explained above the eLP is out of date and does not take into account current housing need. With the publication of the NPPF in 2012 and subsequent updates the emphasis is now to significantly boost the supply of housing especially in sustainable locations. Preston has been identified as a sustainable location (such as PR1) and therefore further housing development is inevitable and therefore housing growth is likely to be at a proportionately higher rate than before. That said, with the exception of site PR1 and the Dungarvan site (currently the subject of an undetermined 10 unit scheme) there are few, if any, large sites remaining within the newly defined village boundary where large housing growth would be possible particularly with the conservation area constraint. Furthermore, the Emerging Local Plan proposes the land around the village to become Green Belt which will provide a further layer of protection against inappropriate, unplanned and larger scale development in the wider Parish area.
- 4.39 In summary it is considered that the proposed development is generally compliant with the above relevant policies of the Neighbourhood Plan and eLP will not have any significantly adverse impact on the character of the village and its rural setting. Clearly as the site is undeveloped at present there will be urbanisation of this part of the village and consequent visual impact. However the impact will be localised and contained and mitigated by landscaping, the provision of new open space and increased access for residents.

4.40 Impact on living conditions / quality of life

- 4.41 In terms of impact on neighbouring properties those mainly affected are 'The Wilderness' to the north and 'The Willows' to the south, properties along Chequers Lane and recently constructed properties in Castlefield.
- 4.42 The property at the 'The Wilderness' is separated over 35 metres from any of the new properties and properties in Chequers Lane are at least 25 metres distant. 'The Willows' is also some 30 m away and south of the public footpath. Plots 1,2,3,4, 16, 17, 18 and 21 are all to the southeast of Castlefield facing the new access road and do not overlook existing residents. The introduction of a bungalow on plot 20 provides for a much better relationship with Nos 1 & 3 Castlefield than the original scheme. Whilst the new properties will be visible to existing residents the separation distances are acceptable by modern standards.
- 4.43 The main access road is in the centre of the site with the new houses acting as a buffer to most noise associated with the use of this access for example by refuse vehicles. The two cul-de-sacs where parking is close to the site boundaries are small with traffic movement in these locations expected to be light.
- 4.44 No external lighting is now proposed and this can be secured by condition.
- 4.45 Existing residents will benefit from the proposed pedestrian route through the site to Butchers Lane and the Parish Council play area via footpath 004.
- 4.46 In terms of living conditions for prospective residents all the properties will have gardens generally in compliance with Policy 57 of the SLP and Policy HD7 of the NP. In addition, there will be open space and easy access to nearby play facilities.
- 4.47 All of the dwellings meet or exceed the minimum space standards required by the Department for Communities and Local Government (DCLG) document 'Technical Housing Standards – Nationally Described Space Standard' (2015).
- 4.48 Each dwelling has at least two parking spaces in compliance with the Council's Parking standards SPG .
- 4.49 Overall and bearing in mind that this is a designated housing site and therefore expected to be developed, together with its relatively low density, adequate amenity space and parking and good connection to village facilities, it is considered that the development would provide and maintain a good standard of environment to the benefit of existing and proposed residents. The development would be generally in accordance with Policy 57 of the SLP and Policy D3 of the eLP.

4.50 Highway impact, access and parking matters

- 4.51 The application is accompanied by a Transport statement (TS) that assesses the traffic implications for this development. In terms of traffic generation the proposed development is forecast to generate 15 two-way vehicle trips during the morning peak hour and 16 during the evening peak equivalent to approximately 1 vehicular movement every 4 minutes at peak times. The TS considers this level of traffic will not have a significant impact on the local highway network and the Highway Authority agrees with this view.

- 4.52 Tracking diagrams are included within the TS and these demonstrate that the layout can satisfactorily accommodate refuse and service vehicles. No objection is raised from the Council's waste and recycling officer.
- 4.53 The development include 9 visitor parking spaces in various locations around the site and each house will have at least two parking spaces. Garages are oversized to make sure they can be used and provide storage for cycles / mobility scooters. This provision meets the NHDC 'Vehicle Parking Provision at New Development' SPD.
- 4.54 It is important to ensure that the development accords with Policy TC1 of the NP (*'Safe and Sustainable Transport'*) . In this regard the development will generate relatively low traffic levels even in peak times and no objection is raised by the Highway Authority. Each house has at least two parking spaces and the 4 bed units will have a garage and two parking spaces on a drive meeting part c) of TC1. Cycling and walking will be encouraged with cycle storage provision and a footpath link from the site to footpath 004 which provide easy access to the school, play ground and other parts of the village.
- 4.55 Following negotiations the developer will contribute to accessible kerbing at the two bus stops in the village and fund surfacing footpaths through St. Martins Church and Church Meadow / footpath 004, improvements to footpath 013 and an additional / replacement information boards with Wain Wood. These measures will mitigate against the impact of the development on existing rights of way and encourage walking and cycling and use of public transport.
- 4.56 Impact on heritage assets
- 4.57 The application site is outside of the Preston Conservation Area (PCA) which is located to the east and south of the site. The site itself does not abut the PCA but is separated from it by housing and designated green open space. The application is accompanied by a Heritage Assessment which sets out the significance of the affected heritage assets and how the development site will affect their setting. The key policy considerations are Section 16 of the NPPF, Policy HE1 of the eLP and Policy EH2 (*'Conservation Areas and Heritage Assets'*) of the NP. The Preston Character Area Statement (2019) assists in appraising the character of the PCA.
- 4.58 The submitted Heritage Assessment identifies the 'The Wilderness', Rose Cottage, Chequers Cottages, Mausoleum to NW of Church of St. Martin and the church of St. Martin (all grade II) as the key assets to be assessed in addition to the PCA as a whole. Each asset has been assessed for its significance and how the development site may form part of the setting of each asset and how it may influence the significance of each asset. The Assessment concludes that whilst the proposed development has the potential to have some impact on 'The Wilderness', 'Rose Cottage' and the church of St. Martin (with some minor effect on the setting of 'The Wilderness') the cumulative effect of the proposal does not compromise the heritage value of any of these buildings. Similarly the Assessment considers that the effect on the setting of the Preston Conservation Area would be very slight not resulting in any harm to its significance.
- 4.59 The submitted Heritage Assessment does not make any specific assessment of the Grade II* Temple Dinsley registered park and garden or the non-designated heritage

assets within the village. However, Temple Dinsley is some distance from the application to the east of Hitchin Road and I would assess the development as having a neutral impact on the park and garden. Similarly because of the self contained nature of the site and separation distance I do not consider that the development would have any effect on the non-designated heritage assets identified in the Preston Conservation Area Character statement or the NP (Appendix C).

- 4.60 The Heritage statement states that no harm will be caused to any heritage assets. I do agree entirely with this assessment as it is considered that there will be some minor harm to the setting of 'The Wilderness' as a result of the loss of the openness of the site which make a contribution to its setting and the wider rural character of the surroundings. I therefore consider that there will be some less than substantial harm however that this harm would be at the lower end of the less than substantial scale and will not seriously affect the significance of the designated heritage asset.

- 4.61 Paragraph 202 of the NPPF states that :

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

In this case I consider that there would be some less than substantial harm due to the impact on the setting of 'The Wilderness' and the rural character of the area. This harm however is outweighed in my view by the delivery of housing and as well as the provision of affordable housing which are significant public benefits of the scheme.

- 4.62 The site is close to an archaeological area to the west. The County Archaeologist has requested a set of archaeological conditions in accordance with NPPF advice (Section 16).

- 4.63 Landscape and Green Space considerations

- 4.64 The Neighbourhood Plan identifies several local green spaces and verges although the application site is not part of these areas. The two nearest areas are Church Meadow and the Chiltern Way Extension footpath (Green Spaces H & I). These areas will be impacted from use by additional residents from the new development and contributions towards new surfacing for the footpaths and towards play ground equipment has been agreed as part of the Section 106 negotiations.

- 4.65 The application site will introduce a new permanent area of green space accessible to all residents in the village to be maintained by a management company . This will add to the existing green spaces in the village and contribute to wildlife habitat. As such the proposals will not conflict with Policies EH3 ('Open and Green Spaces') EH4 ('Local Green Spaces') of the NP.

4.66 The proposed development includes a comprehensive landscape scheme and Management Plan. The open space and landscape management and maintenance arrangement will be secured by the Section 106 Agreement. Landscaping conditions are proposed to ensure that the key landscape features across the site are maintained.

4.67 Ecological considerations

4.68 The application is accompanied by an ecological appraisal, biodiversity and reptile survey report. The ecological report confirms that the site is not situated within or borders a statutory or non-statutory designated location. It assesses the potential for protected species including bats and badgers and reptiles and acknowledges the proximity of Wain Wood SSSI. A Biodiversity Management Plan is recommended by condition and this will need to include retention of existing boundary hedgerows / trees and a number of enhancements including bird and bat boxes, planting of wildflower / wild grass planting and permeable boundaries such as hedgehog holes in boundary fencing.

4.69 The development will impact on Wain Wood SSSI by increased visitor pressure. An ecological assessment on the recreational impacts on Wain Wood arising from this housing site allocation (PR1) was carried out in 2016 to inform the impacts from the allocation and forms part of the submissions. The report concludes that the predicted increase of an additional 2.64 people walking each week is unlikely to result in a significant impact on Wain Wood. Nevertheless it is recommended that additional interpretation signage both within the wood and on site are undertaken to mitigate the minor increase in visitor numbers. Through further negotiation and in consultation with the Parish Council the applicant has agreed to replace the existing signage boards and provide a new sign within Wain Wood with the detail of these mitigation measures being secured via the Section 106 Agreement.

4.70 A Biodiversity Net Gain calculation using the DeFRA Biodiversity Metric 3.0 has been undertaken. The calculations have taken into account retained habitats (boundary trees) proposed ecological enhancements comprising grassland amenity, new planting and a community orchard with the open space. The scheme provides a total Net Gain of biodiversity units of 7.44%. In representations considerable mention has been made of the need to achieve a 10% overall Net Gain. The Environment Bill (enacted in November 2021) requires new developments to demonstrate a 10% increase in biodiversity on or near development sites however the requirement will come into force after a two year transition period with BNG mandatory for all developments expected to be winter 2023. At present there is no reference to a specific requirement to 10% net gain either with the NPPF or the Saved Local Plan or Emerging Local Plan. Therefore, the net gains proposed in this application would be in line with the aspirations to achieve net gain complying with the NPPF and current local plan policies.

4.71 In conclusion, through the provision of open space and new landscaping it is considered that the development proposal does include measures to provide biodiversity net gain and ensure connectivity to the wider habitats in the area consistent with the requirements of Policy EH7 of the NP.

4.72 Drainage and Flood Risk issues

4.73 The application is accompanied by a Flood Risk Assessment and Drainage Strategy. Concern has been raised with regard to water pressure and foul water issues in the village that might be exacerbated by the proposed development. These are acknowledged and it is noted that these issues are covered in the NP as mentioned in Objective H7 and Policy HD8. The Local Planning Authority has consulted three water authorities and no objections have been received. In respect of water pressure Affinity have confirmed that they will *'take steps to increase capacity, either by reinforcement or by altering the way we supply water to an area'* Similarly with regard to sewerage Thames Water says there is existing capacity.

4.74 Ultimately, it is the case that the utility companies have a statutory responsibility to maintain their services and improve capacity where required. The Local Planning Authority has carried out its responsibilities in consulting the appropriate authorities and have gone further, working with the applicants and their consultants, to obtain further assurances over the suitability of the existing water infrastructure to accommodate the proposed development. Whilst acknowledging residents concerns, given the responses received from the utility companies, there are no sustainable planning grounds on which to raise an objection based on inadequate water infrastructure.

4.75 The Lead Local Flood Authority have raised an objection to the proposed drainage strategy . Revised information has been provided to the LLFA and a further comment is awaited from the authority. Although the site is within Flood Zone 1 where there is the lowest risk of flooding there are some elements of the scheme that the LLFA are not satisfied with and require further justification. Clearly this is a technical matter but one which does require resolution in order that the development overall will meet with the guidance set out in the NPPF which requires major applications to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

4.76 Given the concerns raised it is clearly in the interest of both the developer and the wider community to ensure that the technical objection raised by the LLFA is resolved without delay. As such, I propose that any recommendation to grant planning permission is subject to the Lead Local Flood Authority withdrawing their objection and subject to any additional conditions that the authority requires. If the matter is not capable of resolution this application will be brought back to this Committee for further consideration.

4.77 Other infrastructure matters

4.78 Concern has been raised with regard to inadequate mobile phone coverage and problems with broadband service in the village . The Parish Council and Preston Neighbourhood Plan Steering suggest that the provision of these services within the development should be a condition of planning permission for the development.

4.79 The developer has made enquiries with BT Open Reach which indicates that a further expansion of the fibre broadband is due to be undertaken between 2022 – 2025 and that the development site will qualify for free fibre to the premises.

- 4.80 There is no specific planning policy requirement within the current SLP or eLP or the Preston NP for residential development sites to include telecommunications and broadband technology (although Policy TC1 of the NP lends support to the provision of new facilities). The indications are from BT that an improved level of coverage is likely although the timeframe is uncertain. Such services are market led and it would appear that the quality of service does depend on the particular service provider. If permission is granted, by the time this development is completed, it is possible that improved services will be available.
- 4.81 Whilst the concerns are noted, given that there are existing services in the village, the lack of a planning policy basis and market choice it would be unreasonable to require the provision of telephone and broadband services a condition of planning permission.
- 4.82 Climate change
- 4.83 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies.
- 4.84 To assist in achieving the aims to mitigate and adapt to climate change a range of measures are proposed for this scheme:
- the provision of electric vehicle charging points for all dwellings
 - reduction of energy demand through building fabric efficiency such as low u-values, air tightness and water saving measures low output showers and flow restrictors to manage water pressure
 - a reduction in carbon emissions by 33.26% when compared to Building Regulations Part L1A (2013) baseline
 - total energy improvement over baseline of 55.46%
 - Provision of air source heat pumps to include waste water heat recovery technology
- 4.85 The applicants consider that the above measures acknowledge the Council's climate change policies and Policy of the NP and are proportionate to the timeline to achieve its carbon zero target.
- 4.86 Planning Obligations
- 4.87 Negotiations have been undertaken with the applicant and consultation with the Preston Parish Council relating to a range of matters and these are included in the table below. It is considered that all of the matters meet the tests set out in paragraph 57 of the NPPF (i.e. necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development). The S106 obligations are listed below:

Element	Detail and Justification
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Affordable Housing (NHDC)	<p>On site provision of 7 affordable dwellings (of mixed size and tenure) NHDC Planning Obligations Supplementary Planning Document</p> <p>Submission Local Plan Policy HS2 'Affordable Housing'</p>
Secondary Education contributions (HCC)	<p>Contribution of £54,692.00 (before indexation) towards the expansion of The Priory School, Hitchin</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations SPD and HCC Toolkit</p>
Library Services (HCC)	<p>Contribution of £3,780.00 (before indexation) towards the installation of a CreatorSpace on the ground floor of Hitchin Library</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations SPD and HCC Toolkit</p>
Youth Services (HCC)	<p>Contribution of £1,034.00 (before indexation) towards increasing the capacity of Hitchin Young People's Centre or its future re-provision.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations SPD and HCC Toolkit</p>
Sustainable Transport Contributions / works (HCC)	<p>Contributions towards sustainable transport as follows:</p> <p>1. Financial contribution of £22,625.00 (before indexing) towards sustainable transport improvements comprising:</p> <ul style="list-style-type: none"> - £16,000 for bus stop improvements - £8,625 for improvements to right of way 06/013 north of Chequers Lane

	<p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Hertfordshire County Council Planning Obligations Toolkit</p>
Church Meadow and Recreation Ground playgrounds	<p>Contribution of £20,000 towards playground improvements at Church Meadow and Recreation Ground</p> <p>NHDC Emerging Local Plan Policy SP10 'Healthy Communities'</p> <p>Preston Parish Council PPNP Policy QL1 'Social Interaction' and PPNP Policy AF1 'New and Improved Community Facilities'</p>
Waste Collection & Recycling (NHDC)	<p>Contribution of £1,491 (before indexation) based on NHDC Planning Obligations SPD (@ £71.00 per dwelling)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations SPD</p>
Open space/ landscape management and maintenance arrangements	<p>Private management company to secure the provision and long-term maintenance of the open space/landscape area and any SuDs infrastructure</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>
Fire Hydrants (HCC)	Provision within the site in accordance with standard wording

	Policy SP7 'Infrastructure requirements and developer contributions'
Wain Wood SSSI mitigation measures	<p>Provision of four information boards in Wain Wood, Design to be in consultation with Preston Parish Council. Contribution of £4,500</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Preston NP Policy EH7: Protecting and Enhancing the Local and Natural Environment</p>

4.88 Planning balance and conclusion

- 4.89 It is evident that the Local Planning Authority cannot demonstrate a five year supply of housing land and in these circumstances the 'tilted balance' set out in paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged unless specific policies indicate that permission should be restricted. In this case the application site is not part of a Conservation Area or within the Green Belt or affected by any other designations or policies referred to in footnotes 7 on page 6 of the NPPF that would be applicable to this site. Footnote 8 also applies as the LPA cannot meet the Housing Delivery Test - currently the NHDC Housing Delivery Test figure is 36% of that required over the last three years.
- 4.90 The tilted balance requires that where the policies most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.
- 4.91 To assist in the exercise of the planning balance I set out below a table identifying (but not limited to) the main harms and benefits of this proposal and what weight could be attributed to each.

Issue	Harm or benefit	Weight
Delivery of housing	Benefit	Substantial
Affordable housing	Benefit	Significant
Bio-diversity net gain	Benefit	Moderate
Economic impact	Benefit	Moderate
Impact on Primary School	Benefit	Moderate
New open space	Benefit	Limited
New public footpath connection	Benefit	Limited
Impact on character and appearance	Harm	Moderate

Impact on highway safety	Harm	Limited
Impact on existing residents amenity	Harm	Limited
Flood Risk / Drainage issues	Harm	Limited
Impact on other infrastructure	Harm	Limited
Impact on SSSI	Harm	Very limited weight
Impact on heritage assets	Harm	Very limited weight

- 4.92 The current housing land supply for North Hertfordshire is 1.47 years supply - significantly under the 5 years plus buffer required by the NPPF . Members will be aware that in recent appeal decisions in the district Planning Inspectors have attached very substantial weight to housing delivery. This application is for the delivery of housing within the defined village boundary of a Category 'A' village as designated in the Emerging Local Plan. The proposals do not exceed the 21 dwelling estimate in the eLP . The provision of housing in a sustainable location carries substantial weight in the planning balance.
- 4.93 This development would have a neutral or very limited impact on heritage assets in my assessment. Even there were to be considered some harm to designated heritage assets this harm would be less than substantial and outweighed by the public benefit of the delivery of housing.
- 4.94 There are economic and social benefits through the provision of additional housing and employment during construction as well as continued and improved use of local services and facilities. In particular, the nearby Preston Primary school , which currently has 82 pupils on its role as of April 2021 (source: HCC Schools and Education), would benefit from the child yield arising from this development. In terms of the environmental perspective there is potential to enhance the biodiversity of the site through a detailed landscape scheme and ecological mitigation measures and the submitted energy strategy will assist in addressing climate change.
- 4.95 Some harms have been identified by this proposal however in my view the weight that can be given to them is more than outweighed by the benefits that I have also identified including the delivery of housing, affordable housing and the support that new housing development would bring to the primary school.
- 4.96 In accordance with advice in the NPPF the recommendation below is subject to a Section 106 Obligation and planning conditions in order to address any harms arising from the development that would otherwise make it unacceptable. The S106 covers contributions required by the County Council towards education and services provided by that authority and there are a number of mitigation measures and contributions towards services provided and managed by the Parish Council. Conditions are required relating to drainage, archaeology tree and hedgerow protection, construction management and other matters some of which require the submission of further detail to be agreed by the LPA before development commences.

- 4.97 The proposed development is considered to comply with both the adopted and emerging local plan, the policies set out in the National Planning Policy Framework as a whole and would also generally comply with policies in the Preston Neighbourhood Plan. Given that there is no significant harm to historic assets which may provide a clear reason for refusal the tilted balance as set out in paragraph 11 (d) of the Framework applies and accordingly planning permission should be granted.

4.98 Pre-Commencement Conditions

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

5.0 Legal Implications

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

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the resolution of the objection from the Lead Local Flood Authority, the completion of a satisfactory S106 Legal Agreement and 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 development shall be carried out in accordance with the submitted landscaping scheme comprising of the Soft landscape plan (OS2108-20.2 Rev F), site layout external works and materials plan (CFP-P-04 Rev B) and Specification for Soft Landscape Works and 1-5-10 Year Management Plan

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

4. 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.

5. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

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

6. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class A of Part 2 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.

8. The proposed footpath link between the application site and public footpath 004 adjacent the southern boundary shall be provided and permanently retained as a feature of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure public access through the site is maintained in accordance with local and neighbourhood plan policies.

9. There shall be no external lighting within the communal areas of the development here by permitted unless agreed in writing by the Local Planning Authority

Reason: In the interests of amenity

10. Prior to occupation, each 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.

11. 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.

12. Any contamination encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; In such an event, 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.

13. Prior to the commencement of the development hereby permitted a Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the mitigation and enhancement measures set out in the submitted Preliminary Ecological Appraisal. The development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing nature conservation

14. Prior to the occupation of the development hereby permitted the principal access road shall be provided 5.5 metres wide with the side access road serving plots 19 to 21 being provided at 4.1 m wide (narrowing to 3.5m) thereafter the access road and footpath link shall be retained at the position shown on the approved site layout plan number CFP-P-03 revision B in conjunction with Chequers Lane junction improvement work as detailed on drawing number ITL 16448-GA-009 . 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 public highway.

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

15. The gradient of the access roads shall not exceed 1:20 connected from 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.

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

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.

17. 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.

18. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation

Reason: In the interests of archaeology.

19. 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 approved Written Scheme of Investigation approved and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

20. The development shall be completed in accordance with the measures set out in the Energy Statement by Abbey Consultants (dated January 2022).

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

21. The development shall be carried out in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy as amended.

Reason: In the interests of amenity and to prevent flood risk

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:

HIGHWAY INFORMATIVE:

HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website;

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Environmental Health Informatives

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.

Informative

1) EV Charging Point Specification:

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 is intending to issue 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 consultation response.

