

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

Applicant: Mr J Sherry

Proposal: Erection of 10 detached dwellings (1 x 2-bed, 4 x 3-bed, 3 x 4-bed and 2 x 5-bed) including garages, private amenities and creation vehicular access off Back Lane (as amended by plans received on the 4th January 2022).

Ref. No: 21/02632/FP

Officer: Ben Glover

**Date of expiry of statutory period:** 08/12/2021

**Extension of statutory period:** 31/03/2022

**Reason for Call in:** Residential development with a site area of 0.5 hectares or greater in accordance with paragraph 8.4.5 (a) of the Council's Constitution.

**1.0 Submitted Plan Numbers:**

2021-21-PL.001  
2021-21-PL.003  
2021-21-PL.101  
2021-21-PL.102  
2021-21-PL.103  
2021-21-PL.104  
2021-21-PL.105  
2021-21-PL.106  
2021-21-PL.107  
2021-21-PL.108  
2021-21-PL.109  
2021-21-PL.110  
2022/1018/01  
BLP01

**2.0 Planning Policies:**

**2.1 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 6 – Rural Areas beyond the Green Belt  
Policy 26 – Housing Proposals  
Policy 51 – Development Effects and Planning Gain  
Policy 55 – Car Parking Standards  
Policy 57 – Residential Guidelines and Standards

## **2.2 National Planning Policy Framework**

Section 2 – Achieving sustainable design  
Section 4 – Decision making  
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 15 – Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment

## **2.3 North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

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  
SP13 – Historic Environment  
T1 – Assessment of transport matters  
T2 – Parking  
HS3 – Housing mix  
HS5 – Accessible and adaptable housing  
D1 – Sustainable Design  
D3 – Protecting living conditions  
D4 – Air quality  
NE5 – New and improved public open space and biodiversity  
NE7 – Reducing flood risk  
NE9 – Water quality and environment  
NE10 – Water Framework Directive and wastewater infrastructure  
NE11 – Contaminated land  
HE1 – Designated heritage assets  
HE4 – Archaeology

## **2.4 Preston Parish Neighbourhood Plan (2019)**

QL1 – Social Interaction  
QL2 – Community Quality of Life  
QL3 – Local Distinctiveness  
HD1 – Residential Development  
HD3 – Housing Types  
HD5 – Sustainability and Energy Efficiency  
HD8 – Flood Risk and Drainage Provisions  
EH2 – Conservation Areas and Heritage Assets  
EH5 – Tranquillity and Dark Skies  
EH7 – Protecting and Enhancing the Local and Natural Environment  
EH8 – Hedgerows, Trees and Verges  
TC1 – Safe and Sustainable Transport  
TC2 – Broadband and Mobile Coverage

## 2.5 **Supplementary Planning Document**

Vehicle Parking at New Development SPD  
Planning Obligations Supplementary Planning Document 2006  
Preston Neighbourhood Plan

## 3.0 **Site History**

3.1 20/01564/FP - 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) – Granted Conditional Permission on 11/02/2021.

3.2 21/02482/DOC - Discharge of Condition 15 (Archaeological Written Scheme of Investigation for Evaluation) as attached to Planning Application – Approved on 16/11/2021.

## 4.0 **Representations**

### 4.1 **Site Notice:**

Start Date: 11/01/2022

Expiry Date: 18/02/2022

### 4.2 **Press Notice:**

Start Date: 30/09/2021

Expiry Date: 23/10/2021

### 4.3 **Neighbouring Notifications:**

36 comments have been received, 35 of which are objections. The representations include the following summarised concerns (full details of comments received are available on the NHDC website):

#### 3 Crunnells Green, Preston (Objection):

- House nearing completion on neighbours land has not been shown on submitted plans.
- Development would result in loss of amenity.
- The development is suburban style, unimaginative design and has total disregard for existing trees and ecology.
- Development not in keeping with the local area.
- Density is greater than surrounding properties.
- Development would generate traffic.
- Mature shrubs that need special consideration.
- Harm to ecology.
- Broadband, water supply and sewage system are inadequate.

#### St Martin's Place, Church Lane, Preston (Objection):

- Density and architectural style are not in keeping with other properties in the vicinity.
- Concern relating to potential damage to a protected Oak tree close to the proposed vehicular access.
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#### R. Reynolds (Objection):

- Too many dwellings proposed that are too large for Preston and within the Conservation Area.
- Development does not meet the requirements of the Preston Parish Neighbourhood Plan. The Preston Parish Neighbourhood Plan has been made and should therefore be adhered to.
- Concerns over safety on the already overcrowded lane.
- Harm to animals, plants, trees in the Conservation Area.

Lychgate House, Church Lane, Preston (Objection):

- Smaller properties should be proposed.
- Inclusion of 4 and 5 bed properties conflict with Neighbourhood Plan.
- Additional traffic on Back Lane and Crunnells Green and its impact on the Primary School, road surfaces and verges.
- Loss of green space.
- Impact of building work on children and staff at the primary school.
- Urbanisation of the village through overdevelopment.

3 Castlefield, Preston (Objection):

- Objects to the number of houses proposed.
- Concern at the proximity of the school.
- Roads are not big enough.

Dinsley Field, School Lane, Preston (Objection):

- Density is too high for a small site.
- Village infrastructure already under significant strain.
- Safety risk from traffic
- Style of housing not in keeping with Conservation Area.
- Adverse impact on wildlife.
- Landscaping proposal is inadequate
- Development is not sensitively planned.
- Reduce the scale and number of dwellings proposed.

Crunnells Green House, School Lane, Preston (Objection):

- Concern relating to the potential works to trees within the site.
- Claiming the proposal is supported in principle misrepresents many objections made.
- Concern about density.
- Concern about impact to conservation area, green field site and sustainability.
- Ignores legal requirement for a 10% net bio-diversity gain.
- Ignores Preston Neighbourhood Plan.
- Concern about increase in traffic.
- Concern to the Oak tree subject to a TPO within the site for which consent has not been obtained.
- Amendments to the drainage strategy are unclear and concerns previously raised to not appear to be addressed.
- Increase to traffic in the area.
- Impact to amenity and privacy.
- Fails to provide a mix of house types or much needed smaller units.
- Concern regarding design of properties.
- Concern regarding landscaping and boundary treatment.

Reeves Cottage, Armstrong Lane, Preston (Objection):

- Proposal is not supported in principle.
- Does not comply with the Preston Parish Neighbourhood Plan.
- Concern raised regarding increase in traffic on Back Lane.
- High density is out of keeping with the locality.
- Generic design within the Preston Conservation Area.
- Concern regarding energy efficiency.
- Concern over ecology and the felling of trees.

#### 19 Chequers Lane, Preston (Objection):

- Concern regarding density. Smaller, low density affordable homes are needed and would be more consistent with the Preston Parish Neighbourhood Plan.
- Back Lane is narrow, development would compromise safety for pedestrians.
- Loss of green space in Preston.
- Design should be more in keeping with the character of the village.
- Neighbourhood Plan policies should be given great consideration.
- Lack of amenities for new development.

#### Pentlands, Butchers Lane, Preston (Objection):

- Design are neither modern or a copy of good architecture examples in the village.
- Poor access for the number of units proposed.
- Application does not address design, density, location, access, and affordable housing issues in the village.

#### 5 Hitchwood Cottages, Preston (Objection):

- Development would represent a significant increase in the number of properties in the village.
- Increase in traffic using small lanes.
- Increase in pollution.
- Negative impact on wildlife
- Risk to pedestrians, cyclists and horse riders.
- Preston does not have the amenities and infrastructure to support an increase in housing.

#### The Chequers, Chequers Lane, Preston (Objection):

- 10 new houses would present huge growth of existing village.
- Density is too high.
- Properties are not in keeping with other buildings in the vicinity.
- Present telephone and broadband services cannot cope with number of existing properties. 10 new houses would exacerbate this issue.
- Inability of Back Lane, Crunnells Green, School Lane, Church Lane and Preston Primary School to cope with increase in traffic movements.
- Concern relating to access road to the site and impact to safety.
- No footpaths to provide pedestrian protection.

#### Wilde House, Back Lane, Preston (Objection):

- Number of dwellings proposed too high.
- Impact on traffic and infrastructure.

- Back Lane is narrow with no pavement. Development would harm safety.

St Martins House, Church Lane, Preston (Objection):

- Proposed density is not in keeping with the character of the village.

Cheldene, Church Lane, Preston (Objection):

- Number of dwellings proposed unjustified and unacceptable.
- Impact on local traffic.
- Harm to road and pedestrian safety.
- No pavement or street lights.
- Out of character with the village.

Joyners Cottage, The Green, Preston (Objection):

- The road is unsuitable for the increase in traffic.
- Number and style of houses are not required for village housing needs.
- Development appears to disregard wildlife and environmental conservation issues.

13 Chequers Lane, Preston (Objection):

- Development not in keeping with surrounding area.
- Concerns over the impact on the village, traffic and general infrastructure.
- Narrow lane not suitable for construction traffic and would have concerns over pedestrian safety.

Windrush, Back Lane, Preston (Objection):

- Impact of development on roads and infrastructure.
- Concern over use of Back Lane for the road access and the affect on safety of road users.

Crunnells Green Cottage, Preston (Objection):

- Back Lane is narrow with limited passing places. The extra traffic will be a considerable hazard.
- 10 properties would overwhelm the immediate neighbours and put strain on local infrastructure.
- Concern relating to the cutting back of the Oak Tree.
- Scheme does not refer to Preston Parish Neighbourhood Plan.
- Overdevelopment of the site.

Reeve Cottage, Crunnells Green, Preston (Objection):

- Development would impact others living in the area.
- Impact to the local primary school.
- Proposal does not achieve respect to wildlife or landscaping.
- Not necessary to cover the site with new dwellings.

4 Castlefield, Preston (Objection):

- Objects to the proximity of development to school playground.
- Concern over safety and welfare of children playing close to a building site.
- Back Lane cannot support 10 houses and resulting traffic.

M. Waters (Objection):

- Safety concern as a result of development, traffic and construction traffic.
- Infrastructure in village needs overhaul.
- Too much development in the village and an already fragile area in terms of space, safety and infrastructure.

Casa, Back Lane, Preston (Objection):

- Development would make Back Lane busy and dangerous.

B. Day (Neutral):

- Use of Back Lane during construction is unacceptable due to school traffic and would be dangerous for walkers.
- Road is not suitable for lorries and diggers.

West Green, The Green, Preston (Objection):

- Back Lane cannot support a development of 10 houses.
- Risk to pedestrian safety.
- Significant carbon footprint, impact to biodiversity, light pollution, and impact to primary school.
- Noise pollution.
- Loss of light, overlooking and safety for primary school

Rose Bank, Back lane, Preston (Objection):

- Road will not be able to cope with increase in traffic.

**4.4 Parish Council / Statutory Consultees:**

Preston Parish Council – No objection. Concerns raised. Full comments available on NHDC website.

Lead Local Flood Authority – Objects. Comments in full on NHDC website.

CPRE – No comments received.

Tree Strategy Officer – No comments received.

Anglian Water – No comment.

Affinity Water – No comments received.

HCC Highways – No objection subject to conditions and informatives.

Herts Ecology – No objection subject to conditions.

Archaeology – No objection.

Environmental Health (Contaminated Land) – No objection subject to conditions.

Environmental Health (Noise) – No objection subject to informatives.

Environmental Health (Air Quality) – No objection subject to informatives and conditions.

Housing Development Officer – No objection. Comments in full on NHDC website.

HCC Growth & Infrastructure Unit – No objection. Comments in full on NHDC website.

Conservation Officer – No objection. Comments in full on NHDC website.

Parks and Countryside Development Officer – No comments received.

Preston Parish Neighbourhood Plan Steering Group – No objection, concerns raised. Comments in full on NHDC website.

Waste and Recycling Officer – No objection.

The Preston Trust – Objection. Comments in full available on NHDC website.

English Heritage – No comments received.

## **5.0 Planning Considerations**

### **5.1 Site and Surroundings**

5.1.1 The application site is a large undeveloped site just under 1.0 hectares in size and is situated on the north east side of Back Lane, Preston. The site is unused and can be characterised as wild grassland.

5.1.2 The north-east, north-west, and south-west boundaries comprise of mature trees, hedges, and low fencing. The south-east boundary is comprised of lower vegetation. The site is accessed from via Back Lane on the south-west boundary.

5.1.3 To the north-west of the site is Preston Primary School and associated playing fields. To the north west and south west are a number of larger detached dwellings of both single storey and two storey height.

5.1.4 The site is within the Rural Area beyond the Green Belt in the adopted Local Plan. In the emerging Local Plan the site is proposed to be within the Preston settlement boundary. The site is within a Conservation Area.

### **5.2 Proposal**

5.2.1 Planning permission is sought for the erection of ten detached dwellings within the site, the associated change of use of the land, and creation of a vehicular access off Back Lane. The housing mix would consist of the following:

- 1x 2-bed
- 4x 3-bed
- 3x 4-bed
- 2x 5-bed

5.2.2 The dwellings would be on large plots benefiting from off-street car parking and either a detached garage or linked garage. All dwellings would feature a mix of hipped and gabled roof forms and the plots would alternate between red brick finish with clay roof tiles and a yellow/pale brick finish with slate roof tile. Each dwelling would measure between approximately 9.5m to 9.8m in height and vary in depth and width.

- 5.2.3 The proposal would include works to trees on the south west boundary to provide access to the driveway. New hedges and trees are proposed along the south-eastern boundary of the site and to the front of the proposed properties.

### 5.3 Key Issues

- 5.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed works in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
- The impact that the proposed development would have on car parking provision and the public highway in the area.
- The quality of landscaping proposed and the impact the proposed development would have on trees.
- The impact that the proposed development would have on ecology and protected species.
- The impact of the proposal on drainage and flood risk.

#### Principle of Development:

- 5.3.2 The principle of residential development within the application site has previously been established as acceptable following the determination of planning application 20/01564/FP, an application for the creation of three large dwellings and associated change of use of the land.
- 5.3.3 The application site is within the Rural Area beyond the Green Belt in the adopted Local Plan. Preston is not a Selected Village beyond the Green Belt under Policy 7, therefore Policy 6 is a material consideration as 6 sets out what types of development are acceptable in this location.
- 5.3.4 Within the delegated report for application number 20/01564/FP, the Officer established that the scheme would be located within the built core of Preston given the site is surrounded on three sides by development and would therefore not harm the character of Preston.
- 5.3.5 Furthermore, within the Emerging Local Plan (ELP), the site would be within the defined settlement boundary of Preston, where Policy SP2 lists Preston as a Category A village in which general development will be allowed within the defined settlement boundary. The ELP is considered to be at an advanced stage and therefore Policy SP2 of the Emerging Local Plan can be given substantial weight.
- 5.3.6 Policy HD1 of the Preston Parish Neighbourhood Plan states that “*residential development within the settlement boundary will be supported*” subject to a listed criteria. The application site is within the settlement boundary as shown on page 35 of the Neighbourhood Plan document.
- 5.3.7 As established within application reference number 20/01564/FP, the principle of residential development on this site is considered appropriate. The proposed development proposed would be considered acceptable in principle.

Character, Appearance, and Impact on Designated Heritage Assets:

- 5.3.8 The application site is situated within the Preston Conservation Area. Within a Conservation Area, the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of the Listed Building and Conservation Areas Act (1990). Furthermore, Section 16 of the National Planning Policy Framework (NPPF) sets out guidance relating to sustaining and enhancing heritage assets.
- 5.3.9 When considering the impact of proposed development on the significance of a designated heritage asset (such as a Conservation Area), the NPPF notes that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
- 5.3.10 Given the advanced stage of the ELP, Policy HE1 is considered to carry material weight in the consideration of the proposed development. Policy HE1 is considered to reflect the key principles contained within the NPPF. Policy EH2 of the Preston Parish Neighbourhood Plan is also considered.
- 5.3.11 As established above, the application site is situated within the built core of the village and is bordered on three sides by residential development and a primary school. Residential development within this site is therefore, in general terms, compatible with the character and appearance of the locality.
- 5.3.12 When compared to the previously approved scheme for three dwellings, the proposed development would be of a higher density. This higher density would result in some limited to neutral harm to the character and appearance of the Preston Conservation Area. Whilst there are a number of larger dwellings set within large plots close to the application site, recent nearby development, including the creation of new dwellings, has resulted in a greater density of residential properties to this part of Preston.
- 5.3.13 Furthermore, whilst of a greater density, the plot is partially screened from views within public areas by reason of the mature vegetation and existing development around the site. The layout of development within the plot would result in many of the properties being set back from public views with Plots 1 and 10 being the most visible properties within the site given that they front Back Lane.
- 5.3.14 It is considered that the density of the site would not result in unacceptable harm to the character and appearance of the Preston Conservation Area and would not harm 'significant views' that have been identified within the Preston Conservation Area Character Statement.
- 5.3.15 The design of the dwelling would also be considered on balance acceptable. Whilst chimney stacks and red brick with clay roof tiles are prominent within the Conservation Area, the design and appearance of the proposed dwellings would not result in unacceptable harm to the Preston Conservation Area. Furthermore, a relevant condition can be included requiring details of materials proposed to be used in the construction of the dwelling. This would ensure that the materials would be appropriate and acceptable for use within the local context.
- 5.3.16 Each dwelling would vary slightly in design, appearance, and scale. The roof forms, fenestration, and garages proposed would be considered appropriate and not result in any unacceptable impact upon the character and appearance of the locality.

- 5.3.17 Policies set out within Preston Parish Neighbourhood Plan have been considered. The development would not unacceptably conflict with the 'Quality of Life' policies and would not unacceptably conflict with the criteria set out in Policy HD1 of the Neighbourhood Plan.
- 5.3.18 Given the above, it is considered that the proposed development would, on balance, result in less than substantial harm to the Preston Conservation Area. However, the harm would be limited by reason of the site layout and acceptable design and appearance of the properties proposed. Moreover, as is required under paragraph 202 of the NPPF when less than substantial harm to heritage assets is identified as is the case here, that harm should be weighed against the public benefits of the development which are manifest in this case in the delivery of 10 additional new dwellings at a time when the Council is consistently under delivering new homes and has a recorded five year supply of less than 1.5 years.

Impact on Neighbouring Properties:

- 5.3.19 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of D3 of the Emerging Local Plan.
- 5.3.20 The application site is neighboured to the north-west by Preston Primary School and by residential properties to the north-east and south-east.
- 5.3.21 Plots 8, 9 and 10 of the proposed development would adjoin the party boundaries of 3 Crunnells Green and Dungarvan. Plot 9 would face north west and be set approximately 19.5m from the party boundary with No. 3 Crunnells Green and 10m from the party boundary with Dungarvan. Plot 9 would feature fenestration at first floor level on both the rear and side elevation. However, the development is not considered to result in any unacceptable overbearing impact or loss of privacy to nearby occupiers given the setting away from the party boundaries, orientation of the plot compared to neighbouring properties, and the location of the neighbouring properties within their own plots away from boundaries with the application site. Furthermore, the first floor side facing windows to Plot 9 would serve en-suites and can be conditioned to be obscure glazed in order to further limit any loss of privacy to nearby neighbouring occupiers.
- 5.3.22 Plot 10 would neighbour Dungarvan and face south-west. The dwelling would be set away from the party boundary with Dungarvan and be further separated by a detached single storey height garage. It is considered that the proposed development on Plot 10 of the scheme would not result in any unacceptable overbearing impact, loss of light, or loss of privacy to the occupiers of Dungarvan or other nearby properties. Plot 10 would feature one first floor side facing window in the direction of Dungarvan and would serve a bathroom. This window can be considered to be obscure glazed.
- 5.3.23 A part single, part two storey dwelling has been recently constructed to the north-east of 3 Crunnells Green. This dwelling would be neighboured by Plot 7 of the proposed scheme. Plot 7 would face south-west and be set approximately 7.4m from the party boundary with the recently constructed dwelling. Given the south-west direction of Plot

7 and the lack of any first floor side facing windows in the direction of the neighbouring plot, it is considered that the proposed development would not result in any unacceptable overbearing impact or loss of privacy to the neighbouring occupiers.

5.3.24 To the north east of the site there is Dinsley Field and Crunnells Green House, both properties are set in large plots and away from the party boundary with the application site. Plots 4, 5, 6, and 7 would neighbour the residential properties to the north-east. These plots are considered to be sufficiently set away from the party boundaries with the neighbouring properties by reason of the separation created by the proposed rear gardens. Furthermore, the neighbouring dwellings are set well away from the party boundary with the application site. It is considered that the proposed development would not result in any unacceptable overbearing impact or loss of amenity to nearby occupiers.

5.3.25 Plots 1, 2, 3, and 4 would neighbour Preston Primary School. The plots would be set away from the party boundary and views between the sites would be partially screened given the existing mature vegetation along the party boundary. It is considered that the proposed development would not result in any unacceptable overlooking that would harm the privacy of Preston Primary School and its associated playing fields. A condition can be included to secure the creation of a boundary fence that would further limit views between the application site and school. Based on comments received from the applicants agent, an agreement has been made with the primary school to provide a 1.8m high fence along the party boundary.

5.3.26 Given the above, it is considered that the proposed development would not result in any unacceptable harmful overlooking, loss of light or privacy to nearby neighbouring occupiers of the application site. The proposed development would be in compliance with both local and national planning policies.

#### Amenity of Future Occupiers:

5.3.27 Paragraph 130 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. Paragraph 130 (f) is largely reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.

5.3.28 The main habitable rooms of the proposed dwellings are considered to be of an adequate size and would receive sufficient outlook and light. They would be sited and spaced sufficiently far apart to avoid causing mutual overbearing impacts, loss of light and privacy to each other. The private rear gardens of the dwellings would be of a sufficient size and quality to provide acceptable amenity space for their potential occupants. Living conditions of future occupiers are considered acceptable.

#### Parking and Highways:

5.3.29 Each dwelling would be capable of providing off-street car parking spaces for at least two cars in compliance with the Council's minimum parking standards. Six visitor spaces have also been provided. Furthermore, each dwelling would include a garage that could accommodate cycle storage.

- 5.3.30 The development would result in the creation of a vehicular access off Back Lane. Hertfordshire County Council Highways have not raised an objection to the creation of the access subject to relevant conditions and informatives. The Highways comments concluded that the development would not significantly affect the adjacent highway network and would therefore not have an unreasonable impact on the safety and operation of the adjoining highways subject to conditions and informatives.

Trees and Landscaping:

- 5.3.31 The proposal would involve the cutting back of vegetation and trees to provide the access to the site. A condition can be included in the event of permission being granted that requires trees be retained unless otherwise agreed by the Local Planning Authority and details of works to trees need to be submitted prior to works being carried out to any the trees within the site. The agent has also confirmed that there would be no works required to take place to an Oak Tree that is subject to a Tree Preservation Order.
- 5.3.32 The site plan shows an acceptable amount of hard landscaping relative to the area of the site. Further details of hard and soft landscaping are required, which can be secured by an appropriate condition. Landscaping and impacts on trees are considered acceptable.

Ecology:

- 5.3.33 Hertfordshire Ecology provided comments on the 23<sup>rd</sup> February 2022 raising no objection to the proposed development.
- 5.3.34 The application is proposed to result in a biodiversity net gain within the site. To secure this, a condition requiring a Landscape and Ecological Management Plan be submitted is recommended, which would be in accordance with the recommendations of Hertfordshire Ecology.
- 5.3.35 Hertfordshire Ecology also address the Environment Bill that has been enacted. The consultee comment states that it is not yet mandatory for the site to comply with the Environment Bill and should not be used as a reason for refusal, unless it is an obligation under local policy.
- 5.3.36 Subject to the inclusion of relevant conditions, it is considered that the proposed development would not result in any unacceptable impact to ecology.

Drainage and Flood Risk:

- 5.3.37 The Lead Local Flood Authority (LLFA) provided their comments on the 12<sup>th</sup> November 2021. The LLFA have objected to the proposed development on the basis that the information provided is not suitable for a proper assessment to be made of the flood risk arising from the proposed development.
- 5.3.38 Revised information has been provided to the LLFA in the form of a Technical Note dated 21<sup>st</sup> November 2021 and further comment from the LLFA has not yet been received.
- 5.3.39 Whilst the application site is in Flood Zone 1, where there is the lowest risk of flooding, there are a number of issues the LLFA are not satisfied with (as set out in their

comments) and require further justification. This is a technical matter, given that the LLFA have not raised an in-principle objection, 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.

- 5.3.40 It is proposed that any recommendation to grant planning permission is subject to the LLFA withdrawing their objection and subject to any additional conditions required. If this matter is not capable of resolution, the application will be brought back to Committee for further consideration.

Climate Change Mitigation:

- 5.3.41 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.
- 5.3.42 The application is accompanied by an Energy Strategy Statement dated August 2021. The development would incorporate some renewable technologies such as Ground Source Heat Pumps and rainwater harvesting. Furthermore, each dwelling would be constructed to a high standard to minimise energy demand and increase water conservation. The provision of electric vehicle ready charging points will also be conditioned to further improve climate change mitigation and to encourage sustainable transport. The climate change mitigation measures proposed are considered appropriate and acceptable.

Other Issues:

- 5.3.43 Policy HD3 states that proposals for new homes should demonstrate the way in which they would address local housing needs with proposals for two and three bedroom homes being supported. The proposed development would provide 1x 2-bedroom and 4x 3-bedroom homes. Whilst there would be a number of larger homes within the site, the previous application for three dwellings contained 1x 4-bedroom dwelling and 2x 5-bedroom dwellings. It is considered that an appropriate mix of homes would be provided within the site and would contribute to the District's housing supply as a whole.

Planning Balance and Conclusion:

- 5.3.44 The Local Planning Authority is not able to demonstrate a five year housing land supply (as of 1st April 2021 this figure is 1.47 years supply) and 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. This delivery of housing in a sustainable location carries substantial weight in the planning balance.
- 5.3.45 Whilst less than substantial harm has been identified to the Preston Conservation Area by reason of the density and materials shown, the harm is considered to be low and is outweighed by the public benefit of the delivery of housing.
- 5.3.46 Furthermore, there would be 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 terms of the environmental perspective, there is the potential to enhance the biodiversity of the site through a detailed landscape scheme and ecological mitigation measures. The housing proposed would

also incorporate sustainable technologies and be constructed to a high energy and water efficiency standard.

- 5.3.47 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 Parish Neighbourhood Plan. Given that there is no significant harm to protected assets which 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.

#### 5.4 **Conclusion**

- 5.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

#### **Alternative Options**

None applicable

#### **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. Prior to the occupation of the development hereby permitted the access road shall be provided 5.0 metres wide complete with 8.0 metre radius kerbs as identified on Proposed Site Plan number 2021-21-PL.002 revision B in conjunction with the localised widening of the carriageway opposite the junction to accommodate the tracking of the current waste collection vehicle shown on swept path analysis drawing number 21-0547 SP01 revision C and further identified on the submitted road section drawing number 2021 - Dev - 01 revision A

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.

4. 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.

5. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 43 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 ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan

6. No development shall commence until an amended 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.

The Construction Management Plan of:

- a. Construction vehicle numbers, type and routing to assimilate the informal route that the traffic travelling to and from the school observes around the local network;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes

and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan.

7. 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.

8. A watching brief for any visual or olfactory indication of potential contamination, should be kept during construction of the development. Any such conditions 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.

9. Prior to occupation, each of the proposed 10 new dwellings 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.

10. 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.

11. 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.

- 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.

12. 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.

13. 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.

14. 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.

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

Reason: In the interests of amenity

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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

17. The windows at first floor level on the side elevations of Plot 9 and Plot 10 of the development hereby permitted shall be permanently glazed with obscure glass.

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

#### **Proactive Statement:**

Planning permission has been granted for this proposal. Discussion with the

applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Informative/s:**

1. 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.

2. 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.
3. During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.
4. EV CHARGING POINT SPECIFICATION INFORMATIVE:

Each 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 determination 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.