## NORTH HERTFORDSHIRE DISTRICT COUNCIL

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#### Strategic Planning and Projects North Hertfordshire District Council

Our Ref:

By email

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Preston Neighbourhood Plan – Submission Version Comments made on behalf of North Hertfordshire District Council

The District Council welcomes the publication of the Preston Neighbourhood Development Plan and appreciates the significant amount of work undertaken by the Preston Neighbourhood Plan Steering Group and the Parish Council in reaching this stage in the preparation of the Neighbourhood Plan.

All neighbourhood plans must meet certain "basic conditions" before they can come into force. These are tested through the independent examination, before a plan can proceed to a referendum. The basic conditions for neighbourhood plans are:

- have regard to national policy;
- contribute to the achievement of sustainable development;
- general conformity with the strategic policies in the development plan for the local area; and
- compatible with EU obligations.

The Basic Conditions Statement for the Preston Parish Neighbourhood Plan 2018 – 2031 states that the neighbourhood plan has been prepared broadly in accordance with the NPPF and is in general conformity with the strategic policies in the emerging Local Plan at the time of writing. The District Council has two concerns in relation to the Basic Conditions Statement, these are:

- 1. that there are some policies in the neighbourhood plan which are contrary to the NPPF; and
- 2. there are policies in the emerging Local Plan which have been discussed at the Local Plan Examination and could still be the subject of the Inspector's Proposed Modifications.

Before proceeding to an examination of the neighbourhood plan, the Parish Council should satisfy itself that:

• the policies are supported by the necessary evidence;

- the policies provide a clear policy direction for the decision maker to use in determining planning applications avoiding the use of loosely defined terms, e.g should, encourage, not unduly increase; and
- the policies do not go beyond the requirements of the NPPF.

The District Council fully supports Preston Parish Council's ambition to put into place a neighbourhood plan for the parish of Preston and perhaps once the Parish Council has considered all of the representations and the issues raised in this letter it would be appropriate to arrange a meeting to discuss these further.

Yours sincerely

Louise Symes Strategic Planning and Projects Manager

### APPENDIX A

## North Hertfordshire District Council Schedule of Comments on Preston Parish Neighbourhood Plan Policies:

Policy Ref	Policy	NHDC Comment
Policy QL1	Social Interaction: Development proposals must maintain, improve, or make suitable alternative provision for existing facilities or premises for education, cultural, leisure and sport.	It is not clear from the policy wording which type of development proposals would be subject to this policy and therefore should maintain, improve or make suitable alternative provision for existing facilities or premises for education, cultural, leisure and sport.
Policy QL2	Community Quality of Life: Development proposals should demonstrate that they will have no net adverse effect on air or water quality and they should design out crime.	It is not clear how a development proposal can demonstrate that there will be no net effect on air or water quality. What is the justification for "no" effect"?
Policy QL3	Local Distinctiveness: The architecture of and landscaping schemes in all new developments should preserve and where possible enhance heritage assets, historic features, and rural character, thereby promoting community identity and preserving local distinctiveness.	No comments

Section 7 : Living in Preston (Quality of Life)

#### Section 8 : Amenities and Facilities

Policy Ref	Policy	NHDC Comment
Policy AF1	New and Improved Community Facilities Proposals for new or improved community facilities which fulfil the needs of existing and new residents will be supported unless any adverse impacts would significantly outweigh the benefits. Improvements should improve accessibility for children, the elderly and those with disabilities.	No comments
Policy AF2	<ul> <li>Community Facility Change of Use</li> <li>Change of use of an existing community facility to a non-community use will be resisted unless either: <ul> <li>a. The facility will be (or has been) replaced by an equivalent or better community facility; or</li> <li>b. It can be shown that the existing community use is not viable and no alternative community use is viable.</li> <li>Change of use of part of an existing dwelling to provide a community facility or village shop will be permitted, providing it is consistent with the other policies.</li> </ul> </li> </ul>	The policy broadly accords with the Policy HC1: Community facilities in the Submission version of the Local Plan. However, the last sentence in the policy is unclear as to what "part" of an existing dwelling would be acceptable to change from a dwelling to a community facility.
Policy AF3	Home-based and Small Businesses Existing home-based and small businesses and new homes or home extensions, which provide space for a home office or craft/artisan workshops, will be supported subject to satisfying considerations in relation to design and car parking and other policies in this plan which protect the amenities of neighbours.	In most circumstances, "normal" home working arrangements do not need a planning application for a change of use as the character of the dwelling is not affected. An application is only required where there might be changes in how a property is used, for example if there are employees, additional traffic movements or the installation of equipment.

## Section 9 : Housing and Development

Policy Ref	Policy	NHDC Comment
Paragraph 9.3		The preference expressed is for homes to have two bedrooms (58%) and three bedrooms (63%) but this is confusing as these total over 100%. Were residents able to choose more than one category? Are the Neighbourhood Planning Group satisfied that this figure represents a housing need rather than a housing preference from respondents?
Paragraph 9.5		The percentage figures given in paragraph 9.5 are confusing. The figures seem to suggest that residents want new homes for families (62%), locals (60%) and first time buyers (60%). Does this mean that respondents were able to choose more than one category and that all three groups are a priority for the parish? It would be interesting to know what groups the other 40% of respondents think should be housed?
		Likewise a similar number of residents want owner occupied tenure (69%) and affordable tenures (66% - 36% rented and 30% shared ownership?) so is it correct that market and affordable tenures are equally as important?
Policy HD1	Size of Individual Development Small-scale proposals of less than five homes are preferred for any development at any one time up to 2031 unless there is a sound need-based justification for additional dwellings, for example additional affordable homes or information from a Strategic Housing Market Assessment. A number of smaller developments will support the gradual integration and assimilation into the village of new residents at any one time over the period of the Plan rather than	The emerging Local Plan allocates sites across the District to meet local housing needs in the period up to 2031. Preston has been defined as a Category A settlement where development will be allowed within the settlement boundary and a site for 21 dwellings has been allocated. The neighbourhood plan policy conflicts with the emerging Local Plan policy. The preference for smaller developments means that it is unlikely that any affordable bousing will be delivered unless this bappens on
	residents at any one time over the period of the Plan rather than one large development.	that any affordable housing will be delivered unless this happens on an exception site basis, as there is no affordable housing

		requirement on sites with a threshold of fewer than 11 dwellings. The Council does not consider that it would be viable to deliver the 21 dwellings on the allocated site in phases of 5 dwellings as two homes in each phase would need to be affordable to ensure the 7 affordable dwellings required in the emerging Local Plan. This is not only at odds with the emerging Local Plan but also at odds with the Neighbourhood Plan requirements, as indicated above.
		Whilst the concerns set out in paragraph 9.11 are acknowledged, there are policies in the emerging Local Plan which will ensure appropriate densities in rural locations to ensure distinctiveness of rural settings are preserved and compliment village character, rather than detract from it.
		It would also be useful in HD1 to make reference to parish level housing needs surveys/ assessments as a basis for justification of need for additional dwellings.
		As worded, this is not a policy which can be used in determining planning applications as the wording only suggests a preference for small scale proposals and appears to be contrary to the emerging Local Plan where a site for 21 dwellings has been allocated.
Policy HD2	Pedestrian Links and Rights of Way Any new development should respect the need for rights of way that link different areas within the village. New pathways that encourage these links should integrate with existing rights of way.	There is some duplication with Policy EH8 : Access to the Countryside. Both policies seek to maintain the existing rights of way network and incorporate new footpaths into that network.
Policy HD3	Housing Types Developments must include a variety of styles, in keeping with neighbouring properties and the village as a whole while also providing houses and bungalows in a range of sizes, suitable for families, local people and first time buyers.	Although the percentage figures in the evidence are confusing, the evidence does suggest that there is a greater requirement for two and three bed homes. The Council will rely on evidence from the latest Strategic Housing Market Assessment (SHMA), parish level housing need surveys/assessments and local knowledge (for example from the common housing register), in addition to any

		adopted NP to inform the number, type and tenure of any affordable housing provision. It is very rare to get the provision of bungalows, particularly on smaller schemes, as costs are so much greater. Where bungalows in rural areas have been delivered, it has generally been on a 100% affordable housing scheme.
Policy HD4	Tenure of Housing Proposals should provide a mix of homes, including an element of social and affordable housing, in accordance with local needs, taking into account the high market value of property in Preston in relation to the average salary. Of the 21 dwellings allocated to Preston in the emerging Local Plan, at least seven of these should be affordable units, incorporated appropriately into the small scale development proposals. (See Policy HD1)	To ensure that any affordable homes are let/ sold to applicants with a local connection to the parish a S106/ legal agreement will require that homes are offered to applicants with a local connection (live, work, immediate family connection) to the parish of Preston in the first instance. If there isn't anyone that meets the criteria then the following cascade will apply: adjoining parishes (which will be named in the S106); any other rural parish in NHDC district and then NHDC district generally. Obviously, there is no such control over market housing.
Policy HD5	Sustainability and Energy Efficiency Provision of measures for water conservation and landscape schemes that improve biodiversity will be encouraged. Proposals with a low carbon footprint will be supported. The provision of electric car charging points for all new homes will also be supported as will proposals that enable residents to work from home. Prior to occupation, each residential property shall incorporate an Electric Vehicle (EV) ready, domestic charging point.	No comments
Policy HD6	Design New housing schemes should be designed to incorporate appropriate storage facilities for refuse bins, bicycles and mobility scooters.	The advice given by the Council is that all affordable housing dwellings should meet Homes England Design and Quality standards, some of which are in the current Planning Obligations SPD. It is usual for affordable housing dwellings to have adequate storage facilities for refuse receptacles and bicycles. In the case of storage for mobility scooters the type of accommodation may dictate if appropriate/ adequate storage is provided.

Policy HD7	Gardens All new homes should have the benefit of a private garden. In certain circumstances a shared garden might be appropriate, for example in a development scheme for elderly people.	It is a requirement for family houses to have private gardens; it is not always achievable for flats. Previously a registered provider has delivered 4 x 1 bedroom flats on a rural scheme with the outside appearance of a terrace of dwelling houses and each flat had access to their own private garden. Is it the intention of the policy, as currently worded to prevent development which would meet an identified local housing need if the requirement for a garden could not be met?
Policy HD8	Flood Risk and Drainage Provisions All development should avoid areas at the highest risk of flooding from all sources, but where development is necessary, it should be demonstrated that these risks can be adequately managed. Future development should not cause or contribute to the problem of flooding or drainage issues, including sewerage, or pollution. Should new development have the potential to cause issues with existing drainage, the developer must mitigate against such occurrences. All new developments should take advantage of sustainable drainage systems (SuDs) to avoid creating or contributing to localised surface water flooding and should ensure that suitable and sufficient foul sewage disposal provisions will be available before any property is occupied. The SuDS hierarchy as set out in the NHDC emerging Local Plan should be followed. There are existing drainage problems in some parts of the village, namely in Castlefield, Templars Close, Chequers Lane, Church Lane and Butchers Lane. Whilst not excluding any other area in the parish where problems might emerge in the future, a developer must mitigate against exacerbating such problems.	Policies in the Submission version of the Local Plan set out the requirements for reducing flood risk when considering development proposals and for the inclusion of sustainable drainage solutions when granting planning permission. The policy does not add any further requirements to the measures already addressed by policies in the Local Plan.
Policy HD9	Residential Extensions Residential extensions, excluding those covered by permitted	Detailed comments about the car parking standards referenced in this policy are given in the response to Policy TC1.

	<ul> <li>development, will be supported where they are sympathetic to the scale, form and design of the original building and do not have an adverse impact on the street scene.</li> <li>Materials used should be complimentary to the original building and the pitch and form of the roof should conform to local character. The privacy, daylight, sunlight and outlook of adjoining residents must be safeguarded. Side extensions at first floor level or above adjoining a residential plot to the side must normally be at least one metre away from the boundary to ensure there is no adverse impact on the character of the street scene.</li> <li>The dwelling must continue to meet the parking standards of Policy TC1 by providing a minimum of 2 off road parking spaces for dwellings up to 3 bedrooms and a minimum of 3 parking spaces for 4+ bedrooms.</li> </ul>	
Policy HD10	New Housing Development New dwellings on infill sites and new housing schemes will be supported where the proposal maintains and contributes to the local character of Preston, while at the same time meeting the requirements of the policies contained within this plan. New homes should be grouped in such a way that the green spaces and green lanes of the village are protected and landscaped appropriately. New access arrangements should be safe, not negatively impact on the existing road network and nor should they impact on the character of the rural lanes in the parish. The maintenance responsibility for each landscaped area must be agreed before approval is granted.	The wording in the policy, "New access arrangements should be safe, <u>not negatively impact</u> on the"contradicts the wording in the NPPF which states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." (Para. 32) Maintenance responsibilities would generally be with individual property owners and management companies which may not be possible to identify at the application stage.
Policy HD11	Construction Management A Construction Management Plan, at the appropriate level of detail for the size of the development, should be produced for all new homes and other new developments (with the exception of	In its response to the Regulation 14 consultation draft of the neighbourhood plan, the Council stated that it does try and manage construction traffic and activity through development management decisions, by way of condition but normally for schemes in excess of

householder development), to ensure that:	10 dwellings.
<ul> <li>householder development), to ensure that:</li> <li>the amenities of existing residents are protected</li> <li>the character of the narrow lanes in the village are protected and to avoid damage to those lanes and their verges</li> <li>a means of access for construction vehicles is agreed</li> <li>prior to the grant of planning permission. The development shall be carried out in accordance with the approved Management Plan.</li> <li>Developers will be encouraged to comply with the Considerate Constructors Scheme. (htwww.ccscheme.org.uk)</li> </ul>	<ul> <li>10 dwellings.</li> <li>Whilst there are no objections in principle to the policy, it is suggested that the wording is amended as set out below:</li> <li>Construction Management</li> <li>A Construction Management Plan, at the appropriate level of detail for the size of the development, should be produced requested for all new homes and other new developments (with the exception of householder development), to ensure that:</li> <li>the amenities of existing residents are protected</li> <li>the character of the narrow lanes in the village are protected and to avoid damage to those lanes and their verges</li> </ul>
	<ul> <li>a means of access for construction vehicles is agreed.</li> <li>prior to the grant of planning permission. The development shall be carried out in accordance with the approved Management Plan.</li> <li>Developers will be encouraged to comply with the Considerate Constructors Scheme. (htwww.ccscheme.org.uk)</li> </ul>

# 10 : Environment and Heritage

Policy EH1	Village Boundary In the NHDC emerging Local Plan 2011- 2031, Preston is classed as a Category 'A' village, with a boundary within which development will be allowed. The remainder of the parish is designated as Green Belt. Any development outside the village boundary and therefore within the Green Belt will have to demonstrate exceptional circumstances, as well as proven need which is supported by evidence commissioned by Preston Parish Council. Any application for the re- use, replacement or extension of buildings in the Green Belt must adhere to the policies contained within the Preston Parish Neighbourhood Plan, the NHDC emerging Local Plan and the NPPF.	As written, this policy has been drafted in accordance with Policies SP2: Settlement Hierarchy and CGB2: Exception sites in rural areas in the emerging Local Plan. However, these policies and the extent of the proposed green belt were discussed extensively at the Local Plan Examination and could be subject to Proposed Modifications and may not be confirmed in the Inspector's final report when that is issued. Until the Inspector has issued his report for the North Hertfordshire Local Plan 2011 – 2031, the proposed green belt designation will not be confirmed and therefore this policy is premature in using that proposed classification for use in determining planning applications. In addition, the policy wording "will have to demonstrate exceptional circumstances" goes beyond the requirements of the NPPF. Paragraphs 87 – 89 set out that inappropriate development should not be approved except in very special circumstances and the types of development which are not inappropriate in the Green Belt.
Policy EH2	Distinct Villages A clear visual break must be retained between Preston and nearby villages/settlements, for example: Gosmore, St. Paul's Walden and Langley. Development that significantly reduces this separation will not be permitted. Coalescence needs to be prevented including through visual intrusion which reduces the openness between villages and hamlets.	This policy has been discussed with the Preston Neighbourhood Plan Steering Group and the Council remains unconvinced how the policy can be used in determining planning applications.
Policy EH3	Conservation Areas and Heritage Assets All development proposals must demonstrate how the particular environment of Preston has been taken into account during conception and evolution of the design. Proposals that do not	The last sentence of the policy should be deleted as these are illustrative and all designated heritage assets are listed in Appendix C – Built Environment.

	<ul> <li>positively contribute to the local character must explain why and demonstrate the reasons behind the alternative approach. All development within the Conservation Area and within the setting of other designated and non-designated heritage assets must take account of the historic fabric of these areas and conserve, and where appropriate enhance, their character and appearance.</li> <li>Proposals should provide a statement containing an appropriate level of detail for the importance of the asset, including: <ul> <li>The significance of any heritage asset(s) affected</li> <li>Any adverse impacts the development may have on the asset(s) and their setting and any proposed mitigation measures</li> <li>How it will contribute to the character and setting of the relevant heritage asset(s)</li> </ul> </li> </ul>	
	Designated heritage assets of particular importance include the Grade II* Listed Princess Helena College and Tudor House and the Grade II* Listed Temple Dinsley Registered Park and Garden.	
Policy EH4	Open and Green Space New development should not impact on the uses and functions of existing green infrastructure (i.e. all types of green space, large or small, public or private) within the village and wider parish. Where it is demonstrated through assessment that a development will have a detrimental impact on the quantity or function of existing green infrastructure, then the development will not be permitted unless replacement provision is made that is of equal or greater value than that which will be lost through development. Development that fails to exploit opportunities to incorporate green infrastructure will not be considered appropriate. Of particular importance are The Green, the Recreation Ground, St. Martin's Churchyard and Church Meadow.	It is unclear from the policy as it is currently worded what is considered to be green infrastructure. The policy implies that this is applicable to all types of green space but the Neighbourhood Plan would be clearer if the sites to which the policy applies to were identified. This could be achieved by designating local green spaces in the Neighbourhood Plan. The policy will be applied if there is any detrimental impact on green infrastructure but how will this be assessed? It is not clear why the four examples listed are of particular importance. These should be deleted from the policy.

Policy EH5	Protecting and Enhancing the Local Environment Development should not adversely impact on areas of particular local ecological importance (for example, water courses, significant ponds, wildlife corridors, Sites of Special Scientific Interest and Local Wildlife Sites). Proposals should seek to maintain and enhance biodiversity, ecological networks and habitat connectivity.	There is some overlap between this policy and policies EH9, EH10 and EH11. Collectively, it is considered that these policies do not add any further requirement to the measures already addressed by policies in the Local Plan. It is also worth noting that the policies in the Local Plan were subject to scrutiny through the Local Plan Examination and may still be subject to modifications.
Policy EH6	Tranquillity and Dark Skies Given the importance Preston residents place on the quiet, peaceful nature of the parish and its dark skies, any new development should not significantly disturb this tranquillity through the creation of excess noise, increases in traffic or light pollution. Preston Parish Council has a long-standing policy that there will be no streetlights within the parish.	There are areas of potential contradictions between this and other policies in the neighbourhood plan, for example a development might increase traffic levels, designing out crime may increase street lighting but create a safe environment for walking.
Policy EH7	View and Vistas Any development proposal should include an assessment of the impact of the development on the key views and vistas or harm to the landscape. Proposals where a harmful impact is identified will only be permitted where appropriate mitigation measures can be delivered. If there is mitigation, the mitigation cannot be as bad or worse than the problem it has to solve. Development proposals will need to demonstrate, through their design and planning statement, that their design, scale, height and massing does not adversely impact the existing views and vistas, and positively enhances them where possible.	As worded, the policy requires any development proposal to include an assessment of the impact on key views and vistas, which would include single storey extensions. The policy should be amended to exclude minor household applications.
Policy EH8	Access to the Countryside New development should recognise and respect the importance of walking routes in Preston, ensuring that the enjoyment of paths and bridleways is maintained. These include specifically but not	There is some duplication with Policy HD2 : Pedestrian Links and Rights of Way. Both policies seek to maintain the existing rights of way network and incorporate new footpaths into that network and could be combined into one policy in the neighbourhood plan. It is

	exclusively: footpaths to and through Wain Wood (Footpath 13 and Footpath 14), Footpath 3 from The Green to Preston Primary School, the Chiltern Way Extension footpath between Chequers Lane and Butchers Lane and the Hitch Wood Nature Trail (Permissive Path).	not clear why some footpaths have been included as examples, these should be deleted from the policy.
Policy EH9	Protecting and Enhancing the Natural Environment Development should not adversely impact on areas of particular local ecological importance (for example, water courses, significant ponds {Castle Farm pond, Princess Helena College pond and Preston Green pond} and wildlife corridors). Proposals should seek to maintain and enhance ecological networks and habitat connectivity.	There is some overlap between this policy and policies EH9, EH10 and EH11. Collectively, it is considered that these policies do not add any further requirement to the measures already addressed by policies in the Local Plan. It is also worth noting that the policies in the Local Plan were subject to scrutiny through the Local Plan Examination and may still be subject to modifications.
Policy EH10	Wildlife Sites In accordance with the Hertfordshire Biodiversity Action Plan, all statutory sites as listed by Natural England including Wain Wood SSSI, the 13 Ancient Woodlands and all Local Wildlife Sites as listed by NHDC (including Lady Grove Wood areas of chalk grassland and other woodland listed in Appendix C.2 Natural Environment starting on page 64) will be protected from any harmful development.	There is some overlap between this policy and policies EH9, EH10 and EH11. Collectively, it is considered that these policies do not add any further requirement to the measures already addressed by policies in the Local Plan. It is also worth noting that the policies in the Local Plan were subject to scrutiny through the Local Plan Examination and may still be subject to modifications.
Policy EH11	Biodiversity Development should preferably avoid any negative impact on biodiversity. If this is not achievable proposals should mitigate for or, as a last resort, compensate for impacts on biodiversity. When requested, proposals for development must clearly demonstrate how they will deliver measurable net gain to biodiversity (see appendix D starting on page 87 for details)	There is some overlap between this policy and policies EH9, EH10 and EH11. Collectively, it is considered that these policies do not add any further requirement to the measures already addressed by policies in the Local Plan. It is also worth noting that the policies in the Local Plan were subject to scrutiny through the Local Plan Examination and may still be subject to modifications.

## 11 : Transport and Communications

Policy TC1	<ul> <li>Safe and Sustainable Transport</li> <li>Residential and community development proposals should be able to demonstrate that amenities in the village can be readily and safely accessed by pedestrians and cyclists. Development should: <ul> <li>a) not unduly increase traffic volumes within or through the village (an appropriate Traffic Impact Assessment should be submitted with all planning applications) and</li> <li>b) not create additional safety risks (an appropriate Road Safety Assessment should be submitted with all planning applications) and</li> <li>c) provide a minimum of 2 off-road parking spaces per new residential unit and a minimum of 3 parking spaces for 4+ bedroom residential units to ensure no undue hindrance to traffic or safety issues.</li> </ul> </li> </ul>	The parking standards set out Policy TC1(c) requires additional car parking provision for 4+ bedroom residential units. There is however, no justification for these standards in the supporting text. Does the Parish Council have any evidence to support the increased standards, for example, the Pirton Neighbourhood Plan was able to demonstrate higher levels of car ownership within the village. The Proposed Submission version of the Local Plan sets out a minimum standard for car parking provision of 2 spaces per dwelling. Those standards were discussed at the Local Plan Examination and at the time this version of the Neighbourhood Plan was being prepared, there was some discussion that these standards would be amended, as set out in the Council's response to the Regulation 14 consultation document. However, the car parking standards may still be subject to modification and without sufficient evidence to justify the enhanced standards it might be difficult for the Council to use these in determining planning applications for development schemes in the Parish.
Policy TC2	Broadband and Mobile Coverage Provision of facilities to support the delivery of efficient and effective landline, broadband and mobile coverage throughout the parish will be supported provided they are sensitively designed and located in accord with other policies in this Plan. Proposals for new residential, commercial or community developments should include meeting the broadband and mobile phone needs of occupiers without any adverse impact on broadband speed or mobile phone coverage for the wider community.	No comments