

## DELEGATED FILE NOTE

**CASE OFFICER:** ...Andrew Hunter.....

| APPLICATION<br>REFERENCE | BRIEF DESCRIPTION OF<br>DEVELOPMENT                                                                                                  | APPLICATION SITE                                                                       |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 24/01691/FP              | Erection of one self-build detached 6-<br>bed dwelling including parking and<br>landscaping and rebuilding of brick<br>boundary wall | Land North East Of Dower House<br><br>Hitchin Road<br><br>Preston<br><br>Hertfordshire |

### **Submitted Plan Nos**

AL(0)001 AL(0)002 AL(0)003 AL(0)009 AL(0)010 AL(0)011 1AL(0)012 AL(0)013 AL(0)022 AL(0)023  
AL(0)024 AL(0)026 SK-01 SK-03 RHC-24-136-02 AL(0)020 AL(0)021 AL(0)025 RHC-24-136-01

### **1.0 Policies**

|        |                                   |
|--------|-----------------------------------|
| D1     | Sustainable design                |
| D3     | Protecting living conditions      |
| D4     | Air quality                       |
| HE1    | Designated heritage assets        |
| HE3    | Non-designated heritage assets    |
| HE4    | Archaeology                       |
| NE11   | Contaminated land                 |
| NE2    | Landscape                         |
| NE4    | Biodiversity and geological sites |
| NE7    | Reducing flood risk               |
| NE8    | Sustainable drainage systems      |
| SECN11 | Making effective use of land      |

|        |                                          |
|--------|------------------------------------------|
| SECN12 | Achieving well-designed places           |
| SECN13 | Protecting Green Belt Land               |
| SECN14 | Meeting climate change,coastal,flooding  |
| SECN15 | Conserve + enhance natural environment   |
| SECN16 | Conserve + enhance historic environment  |
| SECN5  | Delivering sufficient supply of homes    |
| SECN9  | Promoting sustainable transport          |
| SP11   | Natural resources and sustainability     |
| SP12   | Green infrastructure, landscape and biod |
| SP13   | Historic environment                     |
| SP5    | Countryside and Green Belt               |
| SP6    | Sustainable transport                    |
| SP8    | Housing                                  |

|     |                                 |
|-----|---------------------------------|
| SP9 | Design and Sustainability       |
| T2  | Parking                         |
| T1  | Assessment of transport matters |

### **Preston Neighbourhood Plan**

Policies QL2, QL3, HD1, HD5, HD6, HD7, HD8, HD10, EH1, EH2, EH5, EH7, EH8, TC1

#### **2.0 Relevant site history**

- 2.1 07/00263/1 - Two detached five bedroom dwellings with integral garage and one five bedroom dwelling with detached garage – Withdrawn 16/11/07.

Summary of reasons for withdrawal – Lack of support from Conservation Officer and Historic England, and previous refused decisions below.

- 2.2 90/01019/1 - Two detached lodge houses with detached garages and new entrance gates – Refused 20/08/91.
- 2.3 90/01018/1 - Dwelling and garage (outline - all matters reserved) – Refused 25/10/90.
- 2.4 90/01016/1 - Four detached dwellings and garages – Refused 20/08/91.
- 2.5 90/01015/1 - Two detached dwellings and garages (Outline - all matters reserved) – Refused 20/08/91.

Summary of reasons for refusal – Contrary to rural area policies, outward expansion of Preston into the countryside, accesses without turning facilities (90/01019/1), harm to the setting of listed building Dower House (90/01015/1).

#### **Recent Dower House permissions**

- 2.6 20/00302/LBC - Erection of single-storey and two-storey extensions and erection of lattice porch to south west elevation together with internal and external alterations and demolition of the following: conservatory, single-storey extension to north-west gable end & fire escape stairs, to facilitate change of use of school dormitory (C2) to form 6 no. dwellings (C3) (amended scheme following changes to Listed Building Consent ref: 17/02801/1LB) – Approved 30/03/20.

- 2.7 17/02800/1 - Change of use and extension of school dormitory (C2) to form 6 no. dwellings (C3), incorporating the following listed building works; demolition and removal of conservatory, fire escape stairs and storage sheds; erection of single storey extension to accommodation block and erection of cross wing extension to north east wing; erection of lattice porch to south west elevation. Realignment of boundary wall adjacent the access; formation of amenity, parking areas and associated landscaping – Approved 10/05/18.

### 3.0 **Representations**

#### 3.1 **Neighbours** – 19 objections were received on the following grounds:

- ☐ In favour of a residential development in the site.
- ☐ The site is of considerable importance and occupies a very significant position.
- ☐ This requires a sympathetic design.
- ☐ The design is of industrial nature with no thought to Grade II listed Dower House and the adjacent former Princess Helena College buildings and parkland.
- ☐ No heritage benefits.
- ☐ Design not in keeping.
- ☐ Detract from the historic character and history of the site.
- ☐ Sheer size and scale. Could be converted into a hotel or Airbnb.
- ☐ Light pollution.
- ☐ Noise.
- ☐ No relationship with the landscape.
- ☐ Flat roof and cladding unknown in Preston.
- ☐ No provision for a garden.
- ☐ Adversely affecting wildlife.
- ☐ No indication how 10% BNG would be achieved.
- ☐ Increased traffic.
- ☐ Significant earth moving.
- ☐ Site access limited.

#### 3.2 **Council Ecologist** – As this proposal is for a self-build property it is exempt from any mandatory requirement to deliver Biodiversity Net Gain. However, North Herts Local Plan policies still apply, having read through the submitted documents I do not feel that the proposal would be strictly in accordance with policy NE4; that all development should deliver measurable net gains for biodiversity.

It would appear from aerial images that the site was previously plantation woodland and that the habitats currently on site have evolved over the last 8 years or so. The biodiversity gain assessment provided with the application shows a 90% loss of habitat units as a result of the proposal. A number of enhancement opportunities do seem to have been explored within the scheme, as the DAS states, reflecting recommendations made in the Preliminary Ecological Appraisal (PEA). I agree that the BNG metric calculations do appear harsh and that the inclusion of a green roof, vegetated garden beds and tree and hedgerow planting will deliver ecological benefits and as such I feel the 90% loss could be misleading over what actually appears an ecologically sensitive development.

The EclA makes recommendations for precautionary measures and ecological enhancements and provided the following conditions are attached to any permission granted I would have no objection.

3.3 **Highways Officer** – Does not wish to restrict the grant of permission subject to conditions.

3.4 **The Gardens Trust** - Temple Dinsley is a Grade II\* Registered Park and Garden (RPG) containing several listed buildings.

It has been designated a local heritage asset as part of the Preston Neighbourhood Plan and is an integral part of the Registered landscape, along with the gardens and parkland.

The proposals for building a house within this space would utilise a derelict area and the design of the proposed house and garden has been discussed in detail with Hertfordshire Gardens Trust, at the suggestion of Historic England. We would support this proposal as the house and garden reflect the original strong cross-axes and the materials also reflect the vernacular materials, although it is itself of a good modern design.

However, we are concerned about the number of lights proposed for the garden, which could affect the views across the landscape from the house. Furthermore, we cannot find any details of the photovoltaic panels on the roof. (Full comments are on file).

3.5 **Herts Fire and Rescue** - Can it be confirmed whether firefighters can reach all parts of the dwelling within 45m of a parked fire appliance?

3.6 **Environmental Health** – No objections.

3.7 **Historic England** - Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 195, 205, 206.

3.8 **Archaeologist** - In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

3.9 **Conservation Officer** - I still concur with Historic England that the proposals would deliver meaningful heritage benefits which includes: i) securing a positive function and future for the walled garden, ii) restoring its enclosed form, iii) sensitively rebuilding the surviving lengths of brick wall, and iv) reflecting historic horticultural activity and interest via the new domestic garden with productive elements. On this basis, I raise **NO OBJECTION**.

(Full comments on file).

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is land within a walled garden NE of Dower House, which is a Grade II listed building (and has recently been sub-divided into six dwellings). The site also includes an existing vehicular access onto Preston Road via part of the driveway to Dower House.
- 4.1.2 The land within the walls is largely overgrown grass and weeds. An electricity sub-station is sited in the SE corner. Ground levels slope down to the SE. The wall itself is largely intact on its NW and the western half of its NE sides, rising to approx. 2m in places. The wall on the remainder of its NW side has partially collapsed.
- 4.1.3 The wall on its SE side is generally lower at approx. 1m high, with 2m high brick pillars at regular intervals, albeit some of these have collapsed. There is no wall remaining on its SW side (apart from a small section at the main entrance). On the SW side the site blends in with an adjoining field.
- 4.1.4 Land around the site to the SW as stated earlier is Grade II listed Dower House, recently converted to 6 dwellings. This land is lower than the site, with levels falling to a short distance behind Dower House before starting to rise. A small area of woodland is to the SE. North of this woodland and NE of the site is an agricultural field, which forms part of open countryside extending to the north and east. Opposite the site on the other side of Preston Road is a larger area of woodland.
- 4.1.5 The site is in the Green Belt, outside the Preston settlement boundary. A small part of the SW part of the site comprising the access over the Dower House driveway and to Preston Road are in a Conservation Area. The SW boundary of the walled garden adjoins that of the CA. The site is part of Temple Dinsley Registered Park and Garden (Grade II\*), a designated heritage asset. The walled garden the subject of this application is considered to be a non-designated heritage asset.

## 4.2 **Proposal**

- 4.2.1 The redevelopment of the site within the walled garden to create a two storey 6 bedroom dwelling with a flat roof, which would be self-build. The dwelling would utilise the sloping ground levels of the site to split the dwelling and its gardens and parking areas over two levels. The dwelling would have a flat roof, and would be of a contemporary design.
- 4.2.2 The site would be excavated and comprehensively re-landscaped to provide the dwelling and its upper and lower gardens. Parking would be provided on the upper level of the site, accessed from the driveway to Dower House. A sliding gate would extend across the entrance of the dwelling.
- 4.2.3 The proposal also includes demolishing and re-building the walls, including on its SW side. The new walls would be built to match the existing, along with re-instatement of lost sections of wall.

## 4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the development is acceptable in principle, design and heritage, neighbour amenity, future living conditions, highways and parking, ecology, trees and landscaping, and flooding.

## Principle

- 4.3.2 The site is in the Green Belt. Policy SP5 of the adopted Local Plan states that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. Policy SP5 refers to the National Planning Policy Framework (NPPF) which sets out exceptions to inappropriate development in the Green Belt in paragraphs 154 and 155 (December 2024 version). Para. 154 is:

*154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:*

*a) buildings for agriculture and forestry;*

*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

*c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

*e) limited infilling in villages;*

*f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*

*g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*

*h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

*i. mineral extraction;*

*ii. engineering operations;*

*iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*

*iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*

*v. material changes in the use of land (such as changes of use for outdoor*

*sport or recreation, or for cemeteries and burial grounds); and*

*vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

4.3.4 Para. 155 states that housing, commercial and other development should not be regarded as inappropriate development where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework(57); and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156 – 157.*

4.3.5 ‘Grey belt’ is defined in the NPPF Glossary as:

**Grey belt:** *For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*

The relevant parts referred to above in para. 143 are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- d) to preserve the setting and special character of historic towns*

Previously developed land (PDL) is defined in the NPPF Glossary as:

**Previously developed land:** *Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

4.3.6 In assessing the proposal against the above criteria, the proposal is a new dwelling with ancillary development such as landscaping, therefore it does not fall within para. 154.

- 4.3.7 The December 2024 NPPF has however introduced a new para. 155 which is stated earlier in this report, which differs to previous versions of the NPPF as it has introduced a new land use definition 'Grey Belt' – the definition of which is:

**Grey belt:** *For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*

The relevant parts referred to above in para. 143 are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- d) to preserve the setting and special character of historic towns*

- 4.3.8 The site is not PDL but it is "any other land". In respect of para. 143 referred to in the definition, a) is not applicable as Preston is not considered to be a large built up area, it would not conflict with b) as Preston is not a town and the site is far from the nearest town Hitchin, and d) is not applicable either as Preston is not a town.

- 4.3.9 The last part of the definition states 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Footnote 7 states:

*7 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.*

- 4.3.10 The site is within a Registered Park and Garden, which is a designated heritage asset in the NPPF. The Council's Conservation Officer has not objected to the application, while there would also be benefits to the heritage asset from the rebuilding and restoration of the garden wall. The proposal complies with a. of 155.
- 4.3.11 The proposal complies with b. of 155 as there is a demonstrable unmet need for the type of development proposed, due to the LPA not being able to demonstrate a five year housing land supply. Part d. of 155 is not applicable to the proposed development. The proposal is not considered to conflict with 155 c. taking into account the absence of objections from the highways officer and as only one dwelling is proposed in a location near other dwellings.
- 4.3.12 The proposal is considered to comply with para. 155 of the NPPF, and would not be inappropriate development. The proposal is acceptable in principle, and complies with Policy SP5 of the Local Plan and Section 13 of the NPPF.

Design and heritage

- 4.3.13 The proposal would essentially result in the development of the whole of the walled garden site, including re-building the existing wall and erecting new sections of wall to original heights where applicable. There would also be relatively large ground excavations to facilitate the two level dwelling with its lower garden area.
- 4.3.14 The walled garden part of the site is undeveloped (apart from a small electricity substation in the west corner). It is considered that it appears as part of the Dower House estate due to its proximity and visible wall along Preston Road. Due to parts of the wall having collapsed and been removed in part or entirely, it's considered that the site appears partially as a walled garden.
- 4.3.15 The proposed dwelling with related ground works and landscaping would substantially urbanise the site, thereby changing its character from part of the countryside to urban. Only one new dwelling is proposed, which would be near the converted Dower House and accessed off the same driveway, which would reduce its sense of isolation in this respect with regard to its immediate surroundings.
- 4.3.16 The new dwelling would measure approx. 62m in length, 29m in width, and 7.5m in height at its deepest points. The new dwelling would be larger than Dower House before it was converted into 6 dwellings, much larger than the new 6 dwellings in the now-converted Dower House, and also substantially larger than the three other closest dwellings to the SW.
- 4.3.17 In size, scale, bulk and massing, the proposed new dwelling would be larger than other nearby dwellings in the locality. The visibility of the dwelling and its impacts on the locality would however be substantially obscured by the walls around the site, the design of the development utilising a contemporary minimalist appearance with a flat roof and placing a large part of the dwelling and its gardens below present ground levels, and proposed planting and landscaping.
- 4.3.18 The Council's Conservation Officer has provided detailed comments on the proposal, and ultimately has no objections which is given significant weight.
- 4.3.19 The CO has considered that the proposal will result in less than substantial harm to the designated heritage asset the Temple Dinsley Registered Park and Garden, with this harm towards the lower end of the spectrum. Harms towards the non-designated heritage asset the walled garden will be higher due to the change of use and character as well as the loss of historic fabric arising from demolition of the surviving garden walls.
- 4.3.20 However, the harms are considered to be outweighed by the heritage benefits from re-building the wall taking into account the positive comments and lack of objections from Historic England, and The Gardens Trust. This is summarised by the CO stating in 2.5 of his report:

*I still concur with Historic England that the proposals would deliver meaningful heritage benefits which includes: i) securing a positive function and future for the walled garden, ii) restoring its enclosed form, iii) sensitively rebuilding the surviving lengths of brick wall, and iv) reflecting historic horticultural activity and interest via the new domestic garden with productive elements.*

- 4.3.21 On the basis of the above, and giving significant weight to the benefits to heritage assets, the design of the proposed development is considered acceptable. It's considered that, due to the heritage sensitivity of the site, that permitted development rights should be removed by condition for Classes A, B and E of Part 1 of the 2015 GPDO for householder development, and Class A of Part 2 of the 2015 GPDO for means of enclosure. The proposal complies with Policies D1, HE1 and HE3 of the adopted Local Plan; and Sections 12 and 16 of the NPPF.

#### Neighbour amenity

- 4.3.22 There are no dwellings to the west, north and east of the site that could be affected. It is not considered that the dwellings in the Dower House conversion would be adversely affected due to their distance from the site and the proposed dwelling being obscured by the proposed wall and vegetation. Regarding the neighbour objections and comments, some of these have been addressed in this report. Impacts from lighting are not considered harmful as the impacts will be largely obscured by walls and vegetation. Planning permission would be required to convert the dwelling to a hotel or Airbnb if permission was to be granted and then implemented. A Construction Method Statement will be required to be submitted by condition to manage the construction, traffic etc. of the development. The proposal is not considered harmful to amenity. The proposal complies with Policy D3 of the adopted Local Plan and Section 12 of the NPPF.

#### Future living conditions

- 4.3.23 The new dwelling is considered to have private gardens of an acceptable size and quality. The main rooms of the dwelling would be of a size sufficient to provide acceptable living standards, outlook, privacy and light. The new dwelling would not be adversely affected by nearby buildings and trees etc. Future living conditions are considered acceptable. The proposal complies with Policy D1 of the Local Plan.

#### Parking and highways

- 4.3.24 The new dwelling would have six bedrooms, which would require a minimum of two parking spaces. More than two spaces would be provided, which is acceptable. At least one cycle could be accommodated internally, which is acceptable. Visitor parking is not required for the single dwelling, however in this case there would be ample parking for visitors. Bin storage would be near the proposed gate to the dwelling and not much further from the Preston Road entrance, and is considered acceptable.
- 4.3.25 The County Council highways officer has not objected to the application, as they're satisfied that the access onto the public highway Preston Road is acceptable, and that the amount and scale of the proposed development will not adversely affect the operations of the public highway.
- 4.3.26 The highways officer had also commented on whether a fire service vehicle can access the site via the gate. The applicant has provided a swept path drawing that is considered to satisfactorily show this. The Fire Safety Inspector has also commented, querying whether firefighters could reach all parts of the dwelling within 45m of a parked fire appliance, which is also considered is shown by the swept path drawing. The FSI was also consulted on the swept path drawing but had not responded, therefore it's not considered that the FSI has concerns.

- 4.3.27 The proposal is considered acceptable regarding impacts on the public highway and would have acceptable parking provision. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

#### Trees and landscaping

- 4.3.28 The site does not contain any trees, as it comprises unmanaged grassland and a small area of hardstanding. There are trees near the NW and SE boundaries, however it is not considered that they would be affected by the development or experience future pressures for felling or lopping.
- 4.3.29 The site would be comprehensively re-landscaped, in addition to altering its ground levels (particularly the eastern half). It is clear that significant consideration has been given to different areas and types of hard and soft landscaping. The landscaping is considered to be of a high quality, and would relate acceptably to the design and appearance of the main dwelling and the wider site. A Landscape Design Statement submitted provides details of materials and planting that are acceptable, and would not need to be required by condition if permission was to be granted. The proposal complies with Policies NE2 and NE4 of the Local Plan.

#### Ecology

- 4.3.30 The site has been surveyed for protected and important species, with surveys not finding any. The site is considered to be of some local importance as grassland, however this is not considered so important that it should be retained, while the proposed development would in any case include new planting of different types.
- 4.3.31 The proposed dwelling is considered to be self-build, and is exempt from needing to provide mandatory 10% Biodiversity Net Gain. The Council's policies do in any event require a BNG, although there is no minimum amount required.
- 4.3.32 The application was submitted with a BNG Assessment that states there would be a loss of approx. 90% biodiversity. This loss would however be lower value grassland, and would not include protected species and their habitats. The proposed development would in contrast provide a greater variety of habitats such as trees, a green roof, flowering plants, and hedges.
- 4.3.33 These measures are considered to provide sufficient biodiversity improvements for there to be a net gain, and no objections have been raised by the Council's Ecologist. If permission was to be granted, the conditions recommended by the Ecologist would be imposed. The proposal is considered acceptable regarding ecology. The proposal complies with Policy NE4 of the Local Plan, and Section 15 of the NPPF.

#### Flooding

- 4.3.34 The site is in Flood Zone 1, therefore it is not at risk of flooding from rivers and watercourses. It is not considered that the development would be at risk of surface water flooding that could adversely affect the closest properties as much of the hard surfacing would be porous or permeable, there would be large areas of planting that could retain water, and the dwelling roof would be flat with much of it being a green roof

which would further minimise run-off. The dwelling is considered acceptable regarding flood risk, and complies with Policy NE7 of the Local Plan.

### **Balance and Conclusion**

- 4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance in para. 11 d) ii of the NPPF is engaged, where in this case the adverse impacts are not considered to outweigh the benefits to heritage assets and the provision of a new self-build dwelling.
- 4.4.2 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

### **5.0 Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

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

3. The external materials of the approved dwelling shall be in accordance with the details submitted in the approved plans, and in Section 10 of the Architectural Design Statement (date July 2024), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of character and appearance. To comply with Policies D1 and HE1 of the Local Plan.

4. Hard and soft landscaping and means of enclosure shall be in accordance with the details submitted in the approved plans, and the Landscape Design Statement (date July 2024), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of character and appearance. To comply with Policies D1 and NE2 of the Local Plan.

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. Prior to the demolition of the walled garden walls, a detailed survey shall be undertaken indicating precise height, coping, plinths, piers etc. of the existing walls, a copy of which shall be submitted to the Local Planning Authority.

Reason: To secure and safeguard the provision for inspection and recording of matters of architectural and/or historical importance associated with the walled garden walls that will be lost because of the approved demolition. To comply with Policies HE1 and HE3 of the Local Plan.

7. Prior to the demolition of the walled garden walls, detailed elevations / sections informed by the above condition 6 and The Priory Heritage Condition Inspection Report, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the walls shall be constructed in accordance with the approved elevations/sections.

Reason: To ensure that special regard is paid to protecting the special character of the Registered Park and Gardens, the setting of the Preston Conservation Area and the setting of nearby listed buildings under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan. To comply with Policies HE1 and HE3 of the Local Plan.

8. Prior to the demolition of the walled garden walls, a sample brick panel shall be erected on site indicating brick type, bond, and mortar mix for the new walled garden walls and this shall be made available for inspection by the Local Planning Authority and then approved in writing by the Local Planning Authority. Thereafter the new walled garden walls shall be erected in accordance with the approved sample panel.

Reason: To ensure that special regard is paid to protecting the special character of the Registered Park and Gardens, the setting of the Preston Conservation Area and the setting of nearby listed buildings under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan. To comply with Policies HE1 and HE3 of the Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and E of Part 1 of Schedule 2 to the Order, and 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 and heritage assets, and to comply with Policy D1 and Policy HE1 of the North Hertfordshire Local Plan 2011 to 2031.

10. Prior to occupation, the new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality. To comply with Policy D4 of the Local Plan.

11. No development approved by this permission shall take place until a Remediation Strategy report, as recommended by the previously submitted Land Science Ltd report dated 21st October 2022 (Ref: LS6199), has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. To comply with Policy NE11 of the Local Plan.

12. Prior to the permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. To comply with Policy NE11 of the Local Plan.

13. External lighting shall be completed in accordance with the submitted details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of character and appearance. To comply with Policy D1 of the Local Plan.

14. No development shall take place until an Ecological Enhancement Strategy (EES) for the creation of new wildlife features such as the inclusion of integrated bird/bat and bee bricks and native tree and hedgerow planting as recommended in the July 2024 PEA has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development secures biodiversity enhancements in accordance North Herts Policy NE4.

15. No development shall take place (including any ground works, site clearance) until an ecological Precautionary Method of Working (PMW) has been submitted to and approved in writing by the local planning authority. The PMW shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) Use of protective fences, exclusion barriers and warning signs.

The approved PMW shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive in accordance with the National Planning Policy Framework. To comply with Policy NE4 of the Local Plan.

16. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. 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 and methodology of site investigation and recording as required by the evaluation
- 3. The programme for post investigation assessment
- 4. Provision to be made for analysis of the site investigation and recording
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation

6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. 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. To comply with Policy HE4 of the Local Plan.

17. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 16.

Reason; In the interests of archaeology. To comply with Policy HE4 of the Local Plan.

18. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 16 and the provision made for analysis and publication where appropriate.

Reason; In the interests of archaeology. To comply with Policy HE4 of the Local Plan.

19. Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of reduced to 5.5 metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.

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

Access arrangements to the site.

Traffic management requirements.

Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas).

Siting and details of wheel washing facilities.

Cleaning of site entrances, site tracks and the adjacent public highway.

Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.

Provision of sufficient on-site parking prior to commencement of construction activities.

Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

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 which must be kept within the site boundary, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.

21. The approved development shall be completed in accordance with the submitted Energy and Sustainability Statement (date 30 July 2024), unless otherwise agreed in writing with the Local Planning Authority.

Reasons: In the interests of minimising carbon emissions. To comply with Policy D1 of the Local Plan.

### **Biodiversity Net Gain**

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition

### **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.

|                                                                                                                             |                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Signed</p> <p></p> <p>Anne McDonald</p> | <p>Development Management<br/>North Hertfordshire District Council<br/>Council Offices<br/>Gernon Road<br/>Letchworth<br/>Herts<br/>SG6 3JF</p> |
| <p>Determining Officer</p> <p><b>Date:</b> 10 March 2025</p>                                                                |                                                                                                                                                 |