

**4/01411/13/FUL - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 5 DWELLINGS COMPRISING ONE 2-BED, TWO 3-BED, ONE 4 BED AND ONE 2-BED AFFORDABLE UNIT, WITH ASSOCIATED ACCESS AND CAR PARKING. THE YARD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9ER.**

**APPLICANT: Mr & Mrs J Robertson.**

[Case Officer - Sally Peeters]

[Grid Ref - TL 04499 01669]

## **Summary**

The application is recommended for approval subject to the completion of a unilateral undertaking.

The principle of the proposal to redevelop the site for residential purposes is in accordance with Policies CS5 and CS6 of the Dacorum Core Strategy (September 2013) and also inline with the NPPF. The scale and layout of the development is appropriate to the site context and the proposed dwellings will be of a high quality design reflecting local vernacular in accordance with policies CS11 and CS12. The proposal includes an appropriate mix of units in accordance with Policy CS18 and the level of affordable housing is considered acceptable. The access and parking arrangements are adequate in line with policy CS12 and saved Local Plan policy 58 and saved Appendix 7. The proposals will enhance the conservation area in accordance with CS27 and saved Local Plan policy 120. Impact on surrounding residential properties is acceptable in line with policy CS12. The Council has acted in accordance with Policy NP1 to support sustainable development unless material considerations indicate otherwise.

## **Site Description**

The application site comprises a builders yard located on the south side of Kings Lane in Chipperfield. The site is an irregular shape to approximately 0.25ha. At the frontage of the site is the access and a two storey office building. Behind this building the site widens and a number of single storey buildings are present, together with the open storage of materials. The eastern part of the site extends into two small rectangular parcels of land.

There is limited soft landscaping on the site, with the exception of a number of mature boundaries and trees, some of which are within and some of which are just outside the site. The two small rectangular parcels of land to the eastern side are partially overgrown.

The footprint of the existing buildings on the site is 874sqm and there is a total floorspace of 980sqm (including the upper floor of the two storey building to the front. This does not include hardstandings.

In overall terms the buildings on the existing site are of poor quality and make a negative contribution to the conservation area.

The site is surrounded by residential properties and their gardens.

## **Proposal**

It is proposed to redevelop the site for residential purposes. The scheme proposes 5 detached dwellings on the site as follows:

2 x 2 bed (one of which will be affordable)  
2 x 3 bed  
1 x 4 bed

Each dwelling has been individually designed although the overall styles are linked. The development will sit around a central shared access drive which will form a courtyard.

15 car parking spaces are provided in total some of which will be provided in cart barn style car ports. Five spaces will be allocated for visitors with ten for the dwellings as follows:

Plot 1 (2 beds) - 1 space  
Plot 2 (2 beds) - 2 spaces  
Plot 3 (3 beds) - 2 spaces  
Plot 4 (3 beds) - 2 spaces  
Plot 5 (4 beds) - 3 spaces

Each dwelling will have its own private amenity / garden space.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Chipperfield Parish Council who consider that the proposal would result in overdevelopment.

### **Planning History**

There are no recent planning applications in connection with this development.

A pre-application submission was made to the Council for six dwellings on the site (ref 4/00369/13/PRE).

There is an application for conservation area consent to demolish the existing buildings on the site (4/01412/13/CAC) running in parallel with this application. If this application is approved by the committee, that application can be dealt with under delegated powers as the Parish Council did not raise an objection.

### **Policies**

#### National Policy Guidance

NPPF

#### Dacorum Core Strategy (September 2013)

NP1, CS1, CS5, CS6, CS8, CS10, CS11, CS12, CS13, CS25, CS27, CS28, CS29, CS30, CS31, CS32

## Saved Local Plan Policies

Policies 13, 51, 58, 99 & 120  
Appendices 1, 3 & 5

## Supplementary Planning Guidance / Documents

Planning Obligations SPD  
Environmental Guidelines  
Chipperfield Village Design Statement  
Advice Note on Achieving Sustainable Development through Sustainability Statements  
Affordable Housing SPD

## **Representations**

### Chipperfield Parish Council

The Parish Council objects strongly to this application on the grounds of overdevelopment of the site. It is felt that the site is only suitable for 3 houses.

### DBC Environmental Health

It was recommended that once full access to the site is possible (possibly after the demolition of the existing buildings) that further ground investigation is undertaken beneath the existing buildings, proximal to the underground storage tank near building 1 and proximal to the oil drums present on-site. The presence of further asbestos fragments in the TP6 area should also be investigated.

I am in agreement with the findings of the initial intrusive investigation and support the recommendations for further intrusive works. The additional intrusive investigation should target all potential sources of contamination identified in the Desk Study Report not already investigated within the initial intrusive investigation. A programme of ground gas monitoring should also be undertaken as previously recommended.

In summary, as further works are required, I recommend that the standard contamination condition be applied to this development should permission be granted to ensure this is undertaken.

### Strategic Planning

In principle we welcome development which could enhance the Chipperfield Conservation Area and improve local amenity.

The site is located in the Green Belt, within the selected small village of Chipperfield. Local Plan Policy 6 and Policy CS6 in the Core Strategy provide guidance on selected small villages in the Green Belt. Point (a) in both policies states that the replacement of existing buildings will be permitted. Criteria (i) and (ii) in the Local Plan policy and points i and ii in the Core Strategy policy also refer to the need for development to be sympathetic to its surroundings and retain essential features.

The final bullet point in paragraph 89 of the National Planning Policy Framework (NPPF) includes the following within the definition of appropriate development:

*“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

The above wording is very similar to Core Strategy Policy CS5, point (e).

The footprint of the existing buildings is 875 sq. metres and the floorspace is 980 sq. metres. The proposed new houses have a considerably smaller footprint (535 sq. metres) and a slightly lower floorspace (919 sq. metres).

When comparing the impact on the openness of the Green Belt of the existing and proposed development, it is important to bear in mind that some of the single storey buildings on the builder’s yard are quite high and bulky. Also, the hardstanding areas, open storage and parked vehicles all add to the impact of the builder’s yard on the openness of the Green Belt.

We conclude that the proposed development meets the requirements of paragraph 89 of the NPPF regarding impact on the openness of the Green Belt and is acceptable in principle in terms of Policies CS5 and CS6.

The site is not shown as having a negative impact on the conservation area in the Chipperfield Conservation Area Character Area Character Appraisal and Management Proposals (2001). However, a well-designed redevelopment for housing would enhance the conservation area. Page 46 in the character appraisal states that:

*“Some buildings in Kings Lane and Croft Road are not attractive and in the longer-term some sites could be redeveloped to provide a better quality of design and appearance, ensuring that the massing and scale of the existing housing is respected.”*

Although the proposed housing density is under 30 dwellings per hectare, we have no objections on Local Plan Policy 21 grounds given the Green Belt location and the low density village character of the area.

While the principle of the development is appropriate under national policy, this form of housing development falls outside of the normal policy approach identified under Policy CS6. As a consequence, an element of affordable housing is justified (especially given the approach to small infill housing). Furthermore, 35% of the housing would have to be affordable to comply with Core Strategy Policy CS19 (affordable housing). However, as the Core Strategy has not yet been adopted and as this site has been the subject of recent pre-application advice, it is considered that a more flexible approach should be taken. Therefore, we welcome the fact that this application includes one affordable house for social renting, but advice should be sought from Strategic Housing.

The mix of housing proposed appears appropriate in relation to Local Plan Policy 18 (the size of new dwellings) and Core Strategy Policy CS18 (mix of housing).

## Herts Highways

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions regarding the access arrangements, that the parking arrangements are marked out and not used for any other purpose, that the parking spaces are used for non-commercial vehicles only, that vehicles can enter and exit the site in a forward gear, construction vehicle cleaning plus an informative regarding works on the public highway. Also subject to a financial contribution of £5,250 towards Sustainable Public Transport Programmes and a Section 278 Agreement (Highways Act 1980) for the construction of any off site highway works.

### Internal Highway layout and parking:

The layout drawing is considered acceptable but will be subject to further design checks when detailed plans are submitted as part of the section 278 agreement. This will include checking that the site has sufficient space within for all vehicles to enter and leave in a forwards gear The site already enjoys a vehicular access, which also serves as the only means of pedestrian access to the rest of the site. The submitted plans show that the modified access will have radius kerbs either side leading onto a 4.2m wide carriageway. On the southern side, starting from the access there will be a 1.2m footway that which runs all the way around the access road but stops short on the northern side to the physical constriction of the site. In terms of the general layout of the site, the layout will need to conform to standards set out in the 'Roads in Hertfordshire' Highway Design Guide 3rd Edt. This will cover internal site manoeuvrability, gradients, surface water disposal and refuse collection. A refuse collection vehicle is usually regarded as the largest vehicle that would enter a site similar to this, so design provision for turning etc should be based on this type of vehicle for safeguarding.

### Accident history:

Looking at the rolling five-year injury accident data in the vicinity of Kings Lane, there are no reported accidents.

### Car parking:

In terms of car parking, the proposal would need to meet with our requirements of Dacorum Borough Councils parking standards as stated in their local plan.

Subject to a financial contribution in line with current County policies for sustainable transport and the following suggested planning conditions, the County Council would not wish to object to this application. The highway contribution would be used to provide measures or services near the site to encourage walking, cycling or the use of public transport.

The above application to demolish the existing buildings etc and replace them with residential dwellings is unlikely to lead to conditions that would be harmful or prejudicial to the highway network in terms of safety capacity and congestion. In fact, the change of use from a builder's yard to residential homes may lead to an overall decrease in two-way trips over the whole day. However, there may be a slight increase the am peak trip rate. On balance, this proposal is unlikely to have a significant impact

on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal.

### Conservation & Design

The site has been subject to significant pre-application meetings to ensure that the standard of development is high (Policy 11), and that it reflected local vernacular regarding materials (flint, timber etc.), taking its lead from Chipperfield Conservation Area (Policies 119, 120) particularly the important nearby open public space the fabric of which is defined by an assortment of historic architectural styles and ages and includes barns alongside brick buildings as can be seen at the entrance to Kings Lane. There are also historic buildings grouped in various fashions including courtyards within the vicinity.

The Yard comprises an area of timber outbuildings with mature trees and vegetation either located on the site but mainly in the surrounding area overlooking the site. The run down utilitarian makeshift appearance of the buildings to be demolished does little to complement the street scene.

The new buildings would occupy a location where the surrounding local area is presently largely developed with an unfortunate assortment of insipid 20<sup>th</sup> century architectural styles of building that do little to preserve or enhance the locality, or that are of an architectural design that either draws on local vernacular or is of exceptional contemporary architecture.

The proposed development is a distinct evolution from the pre-application design which was very much 'homes anywhere' and would have only added to the confused architectural style in the vicinity. Issues such as form and massing have been important considerations within this submission, also allowing for elevations that relate to each other through the use of materials, but also maintain an open feel allowed in the composition of arrangement of solid to voids, whilst still allowing for an overall design that reflects and brings its own distinctive quality to the area.

The Chipperfield Design Statement states with regard to materials and styles that mixing of building styles should be avoided whilst also stating that, 'constructing properties to the same plan but using different materials and external embellishments creates a hybrid appearance and is rarely successful' is confusing. This development will be using traditional materials, pays attention to development that enhances the character of the village by looking at nearby listed and historic buildings for direction and inspiration (locally to the site this is impossible to achieve due to the poor quality of design totally at odds to the Design Statement).

The attention to detail will not be limited to the buildings but also boundary treatment with the introduction of traditional hedgerow and estate fencing.

It is my considered opinion that the proposal will result in an improved sense of place and environment allowing this redundant site to be brought back into beneficial use within the community.

Attention to detail will be paramount to the successful outcome of this application, and therefore I would recommend that all materials are conditioned including: bricks,

bonding mortar colour; flint –which should be knapped and roughly coursed; regarding the barn the timber and timber finishes; windows including openings which should be traditional (i.e. side hung casements flush fitting or sliding sash), glazing bars and finishes – a 1:20 plan should be supplied; boundary treatment and soft landscaping; details of the timber car ports including wood stains/colours; gates & fencing; hard landscaping – and anything else I may have missed out.

My only comment would be that I had mentioned in one discussion regarding this application that some of the glazing to the houses could benefit from having a single horizontal glazing bar – this would also help break up repetition of form. I recommend this application for approval.

### Ecology

Thank you for the above consultation and recent information regarding the above site, for which I would like to make the following comments:

1. The results of the bat survey are provided within the bat report and summarised within the D&A Statement. The report clearly highlights that a bat roost is present with bats emerging from and re-entering hanging tiles of Building B1. This is not reflected in the D&A Statement which states the site is subject to only low levels of foraging activity. The complexity of the buildings probably justified the emergence surveys which did prove roosting was taking place, although only of a single pipistrelle bat at the time. This roost would be considered to have low importance.

It is stated that a licence will be required and I agree with this. Bat boxes are recommended and this too seems appropriate and will probably be a requirement of a licence application to provide potential compensation, in addition to any opportunities created by the new development.

On this basis I consider that bats will have been properly considered as part of the proposals and as such the Habitats Regulations tests can be applied and met. The works are recommended to be undertaken at a time when bats are less likely to be disturbed and tile removal to be undertaken in the presence of an ecologist. You may wish to Condition the mitigation and enhancement recommendations proposed by the bat consultant if the application is approved, all of which seem reasonable.

In any event, given the demolition and presence of bats, I would advise the usual informative is attached to any approval.

2. The squashed Great crested newt - assuming it is a GCN - is unfortunate. However, although the dead newt was observed outside of the builder's yard, there is nothing to suggest this newt - or any other newts - inhabited the builders yard, the location of the proposals. Indeed, the bat report describes the proposals site thus: *The site is currently used as builders' yard and largely comprises concrete and compacted aggregate hardstanding, with an office plus a number of sheds, workshops and ancillary buildings (1.1)*. Such an event could occur at any time if a species is present within an area as a result of regular use of a road by vehicles and is an incidental result of a legitimate activity.

In my opinion, the nature and regular use of the Builders Yard would preclude it from

representing a site with a high likelihood of newts being present.

Whilst we do have records of GCN at Chipperfield Common and there are ponds closer to the application site (in gardens), my view is that it is wholly unreasonable to consider that the builders yard is a site that could reasonably be considered important for the local population, or even significant numbers of individuals, particularly given the extensive semi-natural habitat available to newts elsewhere in the immediate area.

I accept that GCN - or any other newts - take their chances wherever opportunities enable them to survive, and there are frequently legitimate activities that could cause harm to individuals (eg gardening). However, bearing this in mind and the nature of the site which lacks any appropriate habitat, I do not consider that - whilst mindful of the aims of the legislation - it is reasonable for the LPA to require any form of newt survey prior to determination of this application. That is not to say that, on occasion, a newt may be found on the site in any piles of materials - or even in the middle of the road (which in itself has nothing to do with the proposals) - but the risk this would represent to GCN in the area does not, in my opinion, reasonably represent a requirement for this species to be considered further in the planning process unless there is good additional evidence to suggest otherwise.

#### Natural England

We have received notification from a member of the public regarding the abovementioned planning application, stating that there is a likelihood of great crested newts being present in the vicinity. Where representations from other parties highlight the possible presence, or the Council is aware of a Protected or Priority species on the site, the Council should request survey information from the applicant before determining the application. Paragraph 98 and 99 of ODPM Circular 06/2005 provides information on priority and protected species and their consideration in the planning system.

We would draw the Council's attention to Natural England's [Protected Species Standing Advice](#), which provides guidance on when protected species may be impacted by a proposal

#### DBC Trees and Woodlands

The Council's Trees and Woodlands department has verbally confirmed that it is satisfied with the findings of the arboricultural report, although written comments are awaited at the time of writing.

#### Hertfordshire Fire & Rescue Service

Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 16.

Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.

Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.



Water supplies should be provided in accordance with BS 9999.

This authority would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
  - Not more than 120m apart for residential developments or 90m apart for commercial developments.
  - Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
  - Not less than 6m from the building or risk so that they remain usable during a fire.
  - Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.

### Hertfordshire Constabulary

I have looked at the plans and bearing in mind the development is in a conservation area have the following comments/recommendations:

- Ideally I would be looking for the doors to be to PAS24-2012, but if they are to fit in with the conservation area this may not be possible and I would therefore look for any locking system to be to the latest British Standard be it for mortice or multi point locking system. It would be preferable if we could be contacted when the security of the door is being considered and we can recommend the latest systems. If there is glazing next to the main entry door then I would be looking for any glazing to be laminated.
- I will be happy to provide further locking system advice for the remaining external doors to the properties if they are not to PAS24-2012 standards.
- Windows should be to BS7950 or PAS24-2012 as these have been proved to be effective deterrents to theft and do come in a variety of designs etc. as can be seen from the SBD website member companies. I will not in this area be looking to specify laminated glazing.
- I note that each property has a cycle storage facility which in many cases has a door and I would look for that door to be lockable with say a digital locking system.
- In my conversation with Greg he did indicate that the boundary treatment would be open timber fencing similar to cattle fencing so as to tie in with the conservation aspect and I would suggest that would be acceptable to the boundary with Saddlebow and need to be at least 4 metres in height. There is a need for both security and privacy to the boundaries of other properties and a 1.8 metre timber close boarded or "hit & miss" fence may be more appropriate.
- Similarly between properties on the site I would look for a fence of the same type to the separation between the properties.
- I'm not sure what lighting is being proposed but this may be the exception where I would recommend low illumination bollards on the shared drive.
- I would also suggest each property has a green lighting welcome light which is on a dusk to dawn setting providing low levels of illumination during this period but will provide a high level of illumination when someone approaches within the PIR range. The illumination reduces to a low ambient light after a short period of time.

If the doors and windows can be installed in line with my initial comments then I see no reason why the development cannot achieve SBD Part 2 accreditation with the possibility of achieving full SBD accreditation once complete, and subject to a final inspection.

### DBC Waste Services

There should be room to store 2 wheeled bins and 3 recycling boxes at each house and there should be space for them to be presented outside their boundary for collection. Consideration should be given to the size and maneuverability of the collection vehicles which are 26 ton rigid freighters.

### Neighbour Objections:

Objections have been received from 7 neighbouring properties. The points raised can be summarised as follows:

- Overdevelopment of site
- Cramped site layout
- Design out of character
- Plot 3 not sympathetic to rest of development
- Unattractive design
- Loss of privacy/overlooking
- rear facing second floor windows lower than eye level
- Overlooking caused by plot 1
- Plot 5 is visually overbearing
- Loss of outlook
- Loss of light caused by cycle store
- Concerns over implementation of plan and subsequent extensions
- Unsatisfactory parking provision
- Lack of parking
- Impact on highway safety
- Tree shown on drwg KCC/PL/06 not in correct location concern over potential conflict between buildings and tree.
- Potential conflict between trees and parking spaces
- Under provision of affordable housing / housing suitable for local need
- Lack of amenity space
- Builder should ensure satisfactory water and sewerage arrangements
- Potential presence of Great Crested Newt

### **Considerations**

#### Policy and Principle

The application site is a builders yard within the conservation area in the village of Chipperfield which is a selected village in the Green Belt. The acceptability of the principle of this proposal is therefore centred on Green Belt policy. Para 89 of the NPPF states that a planning authority should regard the construction of new buildings as inappropriate within the Green Belt. However, it specifies a number of exceptions, one of these being the partial or complete redevelopment of brownfield sites so long as there is no greater impact on the openness of the green belt. The former builders

yard can be classified brownfield land (previously developed land) as defined by glossary of the NPPF.

The Dacorum Core Strategy (September 2013) reinforces the NPPF with policy CS5: Green Belt and CS6: Selected Small Villages within the Green Belt. Policy CS5 allows for the 'redevelopment of previously developed sites' whilst policy CS6 (a) allows for the replacement of existing buildings with the proviso each development must:

- i. be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and
- ii. retain and protect features essential to the character and appearance of the village.

The principle of the complete redevelopment of this brownfield site is therefore considered acceptable subject to the matters of detail discussed in the sections below.

### Impact on Green Belt

The redevelopment of the builders yard for residential purposes is not considered to have any greater impact upon the openness of the green belt. The existing previously developed site, with extensive areas of hardstanding, open storage and several buildings of varying size and appearance represent a poor quality visual and physical environment with little architectural merit.

The quantum of development is an important consideration as to whether the proposed development would have any greater impact upon the Green Belt. The table below outlines a comparative data as to the existing and proposed amount of development.

<b>Existing</b>				
<b>Ref</b>	<b>Description</b>	<b>Area</b>	<b>Volume</b>	<b>Footprint</b>
2	2 storey offices	212.1	586.85	
3	Building	89.1	267.3	
4	Building	323.5	970.5	
5	Building	82.9	248.7	
6	Building	157.8	473.4	
7	Timber Store	21.6	64.8	
8	Timber Store	15.4	46.2	
9	Building	49.8	149.4	
10	Site Hut	12.4	37.2	
11	Site Hut	4.8	14.4	
12	Timber Store	10.6	31.8	
<b>Total</b>		<b>980sqm</b>	<b>2890.55</b>	<b>875sqm</b>
<b>Proposed</b>				
<b>Plot</b>		<b>Area</b>	<b>Volume</b>	<b>Footprint</b>
1		128	441.46	

2	126	407.04	
3	202	717.76	
4	184	584.46	
5	200	716.69	
Cart Barns	79		
<b>Total</b>	<b>919sqm</b>	<b>2867.41</b>	<b>535sqm</b>

There will be a net reduction of 339sqm of built footprint, 61sqm of floorspace and 23.1 cubic m of volume. This demonstrates there will be no greater harm to the openness of the Green Belt from the development.

The recycling of this under utilised brownfield site will assist in the preservation in protecting other Green Belt land and thus help meet the objectives of Green Belt land in accordance with the NPPF para 85.

The development would not be by definition harmful to the green belt and therefore very special circumstances are not necessary to justify this development satisfying NPPF para 87.

The proposed scheme for 5 detached residential properties is designed to a high standard with new garden amenity and landscaping which will have a positive impact upon the Green Belt compared to the existing situation. The village and residential setting as well as the varied plot formation in the immediate vicinity would lead to the view that a residential development would be in keeping with this part of the Green Belt and more appropriate form of development to this part of the Green Belt defined by its residential character in a village setting.

The proposal therefore complies with the NPPF and policies CS5 and CS6 of the adopted Core Strategy and there is no need for the applicant to argue very special circumstances. Although the Local Plan was still in force when this application was submitted and during pre-application discussions, the NPPF was in place and superseded the Green Belt policies of the Local Plan. Conditions are recommended removing permitted development rights to ensure that the properties can not be increased in size. Although there is a slight decrease in floorspace on the site, the local planning authority needs to control extensions to these properties in the Green Belt in order that they do not impact on openness.

### Loss of Employment

There are no policies in the Core Strategy (or saved Local Plan) which protect employment use on sites which are not designated for such purposes. There is therefore no policy basis for resisting this application on the grounds of loss of employment.

Furthermore, the existing use of the site as a builders yard could be intensified without the need for further planning permissions. This would have a greater impact upon the Green Belt and upon the surrounding residential environment. The site could be used more intensively with multiple trip generation and uses which could be considered non conforming or sensitive in a predominantly residential location. The re-invigoration of the site with its current lawful uses would lead to loss of amenity, visual intrusion and adverse impact on character of the area and therefore have a more harmful impact on

the character of the area. The loss of this use in a residential area within the conservation area is therefore welcomed.

### Proposed Land Use and Housing Mix

The Council has a strategic objective to provide a mix of new homes to meet the needs of the population. The development of the site for residential purposes is appropriate in this predominantly residential area.

A mix of unit sizes is proposed, one of which would be affordable. The proposal therefore accords with Policies CS17 and CS18.

### Affordable Housing

At the time pre-application discussions were commenced on this site and at the time the application was submitted (July 2013), the Core Strategy had not been adopted and the Affordable Housing SPD was not in force. Given that the requirements for affordable housing are now substantially different to the policies that were in place during pre-application discussions and when the application was submitted, it is not considered reasonable to enforce the new policy at this late stage in the consideration of the application.

The affordable housing provision has therefore been provided in line with the requirements of the Planning Obligations SPD and with the (now superseded) Local Plan policy 20. The planning obligations SPD (which seeks 35%) does not apply to Chipperfield and refers back to the Local Plan for these settlements. The Local plan policy seeks 20% which equates to one unit out of the five proposed.

Furthermore, policy NP1 of the Core Strategy states that the Council will take a positive approach to the consideration of development proposals and that proposals which accord with the development plan will be brought forward and approved unless material considerations indicate otherwise. In this case, the proposals accord with the adopted policy that was in place at the time and a positive approach should therefore be taken in line with NP1 and the NPPF.

The proposal is therefore considered to provide adequate affordable housing and this approach is supported by the Council's Strategic Planning Department.

### Scale and Layout

There is a significant reduction in the amount of footprint coverage on the site as a result of the proposed development. When examining the existing pattern of buildings on the site and in the immediate vicinity, particularly to the east within the conservation area, the proposed development would complement the irregular pattern of development that exists at present. The individually designed form of the houses would be in keeping with the area. Although the buildings will be higher than the majority of buildings currently on the site, the heights respect those of buildings surrounding the site which are two storey residential buildings. Furthermore many of the houses have a single storey element and together with the cart barns, the variety of heights on the site will add interest.

Having specific regard to Core Strategy Policy CS11, the proposal respects the general density intended for the area and will enhance the spaces between the existing residential properties around the site. The streetscape will be enhanced and car parking has been carefully accommodated within the design. In terms of Policy CS12, the proposal will meet all the criteria.

### Design

Detailed pre-application discussions were held with the applicants, their agent and their architect which resulted in significant improvements to the scheme. A high quality scheme has emerged which will enhance the site and the surrounding area and which has regard to local vernacular and materials. Each house has been individually designed, but within an overall style appropriate to this village setting. This variety adds interest and quality but without the confusion of totally differing styles. The Council's Conservation and Design Officer supports the scheme as per the comments above. The proposal is therefore considered acceptable in terms of Core Strategy Policy CS12.

### Impact on Conservation Area

The existing buildings on the site, together with its use as a builders yard, make a negative contribution to the conservation area. The high quality layout and design of the scheme will enhance this part of the conservation area. The proposals are therefore in accordance with saved Local Plan Policy 120 and Core Strategy Policy CS27.

A separate application for conservation area consent has been submitted for the demolition of the buildings. This can be dealt with under delegated powers as the Parish Council is in support.

### Impact on Trees and Landscaping

There are no trees specifically protected by Tree Preservation Order on the site but by virtue of the fact that the site is located within a conservation area, all the trees are afforded some level of protection.

There are a number of trees within the site along its boundary, and others just outside the site. The site has been supported by an arboricultural assessment which concludes that, with the exception of a hazel tree (T5), the other trees are category A,B and C and can remain. Of particular note are the large trees noted at G2 which with appropriate protection measures can remain.

The Council's Trees and Woodlands Officer is satisfied with the findings of the report. Conditions are recommended to ensure protection of the trees.

### Ecology and Biodiversity

The application was supported by a bat report which concluded that there was evidence of bats being present at the site. However, although roosting was evident, this was only for a single pipistrelle bat and the advice received from the Hertfordshire Biological Records Centre is that this roost is considered of low importance. Bat

boxes are proposed as mitigation and the developers are recommended to obtain a licence. The proposal is acceptable for approval and bats have been duly considered as part of the application. In line with ecologist advice, conditions are recommended that the findings of the bat report are followed in particular with regard to the timing for demolition.

In response to a sighting of a squashed newt outside the site, the advice of the Records Centre has also been sought in respect of Great Crested Newts. The advice received is that, whilst there are records of great crested newts at Chipperfield Common, it is unreasonable to consider that a builders yard would be important for the local population of newts and that it would be unreasonable for the local planning authority to require any form of newt survey.

Given the known presence of newts in the locality, it is therefore most likely that the newt came from nearby, but not from within the site. Although the comments of Natural England are noted, site specific advice has been sought from the Records Centre and it is therefore considered that adequate regard has been given to newts. Furthermore the ecologist that carried out the bat survey has confirmed that it is extremely unlikely that there would be Great Crested Newts on the site due to the lack of water and the fact that there are no breeding ponds within 250m of the site.

Officers are therefore satisfied that the proposals are therefore acceptable in terms of ecological impact. An increase in landscaping on the site will improve opportunities for biodiversity.

#### Highways / Parking

In terms of parking, this is provided as follows:

Plot 1 (2 beds) - 1 space  
Plot 2 (2 beds) - 2 spaces  
Plot 3 (3 beds) - 2 spaces  
Plot 4 (3 beds) - 2 spaces  
Plot 5 (4 beds) - 3 spaces

The standards of the Local Plan at Appendix 5 which have been saved would require 10.5 spaces. The proposals therefore provide well in excess of adopted parking requirements.

HCC Highways is satisfied with the access and concludes that the proposal is unlikely to impact upon the safety and operation of the highway. Whilst HCC has requested financial contributions, these would not be in line with the unilateral undertakings sought for five dwellings or less in rural areas and the contributions have not therefore been requested (refer to Table at Appendix 1 of the Planning Obligations SPD).

The proposals therefore accord with saved Local Plan Policy 58 and Core Strategy Policy CS12.

#### Impact on Neighbours

The site is surrounded by residential properties. There are three dwellings on Kings

Lane that are most affected by the proposed development. As part of the assessment of this application, a visit has been made to Nabobs and Holly Cottage who have objected to the proposed development.

- Nabobs

This is the property located to the west of the site entrance and whose garden is surrounded on three sides by the application site. The proposed dwellings at Plots 1 and 2 will have the most impact on this property. In terms of privacy, Plot 1 had two windows at first floor level that would look straight down into the immediate rear garden area. These have now been deleted or shown as obscure glazed where they serve a stairwell. Plot 2 does not face directly towards Nabobs and has no windows facing towards it. The impact on privacy is considered acceptable.

Plots 1 and 2 are positioned such that they will not cause loss of light or visual intrusion to Nabobs. At present there is a two storey building adjacent to Nabobs and its garden. Plot 1 will extend further parallel with the boundary of Nabobs than the existing 2 storey building, but will be further from the boundary such that there would be no harm compared with the existing situation. In the objection letter from Nabobs, the position of the proposed bike store for Unit 1 was objected to in that it would be very close to the kitchen window. In response, this has now re-orientated away from the kitchen window and would not constitute a worse outlook than presently looking onto the side of the office building and separate electricity substation.

There is a large conifer hedge along the rear boundary with Nabobs. This is proposed to be retained, although its retention is not considered essential for the purposes of protecting amenity.

- Holly Cottage

Holly Cottage lies on the eastern side of the entrance to the site. The shape of the application site is such that it cuts in around the house and the existing single storey buildings along the eastern side of the site form the actual boundary with Holly Cottage. Holly Cottage will be most affected by Plots 1 and 5.

In terms of privacy, Plot 5 has no side windows at first floor level facing towards Holly Cottage and in the rear elevation, the windows will all be high level to respect the privacy of the garden area. These will be conditioned to remain as such. Plot 1 has a high level window to a bathroom at first floor level facing towards Holly Cottage.

The proposals involve the removal of a single storey building in close proximity to the rear elevation of Holly Cottage and which actually forms the boundary between the two sites. In response to comments received from Holly Cottage, it is proposed that this section of boundary is replaced by a 2m high brick wall. The details of this will be conditioned to ensure that it is constructed of high quality bricks with appropriate detailing.

The cart barn associated with Plot 5 will be further away from Holly Cottage than the existing single storey building which is considered to be an improvement upon the existing situation. From the rear of Holly Cottage, the proposed two storey dwelling at Plot 5 will be clearly visible and this is exacerbated given the shape of the application



site relative to Holly Cottage. However, the two storey part of the proposed house will be 27m from the main rear elevation of Holly Cottage and 21m from the conservatory (the latter being offset from the proposed dwelling). It is therefore considered that, although visible, Plot 5 will not cause a loss of light, or amount to a visual intrusion or be visually overbearing to Holly Cottage. Plot 1 does not directly impact Holly Cottage as it is only the side elevation that faces towards Plot 1 and it is off set from it.

- The Forge

The position of the Forge is such that its rear elevation will be approximately 15m from the rear elevation of Plot 2. However, there are no first floor windows in the rear of Plot 2 and its outdoor patio areas have been orientated away. In terms of visual intrusion or loss of light, 15m is a sufficient distance such that, whilst Plot 2 will be visible, significant harm would not be caused.

- Inglenook

This property is positioned to the east of the site. Although close to Plot 2, it is set at an oblique angle and would not be affected by it.

- Other properties

Other dwellings are of sufficient distance from the application site not to be affected.

Conditions are recommended to remove permitted development rights for extensions, roof additions and windows and doors other than those shown on the plans in order to protect the residential amenity or surrounding occupants.

### Amenity Space

Each dwelling has been provided with private amenity or garden space. All the plots have either a length or width of garden equal or greater than the 11.5 metres required by Saved Appendix 3 of the Local Plan.

### Sustainability

The applicants have submitted a C-Plan assessment and the scheme achieves either amber or green lights in all respects. With conditions requiring further information, the proposals are considered acceptable for approval.

### S106

A unilateral undertaking has been agreed which makes contributions in line with the Council's toolkit, with the exception of the Natural Green Spaces contribution (which would have been £115). This was deemed unnecessary due to the proximity to Chipperfield Common.

The contributions agreed to are as follows:

Child Play Space - £7360  
Travel Smart - £125

Libraries - £875  
Monitoring - £508.50

The unilateral undertaking also secures the affordable housing unit.

At the time of writing, the unilateral undertaking is with the applicants awaiting signature.

**RECOMMENDATION** - That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning , following the expiry of the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. These details shall include:**
  - bricks;
  - bonding mortar colour;
  - flint –which should be knapped and roughly coursed;
  - timber and timber finishes for the barn;
  - windows including openings – a 1:20 plan should be supplied;
  - details of the timber car ports including wood stains/colours
  - any external lighting

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the conservation area in accordance with policies CS12 and CS27 and saved Local Plan policy 120.

- 3 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**
  - hard surfacing materials;
  - means of enclosure, in particular the brick wall adjacent to Holly Cottage;
  - soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting

**species, plant sizes and proposed numbers/densities where appropriate;**

- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and retained thereafter**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12.

- 4 The trees shown for retention on the approved Drawing No. BY/2013/001 Rev G and Tree Protection Plan TPP/TYKLCH/010 A shall be protected during the whole period of site excavation and construction in accordance with Tree Protection Plan TPP/TYKLCH/010 A and with the Arboricultural Report prepared by David Clarke dated July 2013.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with saved Local Plan policy 99.

- 5 No materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the approved Drawing No. BY/2013/001 Rev G or Tree Protection Plan TPP/TYKLCH/010 A.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with saved Local Plan policy 99.

- 6 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings**

**must include:**

- a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - (i) human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

**This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.**

**(b) Submission of Remediation Scheme**

**A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

**(c) Implementation of Approved Remediation Scheme**

**The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.**

**Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

**(d) Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS12 of the Core Strategy.

**INFORMATIVE:**

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

- 7 Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS1 and CS29 of the Core Strategy.

- 8 Prior to the commencement of development, 2 no. Schwegler 1FF and 2 no. Schwegler 1FN bat boxes shall be erected in retained mature and semi-mature trees on the western and southern site boundaries. The newly-erected bat boxes must be free from light-spillage, and should be sited by a suitably qualified ecologist. The boxes shall be left in-situ, regardless of whether or not they are utilised during the works.**

**The findings of the Bat Assessment report prepared by Belos Ecology and dated 29th July 2013 should be adhered to. In particular,**

demolition works to B1, or at least the removal of tiles/slates from the roofs, should then be undertaken at a time of year when bats are less likely to be present; during early-spring (March to April) or autumn (October to November) and under supervision of an appropriately experienced and licenced bat ecologist. If individual bats are encountered during the works, they should be moved to the previously erected bat boxes by the ecologist on site.

Reason: To incorporate positive measures to support wildlife and to mitigate impact against a European protected species in accordance with Core Strategy policy CS29.

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B and E**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and openness of the Green Belt in accordance with Policies CS5, CS6 and CS12 of the Core Strategy.

- 10 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed without the prior written approval of the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy 12 of the Core Strategy.

- 11 **The bedroom windows at first floor level in the rear (east) elevation of the Plot 5 of the development shall have a cill height of not less than 1.6 m above internal floor level.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy.

- 12 **The window(s) at first floor level in the rear (east) elevation of Plot 5 and the west elevation of Plot 1 shown as obscure glazing on the approved drawings shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 of the Core Strategy.

- 13 **Prior to the commencement of development, detailed drawings of the proposed access, car parking and turning areas shall be submitted to and approved by the Local Planning Authority. The development shall then be completed in accordance with the approved plans prior to the occupation of any of the dwellings and car parking and turning areas permanently marked out. The car parking and turning areas provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.**

Reason: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority. To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses in accordance with Policy CS12 of the Core Strategy and saved Appendix 5 of the Local Plan.

- 14 **The parking spaces shall be used for the parking of vehicles associated with the residential use of the site at all times.**

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway in accordance with Policy CS12 of the Core Strategy and saved Appendix 5 of the Local Plan.

- 15 **Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.**

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area and in the interests of highway safety in accordance with Policy CS12 of the Core Strategy.

- 16 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Location Plan  
Topographical Survey  
BY/2013/007  
BY/2013/009A  
BY/2013/009B  
BY/2013/009C  
BY/2013/001  
BY/2013/101  
BY/2013/008  
BY/2013/002  
BY/2013/002A  
BY/2013/003  
BY/2013/003A**

**BY/2013/004**  
**BY/2013/004A**  
**BY/2013/005**  
**BY/2013/005A**  
**BY/2013/006**  
**BY/2013/006A**  
**TPP/TYKLCH/010 A**

Reason: For the avoidance of doubt and in the interests of proper planning.

Article 31 statement

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

INFORMATIVES:

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire – 'Highway design guide'. Before proceeding with the proposed development, the applicant should contact Highways at [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction and to obtain their permission.

The Council's Conservation and Design officer has suggested windows are of a traditional opening (i.e., side hung casements flush fitting or sliding sash) and details of the glazing bars and finishes should be provided as part of the submission of details.