

**4/02027/17/FUL - DEMOLITION OF EXISTING BUILDING. CONSTRUCTION OF 4 NO. 5
BEDROOM DWELLINGS.
HASTOE HILL RIDING STABLES, HASTOE HILL, HASTOE, TRING, HP23 6LP.
APPLICANT: Mr R Jarman.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

Site Description

The site is currently occupied by an established riding school and farmhouse located on the eastern side of Hastoe Hill. The riding school comprises a group of buildings arranged behind a tight build line and set back from the line behind a manege. The riding school is also supported by a field to the rear (north-east) and another to the south. The whole site is well-screened from Hastoe Lane, however the site opens beyond the cluster of buildings providing extensive and grand views to the north-east towards Ivinghoe Beacon, with Tring Park to the east beyond Marlin Hill. Levels in the surrounding area are undulating, from the stable group levels fall gently to the north-west and south.

The site lies within the Green Belt and the Chilterns Area of Outstanding Natural Beauty. The stable group is bordered by hedges on most sides, including to Hastoe Lane. The site benefits from a main access into an informal courtyard parking area which also serves as the principal (shared) access to the dwelling. The riding school is served by a secondary access immediately south of the manege.

North of the site is a manege and associated equestrian buildings linked with a separate residential property further north. East of the site are agricultural fields beyond which lies the grounds of Tring Park. To the south is Church Lane and the low density, low rise small village of Hastoe. Opposite Hastoe Lane to the west are agricultural fields.

Proposal

Planning Permission is sought for the demolition of the existing buildings and the construction of four two storey detached dwellings.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council.

Planning History

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites

CS3 - Managing Selected Development Sites
CS5 - The Green Belt
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS19 - Affordable Housing
CS24 - Chilterns Area of Outstanding Natural Beauty
CS29 - Sustainable Design and Construction
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21, 22, 23
Appendices 1, 2, 3, 4, 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)

Summary of Representations

Tring Town Council

The Council recommended refusal of this application on the grounds that the proposed development was construction of new buildings inappropriate within the Green Belt. The development did not satisfy the exceptions in National Planning Policy Framework paragraph 89. The proposed development involved a change of use from the existing purpose. Whilst there was a reduction in floorspace the height and scale of the buildings - 5 bedroom detached dwellings - is much more imposing on the landscape than the existing (predominately) single storey riding stables.

Chiltern Society

The new plan will look much better than the existing buildings, and the site will be more open and green.

However I only support it because it is in effect a brownfield site, and will replace existing buildings.

I certainly would not support an application for any development on green fields.

Scientific Officer

I recommend that the contamination conditions (CONT1 and CONT2) be applied to this development should permission be granted

Hertfordshire Highways

Do not wish to restrict the grant of planning permission. Recommend conditional approval.

Herts and Middlesex Wildlife Trust

In accordance with NPPF para 118, it is appropriate to integrate bat and bird roosting and nesting boxes within the brickwork of the development. It is advised that 1 integrated bat box (e.g. Habitat) should be integrated into the brickwork of each house on a southern facing

aspect, as close to the apex as possible. These boxes should not be affected by artificial light.

1 integrated Swift box in each building will be required at the gable apex of a north facing aspect of the building (e.g. Ecosurv Swift box) or under the roofline. Integrated bat and bird boxes are preferable to free standing boxes because they are more effective for the target species, more permanent and less prone to vandalism or disturbance.

Condition: Development shall not proceed until a plan for integrating bat and bird boxes has been approved by the LPA. The devices shall be installed prior to the first occupation and retained thereafter.

Reason: To conserve and enhance biodiversity in accordance with NPPF

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

3 representations received; one in support, one in objection and one making comments

OBJECT

- the proposal is inappropriate development in what is an area of outstanding natural beauty, and an agricultural zoned plot in the Green belt
- the development would be an environmental disaster
- the development would be totally out of keeping.

SUPPORT

- provided adequate off-street parking is supplied and the houses are limited to two storeys in height we support the proposal
- there is currently a continuous parking problem on the road outside the riding school, posts on the verge are being damaged, and the additional traffic causes pot holes.
- replacing the riding school and stables would be a substantial improvement in visual and population terms.

NEUTRAL

- development should be in keeping with the village
- what is built should be as authorised
- contractors should be made to give consideration to residents during the construction

Considerations

Policy and Principle

Loss of riding school

The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas. Policy CS15 of the Core Strategy and saved Policy 32 of the Local Plan encourage the retention of employment areas in the Green Belt. However, the site is not designated as an employment area and is not protected under this policy and therefore the loss of the riding school would not raise any objection in policy terms. Moreover the applicant has submitted evidence that the riding school is no longer viable.

Redevelopment of site

Section 9 of the NPPF covers Green Belt provisions and sets out one of the exceptions to inappropriate development in the Green Belt includes 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 definition of previously developed land is set out at Annex 2 of the NPPF, as follows:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private 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 in the process of time.

It is considered that the site as an established riding school comprises previously developed land. As such, the redevelopment of the site for residential purposes would be acceptable in principle.

Impact on Green Belt

Development would only be permissible (under paragraph 89) if it would not have a greater impact on the openness and the purpose of including land within the Green Belt than the existing development. An assessment must therefore be made comparing the existing development and the proposed development in terms of openness and how it performs against the purposes of the Green Belt. This has been detailed below.

Openness

The following factors contribute to the openness of the site:

- Building footprint - reduction 334m²
- Floor space - reduction 676m²
- Volume - reduction 1392m²
- Height - general increase as proposing two-storey dwellings; in height terms the tallest building on site measures at 7.6m, the proposed dwellings would be in the order of 9.2m high with attached garages at 6m.
- Bulk - due to the decrease in volume but increase in height, and L-shaped arrangements, the proposed dwellings are considered comparable with existing conditions.
- Building sprawl - the dwellings have been clustered together in an 'L' shaped form to limit their overall sprawl. Two dwellings have been omitted since pre-application stage and Plot 4 has been relocated further to the west than the existing buildings. There is thus less sprawl to the east of the site but plot 1, extends further to the west, than the existing buildings. On balance, the overall sprawl and relocation of the built form further to the west is considered comparable. It may even represent an improvement as the built form is shifted to the west, along the lane, rather than into the open land to the east.
- Prominence - buildings would be pulled further away from fields to the rear (east), however building would expand into open paddock immediately east of the existing dwelling. There would be an increase in their prominence but this would be softened by the mature landscaping along the lane. In addition this is a common feature along the land and development follows a 'ribbon'.

In the context of the site, the open character and the topography of the surrounding area, the above factors result in a slight decrease in volume, bulk, and sprawl but an increase in height and prominence. Overall it is concluded that the proposed residential dwellings would not have

a greater impact on the openness of the Green Belt when compared with the existing development.

Purposes

Consideration must be given to the purposes of the Green Belt and how the proposal performs in relation to these, compared with existing conditions. The five purposes of the Green Belt are set out at paragraph 80 of the NPPF. Of most relevance to the site is to assist in safeguarding the countryside from encroachment. As detailed above, whilst reducing sprawl to the east, there would be an increase in sprawl and prominence to the west. However this would align with the existing pattern of development in the wider area, which sees a ribbon of development aligning the lane.

The proposed development would not conflict with the purposes of the Green Belt.

Layout and density

Aside from Green Belt considerations it is essential that the proposed residential development achieves a comfortable degree of compatibility with its surrounds and maintains adequate space standards to ensure satisfactory living conditions for future occupiers of the site.

The proposal would create a low density development considered suitable for the rural setting of the site and surrounding area. Plot sizes would appear commensurate with that of the existing dwelling on the site and those of adjacent sites. Rear gardens would comply with minimum average garden lengths and appear functional in terms of site constraints (levels, trees) and the size of the dwellings.

The courtyard layout is considered acceptable based on the existing layout and orientation of the dwelling and the informal pattern of development in the immediately surrounding area (largely comprising agricultural fields and buildings which do not directly front the road). The courtyard arrangement also allows for a significant amount of boundary vegetation to be retained to the road frontage which is welcomed.

Impact on appearance of street scene, surrounding area and Chilterns Area of Outstanding Natural Beauty

The development would not have a significant adverse impact on the area. It is proposed to retain the existing access and boundary vegetation to the site's Hastoe Lane frontage. This would soften the impact of the development and ensure it sensitively assimilates into the countryside setting.

In line with saved Policy 111 of the Local Plan which states the development of buildings over two storeys in height will not be permitted in the countryside or in small villages unless there are exceptional reasons related to the particular use of the site and the visual impact is limited, the proposed houses have been reduced in height since pre-application stage with the removal of the roof accommodation. The two storey dwelling proposed are acceptable, relate to existing dwellings of a similar height in the area and thus would not cause visual harm.

The site is located within the AONB. The existing buildings are somewhat unsightly in their form and state of repair and do harm the visual amenities if this sensitive area, especially when viewed from long distance views to the east. The Chiltern Society have been consulted and support the application. They consider the plans will represent an improvement on the existing buildings / site.

The provisions of Policies CS11, CS12 and CS24 of the Core Strategy and saved Policies 97 and 111 of the Local Plan have been met.

Impact on neighbouring properties

Given their layout and position, the proposed dwellings would not have an adverse impact on the residential amenities of existing adjacent properties. In terms of overlooking and privacy, a sufficient distance would be achieved between the front wall of the existing dwelling and the new properties

The neighbour further north is separated from the site by their own manege and equestrian buildings and the proposal would not appear to adversely affect the residential amenity of this neighbouring property.

Similarly, the development would be sited some distance, albeit on higher ground, relative to dwellings on Church Lane in Hastoe and it is not considered these dwellings would suffer unreasonable visual intrusion, overlooking or loss of light from the proposed development.

The provisions of Policy CS12 of the Core Strategy apply.

Impact on car parking

The maximum car parking requirement on the site would be three spaces per dwelling (including the existing farmhouse). This has been achieved. Given the rural location of the site it would be expected that the development would meet the maximum parking standard on site.

The existing access would be retained and Herts County Council Highways do not object.

The proposal represents an improvement in parking and traffic terms to the existing situation. During its opening hours the riding school currently generates a high level of traffic movements and vehicles are frequently dispersed out of the site and onto this rural lane. This causes the lane to be restricted to a single carriageway and damage to the highway verges has been reported. The proposed dwellings would represent a less intense land use with regard to traffic generation and would be an improvement in highway safety terms.

The provision of Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan apply.

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. An application for the proposed development would be CIL liable.

The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

Ecology

The views of the County Ecologist (Hertfordshire Environmental Records Centre) have been sought. The nature of the existing structures across the site are such that it is unlikely they present a likelihood of bat presence. On this basis a bat assessment is unlikely to be justified. However, photographs of the internal and external nature of the range of larger and smaller

buildings were required so that this could be confirmed. Photographs have been supplied and the county ecologist has requested the imposition of conditions and an informative. These have been imposed and require the demolition of the buildings be undertaken outside of the bat active period and that a watching brief is provided for those parts of the building where corrugated sheeting overlies walls.

In addition to the consideration of bats the ecologist states that the proposals provide a small increase in greenspace, however management of these cannot be controlled so any ecological benefits are limited. No landscaping has been proposed and a suitable landscaping scheme should be submitted as a Condition of approval in any event to restore some of the more rural character of the immediate area. Local native species currently found in hedgerows should be used. A landscaping condition would be imposed.

The county ecologist is also concerned that; the proposals provide no significant ecological enhancements as sought by NPPF. Some features such as a provision of bird and bat boxes within the site or incorporated into the buildings would be supported, but land within the applicant's ownership could also be restored to wildflower grassland as some planning gain. This would need to be subject of a S106 to ensure it would be secured although any long term benefit would be dependent upon appropriate long term management. This would ideally be extensive sheep grazing. If this was heavy grazing with horses – or even other livestock - the ecological benefits would be lost. However this approach may be a consideration if the LPA are otherwise minded to approve the proposals.

The applicants have agreed to provide bat boxes and this would be conditioned. With regard to the provision of wildflower grassland and a section 106 agreement, this is not considered necessary or reasonable as part of the current proposal. The development does represent a benefit in terms of the substantial decrease in hard surfacing and the increase in garden / open land.

Other Considerations

Given the sensitive nature of the site and the fact that the quantum of development being proposed has been carefully balanced against the mass and bulk of the existing buildings and the conclusions that on balance the four detached dwellings proposed would have no greater impact on the character and appearance of the countryside and Green belt than the buildings they are replacing it is considered necessary and reasonable to remove all PD rights with regard to extensions, roof alterations porches, and outbuildings.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

0163 - 002 Rev A05 - Existing Site Plan

0163 - 005 Rev A03 - Existing Elevations

0163 - 006 Rev A03 - Existing House Elevations

0163 - 012 Rev A09 - Proposed Site and Ground Floor Plan
0163 - 013 Rev A07 - Proposed First Floor Plan
0163 - 014 Rev A04 - Proposed Elevation A and B
0163 - 015 Rev A04 - Proposed Elevation C and D
0163 - 016 Rev A04 - Proposed Long Elevations
0163 - 102 Rev A01 - Existing Site Plan surface treatmentd
0163 - 112 Rev A04 - Proposed Ground Floor Plan
Planning, Design and Access Statement
Area Schedule - Rev F

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

- 3 **No development shall take place until samples of the materials proposed to be used on the external walls/roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy Cs12 of the Core Strategy.

Reason: To safeguard the character and appearance of this part of the Chilterns Area of Outstanding Natural Beauty in accordance with Policy CS24 of the Core Strategy.

- 4 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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, C, D, E, F, G and H
Part 2 Classes [A, B and C].**

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.

- 5 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings hereby approved and they shall not be converted or adapted.**

Reason: In the interests of highway safety.

- 6 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, and circulation, shown on Drawing No. 0163-112 Rev A04 shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 7 **No development shall commence on the building (above ground works) of the dwellings hereby approved until a plan for integrating bat and bird boxes into the dwellings has been submitted to and approved in writing by the LPA. The devices shall be installed prior to the first occupation and retained thereafter.**

Reason: To conserve and enhance biodiversity in accordance with NPPF.

- 8 **The demolition of the existing buildings should be undertaken outside of the bat active period March – October and a Watching Brief by a bat ecologist must be provided for those parts of the buildings where corrugated sheeting overlies walls, to ensure that any bat evidence can be assessed and advice provided accordingly on-site if necessary.**

Reason:

INFORMATIVE: • *If bats, or evidence for them, are discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900*

- 9 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition:**

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 10 **All remediation or protection measures identified in the Remediation Statement referred to in Condition (XXX) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site**

Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

11 No development shall commence on the building (above ground works) of the dwellings hereby approved 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;**
- **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;**
- **trees to be retained and measures for their protection during construction works;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

Article 35:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led 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 2015.

HIGHWAY INFORMATIVES;

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

INFORMATIVES;

- The applicant is reminded that;

“Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works (particularly in the areas highlighted by Herts Ecology), work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”