

ITEM NUMBER: 5c

19/02712/FUL	Six 3-bedroom terraced dwellings with associated car parking provision of 15 spaces and landscaping. Separate parking provision of 9 spaces for restaurant and general public use.	
Site Address:	The Spice Village The Street Chipperfield Kings Langley Hertfordshire WD4 9BH	
Applicant/Agent:	Mr John McGowan/ Mr Gregory Basmadjian	
Case Officer:	Robert Freeman	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Called in by Councillor Riddick. Cllr Riddick is concerned that the proposals may constitute the over development of the site.	

1. RECOMMENDATION – That planning permission be GRANTED.

2. SUMMARY

2.1 The proposed development would constitute limited infilling within the village of Chipperfield and would be acceptable in accordance with Policies NP1, CS1 and CS6 of the Core Strategy.

2.2 The proposed scheme is considered appropriate in terms of its scale and design both in the context of the site and its surroundings. It would not result in significant harm to the character and appearance of the village or the wider Chipperfield Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Core Strategy

2.3 The proposed access and parking arrangements for the site are sufficient. They will not result in any significant adverse harm to highways safety. As such, the proposals are considered to be in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51, 54, 58 and Saved Appendix 5 of the Local Plan 1991-2011.

3. SITE DESCRIPTION

3.1 The site comprises an irregular plot of land located to the rear of the former Royal Oak public house and comprising its car park and an amenity area. The Royal Oak fronts 'The Street' although a large rear wing to the property extends to form a boundary to Chapel Croft.

3.2 The site extends to the rear of Chipperfield Baptist Chapel and The Manse and backs onto the garden of the listed White Cottage, The Street, Chipperfield. The Royal Oak itself is locally listed with several references to its importance, and that of The Street, within the Chipperfield Village Design Statement.

3.3 Chantry View, a new development of four terraced units, is located to the west of the site.

4. PROPOSAL

4.1 The proposals involves the construction of a staggered terrace of six x three bedroom dwellings together with an associated parking area and the formalisation of the car park for Spice Village restaurant.

5. PLANNING HISTORY

5.1 The application site has been subject to numerous planning applications including most recently those planning applications for four x three bedroom properties (4/01520/18/FUL) and five x three bedroom units (4/02423/18/FUL)

5.2 Planning permission was granted on the 4th September 2018 for application 4/01520/18/FUL.

5.3 Planning permission was refused on the 20th December 2018 for application 4/02423/18/FUL. This application was subsequently granted on appeal on the 7th October 2019.

5.4 In refusing planning application 4/02423/18/FUL, officers expressed concern that an argument for very special circumstances; namely that the proposals would provide more affordable three bed homes and addressed an identified housing need had been repeated several times for schemes within the village and that there was no recent evidence of housing needs for Chipperfield. This could not, in your officers' opinion, be repeated ad-in-finitum.

5.5 The Inspectorate allowed the planning appeal for five units arguing that despite a conflict with Policy CS6 of the Core Strategy that there was no limit on infilling prescribed in national planning policy nor any need for the units to be affordable. The Inspector also concluded that the changes to the layout and design of the scheme were not so significant as to lead to a poor quality scheme contrary to Policies CS8, CS12 and CS13 of the Core Strategy.

5.6 A concurrent application for 7 residential units is also under consideration (19/03270/FUL)

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

Special Control for Advertisements: Advert Spec Contr

CIL Zone: CIL2

Conservation Area: CHIPPERFIELD

Former Land Use (Risk Zone): Infilled Pond, The Common, Chipperfield

Former Land Use (Risk Zone): Former Garage, The Common, Chipperfield

Former Land Use (Risk Zone): Former Smithy, The Street, Chipperfield

Former Land Use (Risk Zone): Ponds, The Street, Chipperfield

Former Land Use (Risk Zone): Graveyard, The Common, Chipperfield

Green Belt: Policy: CS5

LHR Wind Turbine

Grade: Local,

Grade: Local,

Parish: Chipperfield CP

RAF Halton and Chenies Zone: Green (15.2m)

Small Village: 3

EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS6 – Small Village in the Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS17 – New Housing
CS18 – Mix of Housing
CS19 – Affordable Housing
CS26 – Green Infrastructure
CS27 – Quality of Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 13 – Planning Conditions and Planning Obligations
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 119 – Development affecting Listed Buildings
Policy 120 – Development in Conservation Areas

Appendix 3 – Layout of Residential Development
Appendix 5 – Car Parking Standards

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards
Chipperfield Village Design Statement
Energy Efficiency and Conservation
Planning Obligations
Water Conservation

9. CONSIDERATIONS

Policy and Principle

9.1 The site is located within a small village of Chipperfield and within the Green Belt. Within the village, a limited level of development will be permitted to support the existing role of the village within the wider settlement hierarchy in accordance with Policies NP1 and CS1 of the Core Strategy.

9.2 Policy CS6 criterion (b), permits limited infilling with affordable housing for local people providing each development is sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact.

9.3 The National Planning Policy Framework (NPPF) is less restrictive indicating that limited infill development within villages in the Green Belt is appropriate development.

9.4 The Planning Inspectorate have also indicated through their decision on application 4/02423/18/FUL (APP/A1910/W/19/3231097) that there is no need to limit the number of dwellings which may constitute infilling nor require these to be affordable housing units to be in accordance with the NPPF. It is clear from the decision that a consideration of 'limited infilling' would not be a purely quantitative assessment requiring a consideration of other factors such as site coverage, development typology and context.

9.5 The site is located in the geographical heart of the village of Chipperfield between a series of terrace properties to the Street, the former public house (now Spice Village) and the new residential development of Chantry View and detached properties to Chapel Croft. Residential development and local facilities extend onto three boundaries of the application site, with a large commercial garage located opposite the site. The development would constitute infilling providing new residential development within an otherwise built up frontage.

9.6 The road frontage of the application site is in approximately 60m. The terraced block would extend to some 32.3m in length and provide a number of smaller residential units within the village. The residential proposals and built form of the development cover a relatively modest proportion of the overall site. The development of the site is not considered to constitute over development of the site and performs well when judged against the amenity space and parking standards within Saved Appendices 3 and 5 in the Local Plan 1991-2011. For these reasons, the proposals are considered to constitute limited infilling within the village.

Layout, Scale and Design

9.7 High quality design is required in the context of the site and neighbouring properties and in accordance with Policies CS11, CS12 and CS13 of the Core Strategy and Saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011. The previous planning approvals and appeal decision are a material planning consideration.

9.8 The proposed development involves the construction of a terrace block of six x 3 bedroom units central to the application site and fronting Chapel Croft. A car parking area is located to the rear of the site and to the south east of the new properties. A car parking area is retained to the west of the properties and to the rear of the Spice Village restaurant for its use together with a new access off Chapel Croft. The layout utilises existing and historic access points onto Chapel Croft to provide safe access to the site.

9.9 The proposed dwellings would be constructed from a similar palette of materials to Chantry View and extant residential schemes with a knapped flint finish to the front and flank elevations and slate roof. They would be two storeys with the third bedroom being provided within the roof structure. Conservation roof lights would be provided in the rear elevation to provide natural light and ventilation to the third bedroom. The proposed dwellings are considered to be appropriate in terms

of their design, bulk, scale, height and use of materials and would be a positive addition to the Conservation Area in accordance with Policy CS12 and CS27 of the Core Strategy.

9.10 The proposed dwellings would be provided with rear gardens which would exceed the minimum garden depths in Saved Appendix 3 of the Local Plan 1991-2011. These gardens can be accessed from a path at the rear of the units. Separate bin and cycle stores are also provided. A good level of usable private outside amenity space would be provided for future occupants in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

Effect on the Street Scene and the Chipperfield Conservation Area

9.11 The site is located in the middle of the Chipperfield Conservation Area and thus is a sensitive location in which to provide new residential development. In addition to those policies mentioned above the proposals will need to be considered in relation to Policy CS27 of the Core Strategy and against saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

9.12 The Chipperfield Conservation Area Appraisal and Chipperfield Village Design Statement (VDS) are important material planning considerations and provide advice on an appropriate design approach.

9.13 The site is considered to have a negative impact upon the character and appearance of the Conservation Area comprising a car park and overgrown grassland area. The proposed dwellings would sit comfortably in the street scene and would enhance the wider character and appearance of the Conservation Area in accordance with Policy CS13 and CS27 of the Core Strategy and Saved Policy 120 of the Local Plan 1991-2011.

Effects on listed building

9.14 The site lies adjacent to the curtilage of the listed property, The White Cottage. Policy CS27 of the Core Strategy states that "the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced" The proposed works would not have any adverse impact upon the listed building or its setting in accordance with Policy CS27 of the Core Strategy and Saved Policy 119 of the Local Plan 1991-2011.

Impact on trees and landscaping

9.15 There is an Oak tree on the boundary of the site and adjacent to the existing access point to the car parking area. This Oak tree makes a positive contribution to the appearance of the Conservation Area, particularly when approaching the village from Tower Hill. Protecting the tree for the duration of the development is expected in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan.

9.16 As per previous decisions on this site, it will be important to establish the position of services and site levels in order to ensure that there is no damage to the health and amenity value of the tree. A protective fence should be erected to ensure that its root protection area is protected for the duration of construction activities. These details and landscaping measures will be secured by a planning condition.

9.17 The site is considered to have a low ecological value as set out within the accompanying ecology report. Survey works have identified no protected species utilising the site and its immediate environs and as such no further ecological works are recommended.

Access, Parking and Highway Safety

9.18 The proposals involve the reinstatement of a historical access point to the rear of Spice Village and the use of the existing access onto Chapel Croft. The principle of using these access points for the site has been accepted through the previous grant of planning permissions.

9.19 Although circulation space for vehicles has been reduced to accommodate an extra residential unit to the extant planning permission (4/02342/18/FUL) this is not in itself sufficiently harmful to matters of highways in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51, 54 and 58 and Appendix 5 of the Local Plan 1991-2011. There is still adequate space within the parking areas in which to manoeuvre vehicles, enter and exit the site within a forward gear.

9.20 A total of 15 parking spaces will be provided for the 6 x 3 bedroom homes within a parking courtyard towards the rear of the site. This would equate to the provision of 2.5 spaces per dwelling and a small over provision of one parking space in total against the adopted parking standards as set out in Saved Appendix 5 of the Local Plan.

9.21 A total of 9 spaces would be provided to the rear of the adjacent restaurant and shops and served by a new/reinstated access off Chapel Croft. This would result in a net loss of three parking spaces against the extant planning permission. These parking arrangements are considered to be sufficient to meet the operational needs of the restaurant premises given the limited size of the dining area and having regard to Saved Appendix 5 of the Local Plan 1991-2011.

9.22 It is noted that it is possible to park either on street or within the church car park and within a reasonable walk of the site should the need arise and without prejudice to highways safety.

Impact upon Residential Amenity

9.23 The proposed development will not result in any significant harm to the residential amenities of any of the neighbouring properties. There would be no loss in either daylight or sunlight to these properties, nor would the proposals overlook neighbouring dwellings. The proposals are therefore considered to be satisfactory in accordance with Policy CS12 from the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

Affordable Housing

9.24 It is not appropriate to request the provision of or a contribution towards affordable housing given the decision of the Planning Inspectorate and the prevailing policy context notwithstanding the requirements in Policies CS6 and CS19 of the Core Strategy. The government has made it clear that smaller residential schemes should not contribute towards affordable housing needs in the interests of housing delivery.

Infrastructure & Developer Contributions

9.25 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards on-site, local and strategic infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable.

9.26 The Council adopted its Community Infrastructure Levy (CIL) in February 2015. This application is CIL Liable.

9.27 The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre (as increased by indexation) is applicable to this development.

10 CONCLUSION

10.1 The proposals provide an efficient use of this land within the village for residential purposes. The provision of residential development on the site is supported under the NPPF and Policies NP1, CS1 and CS6 of the Core Strategy and through the grant of multiple extant planning permissions for residential development.

10.2 The development would not have a detrimental impact upon the appearance of the Conservation Area, amenity of neighbouring properties and matters of highways safety in accordance with Policies CS8, CS11, CS12 and CS27 of the Core Strategy and Saved Policies 10, 51, 58, 119 and 120 and Appendices 3 and 5 of the Local Plan 1991-2011

11. RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall begin 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:

Drawing Nos 201-211

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

3. No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. 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 satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. All new external rainwater and soil pipes shall be formed in metal and painted black.

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2019).

5. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- all external hard surfaces within the site;

- other surfacing materials;
- means of enclosure;
- elevational and sectional details of any retaining structures;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- trees to be retained and measures for their protection;
- full elevations for bin storage areas, bicycle stores and any other minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.);
- existing and proposed levels and contours and
- existing and proposed over ground and under ground services

In the case of tree protection measures these should be erected prior to the commencement of works and thereafter retained for the duration of construction activities.

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by Policies CS11, CS12 and CS27 of the Core Strategy and Saved Policy 99 of the Dacorum Borough Local Plan (2004)

6. The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on Drawing No.201 shall have been provided and shall not be used thereafter otherwise than for the purposes approved.

Reason: In the interests of highways safety and in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51 and 58 and Appendix 5 of the Local Plan.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
14	1	0	1	0

Neighbour Responses

Address	Comments
1.	Our objections to the proposed development are as follows:

1. The access to the site is extremely close to a traffic black spot at the crossroads of The Street and Chapel Croft. There are multiple accidents here every year, and the development will increase pressure on this dangerous junction.

2. The development is a further example of speculative build. According to the Village Design Statement, Chipperfield needs more low-cost housing: "Chipperfield has a real need for further affordable housing." It states further: "it is extremely difficult for first-time buyers to acquire property in the village, thus increasing the trend toward an ageing population. It will also render it more difficult for the children of families with long-established roots in the village to stay here, thus depriving the village of some of its traditional knowledge and connections."

3. The Design Statement is in favour of a "mix of building sizes" and not the proposed suburban-looking uniformity. Moreover six identikit houses looks like a real squeeze on a tiny plot.

4. Whilst the Ecology Report is welcome, the definition of Local Wildlife Site does not extend to private gardens - here at The Old Forge, only a few metres from the site, we have reinstated a wildflower meadow, scrub, mixed native hedging and tree planting which has led to a spectacular boom in species diversity. Not only that but our traditional hazel coppicing regime provides the conditions necessary for the endangered hazel dormice. All the species which now make their home here will be threatened by the new development.

5. We would argue that the proposed site is far from no-value 'wasteland'. Research has shown that these overlooked, overgrown corners on the margins are "bastions for species on the verge of extinction ... 15 per cent of all national scarce insects are recorded from brownfield sites ... Brown is the new green." (Isabella Tree: Wilding).

6. There is far too much fenestration to the rear of the development, which will overlook neighbouring properties. Furthermore, on the previous development "Chantry View", 'photovoltaic roof panels' proved to be code for 'more windows'.

I hope that the planners will scrutinise these plans very carefully. Once these breathing spaces in this ancient village are filled in, both its character and the natural diversity it supports are gone for good.