

ITEM NUMBER: 5d

21/03912/ROC	Variation of Condition 4 (Vehicle Parking) and Condition 8 (Approved Plans) Attached to Planning Permission 19/03033/FUL (Partial Demolition of a semi-detached cottage, garages and outbuildings and construction of 3 detached dwellings)	
Site Address:	The Orchard, Alexandra Road, Chipperfield	
Applicant/Agent:	Mr O'Farrell/Barker Parry Town Planning Ltd	
Case Officer:	Robert Freeman	
Parish/Ward:	Chipperfield	Bovingdon/Flaunden/Chipperfield
Referral to Committee:	The application is referred to committee given the objections of Chipperfield Parish Council. The approved scheme was granted following extensive representations and discussions between CPC, nearby residents, borough councillors, case officer(s) and the applicant and the Parish are concerned that the proposals will erode the overall quality of the scheme.	

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The proposals are considered to result in a high quality residential scheme which would contribute to the housing needs and sustainable growth of the small village of Chipperfield. The proposals would make better use of land within the village without causing significant harm to the residential amenities of neighbouring properties or the overall character and appearance of the village. The modest intensification in the use of the site and access to it would also not prejudice matters of highways safety. Accordingly the proposals would be considered to meet the overall aims and objectives of planning policy as expressed in Policies CS6, CS8, CS1, CS12 and CS27 of the Core Strategy and Saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011.

3. SITE DESCRIPTION

4. PROPOSAL

- 4.1 The proposals seek a Minor Material Amendment to planning permission 19/03033/FUL.
- 4.2 The main amendment comprises the addition of a small side extension to Plot 3 and the subsequent rearrangement of the parking layout for this plot. This side extension will allow for the creation of a home office to Plot 3 and is reflective of the needs of individual households as a result of the COVID-19 pandemic.
- 4.3 The internal layouts of all three properties have been reconfigured and rendered sections have been more widely introduced at first floor levels for all properties. This has resulted in a loss of brick quoit details within the scheme.
- 4.4 The amendments to Plot 1 have resulted in the following additional changes to the external appearance of the property:

- A reduction in the overall extent of glazing in the eastern (rear) elevation and loss of canopy detail,
- The removal of the arched brick header to the gable end window in the western (front) elevation,
- The inclusion of a split level window within the northern (flank) elevation to serve a stairwell
- A wider window at first floor level to serve a family bathroom,
- The provision of new windows at ground level to serve a boot room, a wider study room window and a new shower room window in the northern (flank) elevation and
- Two new obscure glazed windows to en-suite bathrooms at first floor and a side door to the ground floor in the southern (flank) elevation.

4.5 The amendments to plot 2 and 3 have resulted in the following additional changes to the external appearance of the properties:

- Alterations to the position of windows in the western (front) elevation.
- The addition of a glazed door at ground floor level in the eastern (rear) elevation.
- The replacement of two windows at first floor level in the eastern (rear) elevation with a wider single opening.
- The inclusion of two obscure glazed first floor windows in the northern (flank) elevation
- The inclusion of a single obscure glazed window at first floor level in the southern (flank) elevation.

4.6 The applicants claim that the majority of these changes would normally fall under Permitted Development, however in granting planning permission 19/03033/FUL, the Committee required the provision of an additional condition (hereafter referred to as Condition 9) removing rights under Schedule 2 Part 1 Classes A (Extensions) and B (Additions to the Roof) of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended)

5. BACKGROUND

5.1 On 24 February 2020, full planning permission was granted at the Development Management Committee for the part demolition of a semi-detached cottage, garage and outbuildings and the construction of three new detached dwellings (19/03033/FUL)

5.2 Prior to this application being approved, two previous applications for four dwellings (4/01452/18/FUL) and three dwellings (4/03231/18/FUL) were refused.

5.3 The refused application (4/03231/18/FUL) was refused by the Development Management Committee on the 15th August 2019 contrary to the officer recommendation for the following reason:

“ The proposed development, by reason of the size of residential units, their site coverage, poor layout, the substandard and inadequate parking, access, turning and refuse collection arrangements would be an overdevelopment of the site, harmful to the character and appearance of the village, local highway safety and amenity contrary to Policies CS8, CS11 (a) CS12 (a) (b) (c) (g (i, iii, iv and vi)) of the Core Strategy and Saved Policy 58 and Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011”

5.4 An appeal was lodged in relation to this scheme but was subsequently withdrawn following the grant of 19/03033/FUL. The applicants have commenced works to implement this scheme.

6. REPRESENTATIONS

Consultation Responses

- 6.1 These are reproduced in full at Appendix A

Neighbours Notification/site notice responses

- 6.2 These are reproduced in full at Appendix B.

7. PLANNING POLICIES

7.1 National Policy

National Planning Policy Framework (February 2021) (NPPF)
National Planning Policy Guidance (NPPG)

7.2 Dacorum Borough Core Strategy 2006-2031

NP1- Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS6 - Selected Small Villages in the Green Belt
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

7.3 Saved Policies of the Dacorum Borough Local Plan

Policy 10 - Optimising the Use of Urban Land
Policy 13 - Planning Conditions and Planning Obligations
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Appendix 3 - Layout of Residential Development
Appendix 5 - Parking Standards

7.4 Supplementary Planning Guidance / Documents

Car Parking Standards SPD (November 2020)
Energy Efficiency & Conservation (June 2006)
Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)

8. CONSIDERATIONS

Policy and Principle

- 8.1 The principle of development upon this site has already been agreed under planning permission 19/03033/FUL. In granting permission, the Council accepted that the

redevelopment of the site with three dwellings fell within the definition of limited infilling within the village in accordance with national planning policy for sites within the Green Belt and Policy CS6 of the Core Strategy.

Layout and Design

- 8.2 All developments are expected to be well designed in the context of the site and surrounding land in accordance with Policies CS11, CS12 and CS13. This supports the government's objectives for a high standard of design, delivered at optimum densities and in the right locations.
- 8.3 The general layout of the proposed residential scheme remains unchanged from that granted planning permission under 19/03033/FUL with the exception of plot 3 where a side extension to the property is now proposed. This side extension to the south of the property will result in the need to park vehicles further to the front of the dwelling where they will be more prominent in the street scene. This is not considered to result in any significant harm to the overall character and appearance of the development in accordance with Policies CS11 and CS12 of the Core Strategy.
- 8.4 The scheme is also still considered to be appropriate in terms of its design, bulk, height, scale and use of materials. Amended plans have been received addressing some of the concerns of the Conservation and Design team in relation to the loss of the chimney to plot 1 and the removal of brick string course detail between the ground and first floor detailing and although the loss of detailing to the window surrounds to the principle facades and the quoin details to the corners is disappointing, these alterations to the appearance of the properties is not considered to be harmful.
- 8.5 The extension to plot 3 is considered to be appropriate in terms of its design, bulk, scale, height and use of materials and would not detract from the overall appearance of the development in accordance with Policies CS11 and CS12 of the Core Strategy.

Impact on Conservation Area

- 8.6 The site is located outside of the Chipperfield Conservation Area and whilst Old Orchard, was historically an important visual terminus to Alexandra Road and the wider Conservation Area the importance of this property as a terminus to Alexandra Road has been significantly diminished over time. We have already concluded that the demolition of this building and the construction of three dwellings on this site resulted in negligible harm to the setting of the Conservation Area and there is no reason to conclude otherwise in this case.
- 8.7 The economic and social benefits arising from the construction of new homes and the associated support for local infrastructure is considered to clearly outweigh the limited and minor harm to the character and setting of Chipperfield Conservation Area and as such there would be no grounds for objection under Policy CS27 of the Core Strategy.

Impact upon Neighbouring Properties

- 8.8 The proposed residential units would still be located between 24m and 25m from the rear elevations of the properties at Croft Close; far in excess of the minimum separation distances in Saved Appendix 3 of the Local Plan 1991-2011. As such they are not considered to result in significant harm to the amenities of these properties through overlooking or as a result of the impact on daylight and sunlight to these units. The impact is further mitigated by the large boundary hedge and tree cover along the eastern boundary of the application site.

- 8.9 The impact of Plot 1 on the residential amenities of properties to Croft End Road is also considered to be acceptable. Additional windows are to be provided at first floor level to the side elevation of the property and these will be conditioned to be obscured glazed in the interests of privacy.
- 8.10 Obscure glazed windows have been added to the flank elevations of Plots 2 and 3 and will be conditioned accordingly to ensure that the proposed residential properties are provided with adequate amenity.
- 8.11 The extension to Plot 3 is not considered to be harmful to the amenities of Fircroft in view of its limited scale, height and juxtaposition. This will not result in a loss of daylight, sunlight or privacy to this property in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan.

Impact on Highway Safety

- 8.12 Policy CS8 of the Core Strategy would encourage such developments to make appropriate arrangements to ensure that they are accessible, prioritise the needs of pedestrians and cyclists over the private car and provide safe, sufficient and convenient parking based on car parking standards within the Car Parking Standards SPD (2020).
- 8.13 The proposed development has been considered by the County Council as highway authority. They have some concerns with regards to the adequacy of access for fire vehicles as set out within their formal consultation response. The access arrangements were demonstrated to be appropriate at the determination of application 19/03033/FUL and remain unchanged. The alterations to the parking arrangements to Plot 3 of the scheme do not materially alter the arrangements for access and circulation of larger vehicles within the site. On this basis, it would appear that a refusal of the application on this basis would not be appropriate.
- 8.14 The proposed development will provide between 3 and 4 parking spaces per dwelling and this would be in accordance with the requirements in the Car Parking Standards SPD (2020)
- 8.15 Each property would also be provided with a single EV Charging point in accordance with the Car Parking Standards SPD (2020) and recent announcements by the Government to make such provision mandatory to all new homes.

Other Material Considerations

Impact on Infrastructure

- 8.16 All new developments are expected to make a contribution towards on site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council has an adopted Community Infrastructure Levy (CIL) that supports the delivery of new infrastructure. The scheme would be liable for CIL and as such a charge would be levied in accordance with the adopted Charging Schedule. A charge of £150 per square metre of net residential floorspace would be levied against this scheme. This will be indexed linked from the date of the Charging Schedule and calculated in accordance with Regulation 40 of the CIL Regulations 2010 (As amended) It is understood that the applicants intend to occupy plot 1 of the development and as such it may be possible to reduce the extent of the levy applicable through the submission of a claim for self-build relief.

Contamination

- 8.17 The Environmental Health team have indicated that there is a possibility that the site may be subject to ground contamination and as such they have requested the inclusion of planning conditions.

Fire Safety

- 8.18 The application has been considered by the Fire and Rescue Service and has been subject to a site inspection by the Fire Safety officer. The Fire Safety officer considers the site could be accessed by fire tenders, but they are unlikely to have sufficient space upon the site in which to manoeuvre. In the circumstances, the properties would need to be accessed from Croft Road and fitted with sprinklers to provide sufficient time for access. It is recommended that the installation of sprinklers for the fighting of fires be conditioned and that these are provided prior to the occupation of the development.

Sustainable Construction

- 8.19 Sustainable design and construction is an essential part of the Council's response to challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. Accordingly the proposed dwelling has been assessed against the requirements of Policies CS29, CS31 and CS32 of the Core Strategy
- 8.20 No details have been provided in relation to the sustainability credentials of the development and accordingly these should be provided via a planning condition.

Conditions

- 8.21 Two planning conditions associated with 19/03033/FUL have been complied with namely, the submission of materials and the details of landscaping to the site (see 20/01871/DRC)
- 8.22 The details submitted in relation to these conditions remain appropriate and as such the planning conditions have been amended accordingly. New conditions are required to pick up the omission of details regarding sustainable construction and to address the concerns of the Fire and Rescue Service.

9. CONCLUSIONS

- 9.1 The proposed amendments to the scheme and addition of a new side extension to Plot 3 do not result in any substantial harm to the character and appearance of the development nor its impact on neighbouring properties in accordance with Policies CS11 and CS12 of the Core Strategy.
- 9.2 The development is not demonstrably harmful to the setting of the Chipperfield Conservation Area and in accordance with the NPPF and Policy CS27 any harm is clearly out-weighed by the provision and benefits of new housing in this case.
- 9.3 The access arrangements to the site remain consistent with the approved plans for the site and as such are considered to meet with the requirements of Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

10. RECOMMENDATION

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

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 approved shall be constructed in accordance with the material schedule submitted and approved under planning reference 20/01871/DRC**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Core Strategy.

- 3 The landscaping of the site shall be carried out in accordance with the details approved under 20/01871/DRC prior to the first occupation of the development hereby permitted.**

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

- 4 The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on drawing No. 11167-902 (Site Plan) 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 in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

- 5 Prior to the commencement of the development hereby permitted:**

a) 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 and

b) 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 in accordance with Policy CS32 of the Core Strategy.

- 6 All remediation or protection measures identified in the Remediation Statement referred to in Condition 5 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

- 7 Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway or foul water system.**

The development shall be carried out and thereafter retained fully in accordance with the approved details.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with Policies CS31 and CS32 of the Core Strategy.

- 8 No development of the superstructure of the buildings hereby approved shall commence until full details of the measures for sustainable construction and use of renewable energy have been submitted to and approved in writing by the Local Planning Authority. The details provided should address the requirements of Policy CS29 of the Core Strategy. The proposed development shall be carried out fully in accordance with the approved details.**

Reason: In order to comply with the requirements of Policies CS29 and CS31 of the Core Strategy.

9. **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 and B

Reason: The Council is concerned that large extensions to the properties could result in harm to the amenities of neighbouring properties and lead to conditions prejudicial to matters of highways safety. As such the Council wishes to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and in the interests of highways safety in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013).

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

- 11167 / 900 – Location Plan**
- 11167 / 901 – Site Layout Plan**
- 11167 / 902 – Access and Parking Plan**
- 11167 / 910 A – Floor Plans to Plot 1**
- 11167 / 911 A – Elevations to Plot 1**
- 11167 / 920 A – Floor Plans to Plot 2**
- 11167 / 921 A – Elevations to Plot 2**
- 11167 / 930 B – Floor Plans to Plot 3**
- 11167 / 931 B – Elevations to Plot 3**

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

- 11 **The dwellings, hereby approved, shall not be occupied until sprinklers, have been provided in each residential unit in accordance with BS 9251:2014 or BS EN 12845. The sprinkler system shall thereafter be permanently maintained”**

Reason: To ensure adequate access and provision for the fighting of fires in accordance with Policy CS8 of the Core Strategy

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Chipperfield Parish Council	<p>We object in the strongest terms to the proposed amendments to the approved scheme. The approved scheme was granted following extensive representations and discussions between CPC, nearby residents, borough councillors, case officer(s) and the applicant. The approved scheme whilst not satisfying all issues raised by these representations was accepted as a compromise. The proposed revisions unpick hard fought matters agreed during the application process and unacceptably diminish:</p> <ul style="list-style-type: none"> - Visual appearance (degraded design and materials, ‘cottage’ appearance has been lost) - Vehicle turning provision has been lost to front of plot 3

	<p>- Access to rear garden plot 3 and diminished amenity space</p> <p>We urge DBC to refuse these proposals and, furthermore, to stand firm against this growing trend of applicants making significant amendments to approved schemes under the cloak of 'variation of conditions'</p>
Hertfordshire Highways	<p>Having looked at the plans again, especially around parking, there is considerable concerns regarding fire appliance access. As the dwelling will be greater than 45 metres to all parts of the building a fire appliance is required to access the site and turn on site. This is not deemed possible by HCC Highways and therefore we have forwarded the drawing to fire and rescue for them to give their final conclusion as it is within their remit to comment and conclude on fire issues we present to them.</p>
Hertfordshire Fire and Rescue Service	<p>With regards to the above application, we conducted a site visit this week (w/c 13th December 2021) to ascertain more information on fire access. We do not appear to have been consulted in the application reference 19/03033/FUL that was granted on 24th February 2020. Had we been we would have stated the guidance as detailed below:</p> <p><u>ACCESS AND FACILITIES</u></p> <p>Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB) Vol 1, section B5, sub-section 13 including Table 13.1.</p> <ol style="list-style-type: none"> 1. Appliance access minimum width of the road between kerbs is to be 3.7m. <p style="padding-left: 40px;">Minimum width of gateways is 3.1 m</p> <ol style="list-style-type: none"> 2. Access measures more that 45m from the furthest point inside the dwelling to the nearest stopping point for a fire appliance. 3. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes. 4. 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 Diagram 13.1 in section B5. <p>Reading the background to this case, Highways and Building Control had proposed that the site be accessed via an alley down the west side of Plot 1, leading to a gateway onto a public footpath. It was suggested the fire appliance would be parked on Croft Lane next to the end of the footpath. If this were to be the case, all 3 of the</p>

	<p>dwelling is outside the 45m from the furthest point inside the dwelling to the nearest stopping point for the fire appliance.</p> <p>Vehicular access can be increased significantly if a sprinkler system is installed and where the arrival time for the fire service is not more than ten minutes.</p> <p>BS 9991 – 2015 Residential Buildings 50.1.2 states:</p> <p>Where sprinklers, in accordance with BS 9251:2014 or BS EN 12845 (see 11.2, Table 2) are fitted throughout a house or block of flats:</p> <ul style="list-style-type: none"> a) the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m; b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level). <p>As a footnote, it is noticed that the access through the alley, down the side of Plot 1 will have a hedge to one side and should be clear enough to allow access for fire crews and hose to be laid. In the event of a fire it would prevent any delays if the directional opening of the gate does not cause an obstruction.</p>
<p>Conservation and Design</p>	<p>The proposal is for amendments to the previously approved scheme. In general we would not object to the extension and additional window openings. However we are concerned about a number of proposed issues.</p> <p>We would object to the removal of the chimney to plot 1. This would reduce the visual quality of the previous proposal which aimed to reflect the character of the adjacent conservation area and ensure that it reflected its context. We would also object to the loss of detailing to the window surrounds to the principle facades, the quoin details to the corners and the brick string course detail between the ground and first floor. This reduces the visual quality of the scheme. We would not object to the change with regards of brick to render option on a large scale over the elevations but the loss of the detailing of features would reduce the visual attractiveness of the scheme. As such it would be harmful to its appearance.</p> <p>We would not object to the majority of the changes but the above issues should be reviewed. This is due to the design quality of the proposal being harmed and reducing the visual appearance of the scheme and therefore be harmful to the setting of the conservation area. These areas of the proposal are therefore contrary to the design section of the framework which states “ Local planning authorities should seek to ensure that the quality of approved development is not</p>

	<p>materially diminished between permission and completion, as a result of changes being made to the permitted scheme”</p> <p>Recommendation The application should be continued and the above points should be addressed. We would therefore object to the current proposals.</p>
Environmental Health	<p>I am able to confirm that there is no objection to the variation of condition 4 (vehicle parking facilities) and condition 8 (approved plans).</p> <p>However, please recognise there are still conditions attached to planning permission 19/03033/FUL relating to contaminated land that are still relevant and are expected to be retained.</p>
Affinity Water	<p>We have reviewed the development and do not have any comments to make.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
57 Croft End Road	<p>This development adjoins at end of my garden and will block out the light as the height of the building will mean the sun will be hidden from the roofs.</p>