

ITEM NUMBER: 5c

23/02183/ROC	Variation of Condition 2 (Approved plans) and 4 (Tree Protection Measures) and Condition 5 (Landscaping) attached to planning application 21/02925/FUL - Change of use from Sui Generis to C3 residential. Construction of two pairs of semi-detached dwellings comprising two four-bedroom properties and two-three bedroom properties.	
Site Address:	Wigginton Garage, Chesham Road, Wigginton, Tring, Hertfordshire, HP23 6EJ	
Applicant/Agent:	c/o Agent	Miss Ellie Fowler
Case Officer:	Heather Edey	
Parish/Ward:	Wigginton Parish Council	Aldbury & Wigginton
Referral to Committee:	Contrary View of Parish Council	

1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to mitigate any adverse effects on the integrity of the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

2.1 Whilst the proposed changes are noted to be material, it is not considered that these changes would significantly alter scheme previously approved under application 21/02925/FUL. As such, significant weight has been given to the assessment made by the previous Case Officer when considering this application.

2.2 The proposed development is acceptable in principle, constituting limited infilling within the Small Village of Wigginton, which is an appropriate form of development within the Green Belt in accordance with Policies CS5 and CS6 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (December 2023) (NPPF). Whilst altering the external appearance of the new residential units, the proposed changes are considered acceptable on design and visual amenity grounds, harmonising with the character and appearance of the streetscene, village and Chilterns Area of Outstanding Natural Beauty (AONB).

2.3 It is not considered that the proposed alterations would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy or that the proposal would generate any highway/pedestrian safety concerns. Sufficient off-street parking and amenity space would be provided for future occupiers of the site.

2.4 Given all of the above, the proposal complies with the NPPF (2023), Policies CS5, CS6, CS8, CS11, CS12, CS24 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Dacorum Borough Local Plan (2004), Saved Policy 97 of the Dacorum Borough Local Plan (2004), the Chilterns Building Design Guide (2010) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

3.1 The application site comprises a large area of vacant land, sited to the rear of development along Chesham Road and Field End Close and adjacent to development along The Bit in the Small Village of Wigginton. The site was formerly used as a coach yard and is noted to comprise outbuildings that

extend from 5 Chesham Road. The site falls within the Metropolitan Green Belt and is within the Chilterns AONB.

3.2 The pattern of development in the immediate area is mixed, consisting of a mix of semi-detached and terraced dwellings of varying architectural styles and designs, typically fronting the road.

4. PROPOSAL

Previous History

4.1 Planning permission was granted under application 21/02925/FUL for the change of use of the site from sui generis to C3 residential use, and for the construction of two pairs of semi-detached dwellings, including two four-bedroom properties and two three-bedroom properties.

Current Proposal

4.2 Permission is sought to vary Condition 2 (Approved Plans), Condition 4 (Tree Protection Measures) and Condition 5 (Landscaping) as attached to planning application 21/02925/FUL.

4.3 It is proposed that Condition 2 (Approved Plans) be amended to enable the following changes to be made to the originally approved scheme:

- Extend all four properties to create new garden rooms, (measuring 4.32m deep x 6.1m wide);
- Amend the internal layout of all four properties with associated fenestration alterations; and
- Alter the design of units 1 and 2, (in particular, amending the rear elevations of these properties to comprise new gable projections to match those of units 3 and 4).

4.4 In order to accommodate the changes set out above, slight alterations have been made to the site layout, with the rear amenity spaces for all units altered. An updated Tree Protection Plan and Arboricultural Method Statement have been submitted to account for the addition of the new garden rooms. Given that Condition 4 (Tree Protection Measures) and Condition 5 (Landscaping) attached to the previous permission references the original Tree Protection Plan and Arboricultural Method Statement, the Applicant seeks to alter Conditions 4 and 5 to account for the amended documents.

5. PLANNING HISTORY

Planning Applications (If Any):

21/02912/FUL - Change of use of the existing property from Sui Generis (garage and coach hire business) to residential. Demolition of large coach repair workshop to the rear and two storey side and rear extension.

Granted - 21st October 2021

21/02925/FUL - Change of use from Sui Generis to C3 residential. Construction of two pairs of semi detached dwellings comprising two four bedroom properties and two three bedroom properties.

Granted - 14th February 2022

23/02290/FUL - Change of use of the existing property from Sui Generis (garage and coach hire business) to residential (Use Class C3). Demolition of all existing buildings and construction of 2 residential units with associated works.

Pending Consideration

4/00034/14/RET - Construction of fencing and gates

Granted - 21st February 2014

6. CONSTRAINTS

Green Belt
Small Village (Wigginton)
Chilterns AONB

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 (December 2023)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Core Strategy (2013)

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS6 - Small Villages within the Green Belt
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS24 - The Chilterns Area of Outstanding Natural Beauty
CS29 - Sustainability Design and Construction
CS32 - Air, Soil and Water Quality
CS35 - Developer Contributions

Local Plan (2004):

Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 54 - Highway Design
Policy 97 - Chilterns Area of Outstanding Natural Beauty
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Saved Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

Parking Standards Supplementary Planning Document (2020)
Planning Obligations (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- The policy and principle justification for the proposal;
- The quality of design and impact on visual amenity;
- The impact on residential amenity; and
- The impact on highway safety and car parking.

Principle of Development

Policy

9.2 The site falls within the Small Village of Wigginton in the Metropolitan Green Belt. Whilst national policy restricts the construction of new buildings in the Green Belt, Paragraph 154 of the NPPF (2023) sets out a number of exceptions to this rule, including 'e) *limited infilling in villages.*'

9.3 Policy CS5 of the Dacorum Borough Core Strategy (2013) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. Furthermore, small-scale development will be permitted, provided the works have no significant impact on the character and appearance of the countryside and that the works support the rural economy and maintenance of the wider countryside.

9.4 Policy CS6 provides specific guidance for new development in Selected Small Villages in the Green Belt, (e.g. Wigginton). This policy states that limited infilling with affordable housing for local people is acceptable in Wigginton, provided the development is sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact and that it retains and protects features essential to the character and appearance of the village.

Assessment

9.5 The principle of the change of use of the site (from sui generis to residential use), the demolition of the existing outbuildings of 5 Chesham Road and the construction of four new residential dwellings has already been assessed and deemed acceptable under application 21/02925/FUL. As such, the key issue of consideration to the current application relates to whether the proposed alterations are deemed acceptable in accordance with the above policies.

9.6 Whilst the proposed changes are noted to be material, they are considered relatively minor in nature and scale and are not considered to significantly alter the previous scheme. Whilst there have been updates to planning policy since the previous application was considered, (in particular, with the NPPF subject to a recent update), the aims and requirements of the key policies of relevance to the application remain unchanged. As such, substantial weight has been given to the assessment made by the previous Case Officer under application 21/02925/FUL.

9.7 The text in the preamble to Policy CS6 states that infilling is defined as a form of development wherein new buildings are proposed or constructed within a gap along a clearly identifiable built up frontage or within a group of buildings. This text proceeds to note that the term 'limited' refers to development that does not create more than two extra dwellings.

9.8 The current proposal fails to accord with the above text, given that four new dwellings would be constructed and would not be sited within a gap along a clearly identifiable frontage. Under the previous scheme, significant weight was however given to recent appeal decisions, (in particular, appeal decision APP/A1910/W/20/3251407 at 38 Rambling Way, Potten End), given that the Planning Inspector concluded that the redevelopment of a similar site bounded by development on all sides could be considered to constitute infilling. Under this appeal and allowed appeal APP/A1910/W/19/3231097 at Spice Village in Chipperfield, the construction of five new dwellings was determined to be limited, with the assessment around the term 'limited' consisting on the impact of the development on the surrounding area with regards to its scale and massing rather than solely based on a numeric figure.

9.9 The application site is bounded on all sides by existing dwellings, including dwellings along The Bit, Fieldway, Field End Close and Chesham Road. In light of this and by reason of the applications' siting within a relatively built up residential context in the village of Wigginton, it is similarly concluded that the development can reasonably be considered to amount to infilling in the village.

9.10 Similarly to the previous Case Officer, it is considered that when the scheme is compared to its surrounding context, in terms of the built up form along The Bit, Field End Close and Chesham Road, it can be considered limited. The general form, scale and massing of the dwellings which would remain set back from The Bit and would not be of a density which would have a significant impact in terms of its assimilation with the pattern of development in the immediate area.

Impact on the Openness

9.11 Whilst the scheme is not considered to significantly alter the previous scheme, in accordance with Policy CS5 and the NPPF (2023), there is a requirement to consider whether the proposed alterations would have a greater impact on the openness of the Green Belt than the currently proposed development.

9.12 The proposals vary the units to create new garden rooms, including amendments to the internal layout with associated alterations to ground floor fenestrations and alter the design of units 1 and 2, (i.e. the construction of new gable projections to match those of units 3 and 4).

9.13 Appeal decisions have clarified that, when assessing impacts on Green Belt openness, both spatial and visual aspects should be taken into consideration. Whilst spatially, the proposed new garden rooms would increase the overall floorspace and of the new residential units, it is not considered that these additions would be substantial. Furthermore, the additions would not amount to significantly more sprawl on the site or harmfully reduce the openness of the site. Furthermore, whilst the addition of new two storey gable projections to units 1 and 2 would add additional bulk to these units, it is not considered that these additions would significantly reduce spatial openness around the site, given their modest scale and depth.

9.14 Visually, whilst altering the appearance of the previously approved development, it is not considered that the proposed alterations would significantly increase the visual prominence of the new residential units when viewed from key public vantage points around the site, (i.e. when viewed from The Bit). On balance, it is therefore not considered that the proposed alterations would significantly alter the visual appearance of the development or harmfully reduce the visual openness of the site.

9.15 Given everything above, the proposed scheme is considered to be acceptable in principle, amounting to appropriate development in the Green Belt in accordance with Policies CS5 and CS6 of the Dacorum Borough Core Strategy (2013) and the NPPF (2023). It is noted that there is a requirement under Policies CS5 and CS6 to consider the impact of the works on the character and appearance of the countryside, and as such, this has been considered during the following section.

Quality of Design / Impact on Visual Amenity and Chilterns AONB

Policy

9.16 The NPPF (2023) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS5, CS6, CS11 and CS12 all seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials and is sympathetic to its surroundings.

9.17 The site falls within the Chilterns AONB. Policy CS24 and the Chilterns Building Design Guide (2010) both seek to ensure that new development preserves the special qualities of the AONB, and that the scarp slope is protected from development that would have a negative impact on its skyline. Furthermore, Saved Policy 97 of the Local Plan (2004) states that any development proposal which would seriously detract from the beauty of the area will be refused.

Assessment

9.18 Whilst subject to limited views from public vantage points from Chesham Road, Field End Close and Fieldway, it is not considered that the resultant dwellings would appear visually prominent, given their siting, surrounded by existing built form.

9.19 The new dwellings would predominantly be perceived from The Bit. Given that the density of the development would remain unchanged to the previously approved scheme (i.e. approximately 18 dwellings per hectare) and noting that the dwellings would remain set back from development along The Bit, (by approximately 17-20m), it is considered that the development would remain consistent with the existing pattern of development and would not appear overtly prominent in this context.

9.20 The dwellings would remain well designed, arranged as semi-detached pairs with staggered setbacks and spacing retained between them to preserve the spacious character of this part of the countryside. The addition of garden rooms and gable end projections to all units would add to the symmetrical design of the previously approved units, with depth and visual interest created to the new properties by way of the gable end front and rear projections, brick detailing and chimney stacks.

9.21 It is noted that the front garages serving the properties would remain unchanged under the current application, remaining moderate in size and sensitively positioned to ensure that they do not dominate the streetscene when viewed from The Bit.

9.22 With respect to the Chiltern AONB, it is noted that the site is not greatly perceived from any long distance views and as such, it is not considered that the development would have a negative impact on its skyline or character of the wider countryside. It is considered that the development would remain sympathetically designed and sited, assimilating with existing development surrounding the site. As such, the proposals are considered to preserve the special qualities of the AONB and the character of the countryside.

9.23 Given everything above, the proposed development is considered to be acceptable on design grounds and in terms of its impact on visual amenity and the Chilterns AONB. The proposal therefore accords with Policies CS5, CS6, CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013), Saved Policy 97 of the Dacorum Borough Local Plan (2004), the Chilterns Building Design Guide (2010) and the NPPF (2023).

Impact on Residential Amenity

Policy

9.24 The NPPF (2023) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Policy CS12 states that new development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area. Furthermore, Saved Appendix 3 of the Dacorum Borough Local Plan (2004) states that residential development should be designed and positioned to maintain a satisfactory level of sunlight and daylight for existing and proposed dwellings.

Assessment

9.25 The site is bounded by development all sides, including dwellings along Field End Close, Chesham Road, and is sited adjacent to development along The Bit.

Existing Development

9.26 Whilst the layout of the approved dwellings has been slightly amended to accommodate the proposed changes, it is felt that the dwellings would remain sympathetically sited to ensure that the development has no adverse impacts on the residential amenity of neighbouring properties. For example, it is noted that the unit 1 would retain a separation distance of approximately 23m from the nearest dwelling of Field End Close, whilst unit 4 would retain a separation distance of over 25m from the nearest property along Chesham Road. The dwellings would also remain set back from The Bit, with closest unit (unit 2) retaining a separation distance of approximately 24m from the nearest dwelling on The Bit.

9.27 The nearest property to the development would be Fieldfare, located to the rear of the site, with rear elevation of nearest unit (unit 3) being set approximately 13m away from the side elevation of this property. Whilst Saved Appendix 3 sets out guidance for the spacing of dwellings, this policy fails to clarify what relationships are considered acceptable for dwellings sharing a rear to side relationship.

9.28 The amended relationship between the development and neighbouring property Fieldfare is not considered to be significantly different to that deemed acceptable under original application 21/02925/FUL, with the separation distance between the two properties reduced from approximately 15m to 13m. The resultant separation distance and relationship shared between the two properties is considered to be typical of that experienced between dwellings in a built up residential context.

9.29 Taking the above into account, and noting that soft and hard landscaping would be sited between the development and existing property Fieldfare, it is not considered that the development would have any adverse impacts on this property in terms of being visually overbearing. It is also not considered that any significant loss of light or privacy to this property would be experienced, given the relationships shared between Fieldfare and the new residential units (i.e. noting that closest residential units 3 and 4 would face the blank flank wall of this property). Furthermore, it is considered that sufficient separation distances, (ranging from 13m to over 25m), would be retained between the new residential units and Fieldfare to ensure that harmful overlooking would not be facilitated from rear windows.

New Residential Units

9.30 The addition of new garden rooms has slightly reduced the amenity space provided for all four residential units, with the smallest rear garden provided for unit 2 measuring approximately 10m deep. Whilst falling short of the recommended 11.5m minimum rear garden depth set out under Saved Appendix 3, it is considered that the resultant rear garden would be sufficient in terms of its

width, shape and scale to provide a functional garden for a four bed dwelling. The proposal is therefore considered policy compliant in this regard. It is also considered that this amenity space would be compatible with gardens of dwellings sited along Field End Close.

9.31 The rear garden depths for units 1, 3 and 4 would all exceed the recommended minimum 11.5m rear garden depth, and as such, no concerns are raised with respect to these private gardens.

9.32 Whilst minor ground floor fenestration alterations are proposed to accommodate the amendments to the internal layout, all habitable rooms would remain served by sufficient windows to ensure that adequate levels of sunlight/daylight and outlook are achieved. It is also not considered that any of the proposed amendments would have any adverse impacts on the residential amenity experienced by future occupants of the neighbouring new residential units, (i.e. with the new garden rooms and rear two storey gable end projections having no adverse impacts on the lighting levels received to neighbouring residential units 1-4).

9.33 Given everything considered above, the proposal is considered to be acceptable on residential amenity grounds, having no adverse impacts on the residential amenity of neighbouring properties and securing high standards of residential amenity for future occupiers of the new residential units. The development is therefore considered to accord with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the NPPF (2023).

Impact on Highway/Pedestrian Safety and Parking

Policy

9.34 The NPPF (2023), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

Assessment

9.35 The proposed changes to the original permission do not amount to any material changes on highway/pedestrian safety and parking grounds, and as such, the proposal is considered to be acceptable on these grounds in accordance with the assessment made by the previous Case Officer under application 21/02925/FUL.

9.36 Based on the conclusions set out in the original Transport Assessment and the comments provided by the Highways Authority, it was noted that the development would result in a reduction in vehicular movements when compared to the previous commercial use, and sufficient space is retained on site to enable a fire appliance to safely access and leave the site. In accordance with the advice provided by the Highways Authority under the original scheme, it is considered reasonable and necessary to attach a planning condition requiring the submission of a Construction Management Plan prior to commencement of the works.

9.37 The Parish Council have raised objection to the development on the grounds that inadequate parking provision is provided. The amended scheme does not generate the requirement for any additional parking spaces above that of the previously approved application. Furthermore, no changes are proposed to the previously approved parking arrangements, with the new residential units continuing to be served by 11 off-street car parking spaces provided by way of four garages, five tandem spaces and two visitor spaces.

9.38 It is noted that the merits of tandem spaces and garages were previously considered and deemed acceptable in accordance with the guidance set out in the Parking Standards

Supplementary Planning Document (2020). Given that the level of off-street car parking provision would exceed the 10.5 car parking space requirement set out in this document, it is concluded that a policy compliant level of parking would be provided for future occupiers.

9.39 Given everything considered above, the proposal is considered to be acceptable on highway/pedestrian safety grounds and parking grounds, therein according with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) and the NPPF (2023).

Other Material Planning Considerations

Parish Council

9.40 The Parish Council have also raised objection to the scheme on the grounds that the proposal amounts to overdevelopment on the site. Objections have also been raised on the grounds that the scheme should be considered in connection with live application 23/02290/FUL, (for the change of use of the existing property from sui generis to residential use and the demolition of all existing buildings and construction of two residential units with associated works), given that the site is also owned by the Applicant. Given that cumulatively, the schemes would result in the construction of six new dwellings, it is argued that there would be a requirement for affordable housing to be provided in accordance with the Affordable Housing Supplementary Planning Document (2013) and Affordable Housing SPD Clarification Note (2019).

9.41 Whilst the application site for 23/02290/FUL is connected to the current site and owned by the Applicant, it did not form part of the original red outline for application 23/02183/ROC. Procedurally, under a Section 73 application, the red outline can not be amended, and the Local Planning Authority are solely to consider whether the proposal to vary Conditions 2, 4 and 5 is acceptable in accordance with planning policy.

9.42 The submitted application does not propose the creation of any affordable housing units. Whilst Policy CS6 requires development for limited infilling in villages to provide affordable housing for local people, this document is inconsistent with the NPPF (2023). The Affordable Housing Supplementary Planning Document (2013) and associated Affordable Housing SPD Clarification Note (2019) have since been published, clarifying that minor infill schemes within Small Villages in the Green Belt are not required to deliver affordable housing. In light of everything considered above, it is not considered that a refusal of the scheme could be justified or sustained on the grounds of the proposals' failure to provide affordable housing.

9.43 With respect to overdevelopment, it is noted that the site was previously considered sufficient in scale to accommodate four new dwellings and the ancillary infrastructure required of development of this nature (e.g. sufficient parking provision, amenity space and refuse storage etc.). Whilst the current application seeks to extend these dwellings to provide new garden rooms, these additions are considered modest in scale, with the site considered sufficient to accommodate the resultant development. As noted above, the proposed enlargements would not result in unacceptable garden sizes or any significant impacts on neighbouring properties.

Impact on Trees and Landscaping

9.44 Similarly to the original scheme, a number of trees and tree groupings will be removed to facilitate the construction of the development. The removal of these trees was previously deemed acceptable, given that these trees were all deemed category C or U trees, therefore being of low quality and value.

9.45 The current scheme seeks to amend Condition 4 (Tree Protection Measures) to account for the removal of a further Birch tree to allow for the construction of the new garden rooms. The submitted

Arboricultural Impact Assessment indicates that this tree is also of low quality and value, and in light of this, and noting the comments provided by the Dacorum Borough Trees and Woodlands Officer, no objections are raised to its proposed removal.

9.46 A further tree is proposed for planting on the site, with nine new trees and associated hedges and planting beds proposed for planting on the site. It is considered that these arrangements are sufficient to effectively soften the development and integrate with existing development along The Bit.

9.47 The submitted Arboricultural Impact Assessment and Tree Protection Plan indicate that trees proposed for retention would be protected during construction works. It is noted that the Trees and Woodlands Officer has confirmed that these arrangements are acceptable and it is therefore recommended that they be secured by way of planning condition, if the application is approved.

Ecology

9.48 The currently proposed alterations are not considered to have a material impact on ecological grounds. It is noted that an Ecology Report with Preliminary Ecological Appraisal, Preliminary Bat Appraisal and Bat Emergence Survey were submitted in support of the original scheme, concluding that the development would have no adverse impacts on wildlife/protected species.

Contamination

9.49 The proposed alterations are not considered to generate any additional concerns with respect to land contamination. It is noted that the Dacorum Borough Scientific Officer was consulted as part of the original scheme and recommended that a number of conditions be attached to the formal consent requiring the submission of Environmental Risk Assessments prior to the commencement of development. It is recommended that these conditions be attached to the current consent if approved.

Flood Risk

9.50 The site is located in Flood Zone 1 and is therefore at low risk of surface water flooding. Given that Thames Water recognised that the site is subject to high infiltration flows during certain groundwater conditions under the previous scheme, it is recommended that a condition securing details of measures to dispose of surface water runoff on site be attached to the formal decision, if the application is approved.

Neighbour Consultation

9.51 Neighbour 3 Red Cottages has raised objection to the scheme, raising concerns that harmful levels of additional vehicle movements and traffic would be generated by the development, insufficient parking provision is provided, and that the first floor window of unit 4 could be used to facilitate the harmful overlooking of their property.

9.52 The alterations proposed under the current application do not involve any material changes to the nature and scale of the development or access/parking arrangements, and it is noted that the proposal has already been assessed and deemed acceptable on these grounds under application 21/02925/FUL.

9.53 The current application does not propose any changes or alterations to any first floor windows, with the obscure glazed window of unit 4 facing towards 3 Red Cottages noted to have been considered and deemed acceptable under the original consent. Given the relationship between unit 4 and 3 Red Cottages, (i.e. the orientation of both properties), and noting that a separation distance of over 10m would be retained between this opening and the rear garden of this neighbouring

property, it is not considered that a condition requiring this window to be non-opening would be meet the six tests.

Community Infrastructure Levy (CIL)

9.54 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 1st July 2015. The application is CIL liable.

Chilterns Beechwoods Special Area of Conservation (CBSAC)

9.55 In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), consultants Footprint Ecology, assessed the recreational pressures on the Chilterns Beechwoods Special Area of Conservation (SAC) at Ashridge Estate and Tring Woodlands. The report, published in March 2022, revealed that more action is needed to help protect Ashridge Estate on the Hertfordshire-Buckinghamshire border, and Tring Woodlands, which are under increasing visitor pressure from the borough and surrounding areas.

9.56 In response, the Council's approach to all planning applications involving the construction of new homes has changed, with all development resulting in the net gain of residential development required to provide financial contributions for Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).

9.57 The original application 21/02925/FUL was issued prior to the publication of the above referenced report. However, in accordance with case law, the Council's Mitigation Strategy notes that applications for the discharge, removal or variation of planning conditions may be 'screened in' as being affected by the Habitat Regulation Assessment regulations. As such, the Case Officer needs to determine whether the previous scheme was implemented prior to 14 March 2022 (i.e. when the above came into effect).

9.58 Given that original scheme 21/02925/FUL has not been implemented, the current application is 'screened in' and mitigation is required.

10. CONCLUSION

10.1 Whilst the proposed changes are noted to be material, they are considered relatively minor in nature and scale and are not considered to significantly alter the previous scheme. Whilst there have been updates to planning policy since the previous application was considered, (in particular, with the NPPF subject to a recent update), the aims and requirements of the key policies of relevance to the application remain unchanged. As such, substantial weight has been given to the assessment made by the previous Case Officer under application 21/02925/FUL.

10.2 The proposed development is acceptable in principle, constituting limited infilling within the Small Village of Wigginton, which is an appropriate form of development within the Green Belt in accordance with Policies CS5 and CS6 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (December 2023) (NPPF). Whilst altering the external appearance of the new residential units, the proposed changes are considered acceptable on design and visual amenity grounds, harmonising with the character and appearance of the streetscene, village and Chilterns Area of Outstanding Natural Beauty (AONB).

10.3 It is not considered that the proposed alterations would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy or that the proposal would generate any highway/pedestrian safety concerns. Sufficient off-street parking and amenity space would be provided for future occupiers of the site.

10.4 Given all of the above, the proposal complies with the NPPF (2023), Policies CS5, CS6, CS8, CS11, CS12, CS24 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Dacorum Borough Local Plan (2004), Saved Policy 97 of the Dacorum Borough Local Plan (2004), the Chilterns Building Design Guide (2010) and the Parking Standards Supplementary Planning Document (2020).

11. RECOMMENDATION

10.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to mitigate any adverse effects on the integrity of the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

Condition(s) and Reason(s):

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:**

WIG-XX-ZZ-DR-A-91-001

WIG-1/2-ZZ-DR-A-05-001 Rev B

WIG-1/2-ZZ-DR-A-04-001 Rev B

WIG-3/4-ZZ-DR-A-04-001 Rev A

WIG-3/4-ZZ-DR-A-05-001 Rev A

WIG-1/2-ZZ-DR-A-04-002

WIG-3/4-ZZ-DR-A-04-002

TGCR/21/PL05

LP/WGTBWH/020 D

TPP/WGTBWH/010 B

Landscaping Statement by David Clarke Chartered Landscape Architect and Consultant Arboriculturist (received September 2023)

Arboricultural Report by David Clarke Chartered Landscape Architect and Consultant Arboriculturist (dated August 2023)

CS29 Checklist (July 2021)

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. **Tree protection measures before and during the construction phases of the development shall be implemented and carried out in accordance with Tree Protection Plan TPP/WGTBWH/010 B and the submitted Arboricultural Report by**

David Clarke Chartered Landscape Architect and Consultant Arboriculturist (dated August 2023)

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with Saved Policy 99 of the Dacorum Borough Local plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2023).

5. **The landscaping works shown on drawing LP/WGTBWH/020 D and detailed within the submitted Landscaping Statement by David Clarke Chartered Landscape Architect and Consultant Arboriculturist (received September 2023) 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 Saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

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

The Construction Management Plan / Statement shall include details of:

- a. **Construction vehicle numbers, type, routing;**
- b. **Access arrangements to the site;**
- c. **Traffic management requirements**
- d. **Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. **Siting and details of wheel washing facilities;**
- f. **Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. **Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
- h. **Provision of sufficient on-site parking prior to commencement of construction activities.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004) and Policy CS8 of the Dacorum Borough Core Strategy (2013).

7. **(a) The development hereby permitted shall not be commenced until a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors has been submitted to and approved in writing by the Local Planning Authority. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- (ii) The results from the application of an appropriate risk assessment methodology.**

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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 (2013).

8. **Any contamination, other than that reported by virtue of Condition 7 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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 (2013).

9. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

10. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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 and they shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.

Reason: In order to ensure a satisfactory level of off-street parking and to protect highway safety and the amenity of other users of the public highway, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013), Paragraphs 108 and 110 of the National Planning Policy Framework (2019) and the Dacorum Borough Parking Standards Supplementary Parking Document (2020).

Informatives:

1. The application to vary Condition 2 (Approved plans), 4 (Tree Protection Measures) and Condition 5 (Landscaping) attached to planning application 21/02925/FUL has been granted. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. CONTAMINATION INFORMATIVES

The Contamination conditions are considered to be in line with the NPPF 2023.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

3. ECOLOGY INFORMATIVES

If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	The council objects to this planning application due to overdevelopment and inadequate parking provision on site for the size and number of

	<p>dwellings. This objection is also based on the fact that both applications are on the same site and no affordable housing or contribution is being proposed.</p> <p>The whole site is in the same ownership and in the same planning unit.</p> <p>(The Land Registry site shows that the whole site was sold to the developer earlier this year) Hence the two applications constitute an application for a total of 6 dwellings in the AONB and rural area which requires compliance with Dacorum's Affordable Housing Clarification Note dated 2019 and the Affordable Housing SPD of 2013.</p> <p>Also members of the public who joined the meeting to speak about the planning application have confirmed that they were not consulted on the first planning application back in 2021.</p>
Trees & Woodlands	<p>No objection to tree removal.</p> <p>The Tree Protection Plan affords appropriate protection to trees being retained for the development. Looking through the history, there was some concern regarding the protection to T1 but owing to the existing hard standing, I agree with the Agent that there will be very limited roots in this area.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
31	1	0	1	0

Neighbour Responses

Address	Comments
3 Red Cottages Chesham Road Wigginton Tring Hertfordshire HP23 6EH	<p>The land that this proposal is to be built on, is considerably higher in elevation than our house and we feel that this development with respect to number 4 of the 4 houses proposed will impact on our privacy and we will be totally overlooked at all times from side and rear windows from this new property. Side window is indicated on plan as frosted but it is a fully opening window looking directly into our bathroom and rear bedroom windows. None of which are frosted. It will have a clear line of sight over the whole of our garden and the ground floor rear windows as well. Our request is for the side window at least be a high level fan light frosted window non opening and /or trees exceeding the height of the side and rear windows be planted the full length of the boundary line between the new development and number</p>

3 and 4 red cottages chesham road.

With respect this site has no legal access to the road known as the Bit. Historically this area which became a coach park operated by Smiths coaches now liquidated was originally accessed from the coal yard which was redeveloped to become Valpy close. Access was granted only to Smiths coaches as an understanding they had no legal access and under the proviso that they would maintain this access including the maintenance of the hedgerow either side to allow the coaches up and down the bit. Therefore the only legal access to this site is from Chesham Road past and through the rear of Number 5 Chesham road now also owned by the developers. The Bit has never been adopted as a council owned road and is owned in its entirety by the houses in the bit opposite this new development. It is a narrow passage way only just wide enough for a coach and there fore has no availability for additional parking. There is not inadequate parking provision on this new plan for 4 new houses. This will double the traffic currently using the road known as the bit and the additional noise from cars manoeuvring in and out of this tight space will again impact us as we are directly adjacent to this development at the rear of our property.