

**4/02528/16/FUL - CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH NEW ACCESS FROM BULBOURNE ROAD.
GAMNEL FARM, BULBOURNE ROAD, TRING, HP23 5HF.
APPLICANT: Millstone Homes Ltd.**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The site is within the Green Belt. The proposed residential development is inappropriate development which is by definition harmful to the Green Belt . Very special circumstances are necessary to justify the proposal.

The site is subject to an extant planning permission for 2 dwellings with a modified access from Bulbourne Road. The principle of residential development on this site has therefore been accepted. This is the lawful 'starting point' / 'fallback position' for the LPA's consideration of the very special circumstances. The physical impact of the proposed development would not be materially different to the approved scheme, which in turn was considered acceptable on account of previous development at this site. On this basis and notwithstanding the increase in the number of dwellings it is considered that there is a case to grant permission with no other harm.

The revised design overcomes the design objections to the originally submitted scheme given the site's setting in relation to the Chilterns Area of Outstanding Natural Beauty.

Hertfordshire County Council Highways confirms there are no highway safety objections. There are no other detailed objections subject to the imposition of conditions.

Background

The application was considered at the Development Control Committee meeting on 2nd February 2017. The report is at Annex B.

Members deferred the decision to enable further consideration of the highway safety/ access issues/ implications. The Minutes are at Annex A.

Since the meeting Hertfordshire County Council Highways has confirmed that the stretch of road between the existing site access and that to the immediate north including the brow of the hill is 40mph. There is a 30mph speed limit between the existing access and the New Mill roundabout.

HCC Highways has also checked the accident records for the Bulbourne Road locality from 1 January 1980 and 30 September 2016:

- 23/02/2008. Time: 10.21 pm. This was just to the north of the existing access outside Alveston's frontage. One person died and three people were seriously injured. Two vehicles were involved. HCC Highways Manager's analysis has confirmed that no cause was attributed to the road layout, speed limit or other feature.
- 21/01/2008. This was just to the north of Tring Garden Centre. One person was seriously injured.
- Others: 2 at the New Mill Roundabout area and others beyond.

The HCC Highways Manager who advised the Members at the meeting on 2nd February has

confirmed:

'The proposed new site access is part of the scheme with DBC ref 4/01914/12/FUL that was granted planning permission on 24 Dec 2012 by Dacorum Borough Council. The highway authority was consulted on it and saw no reason why permission should not be granted on the basis of highways safety or congestion. The planning application currently under consideration is one that would only lead, as I said in the committee meeting, to a very small number of additional trips by *dint* (sic) of its consisting of 4 dwellings instead of the currently approved 2. The numbers are certainly too small for us to be able to link this level of additional development to the likelihood of severe residual impact (NPPF para 32) and we cannot, therefore, support a recommendation that permission is withheld on traffic impact grounds.'

In addition the Agent has clarified that the achievable sight line to the north of the proposed access/brow of the hill would be 118m as compared with 78m recommended by HCC Highways (over 50% above the requirement) and 125 m towards the New Mill roundabout. There is an associated submitted additional drawing (C01 A) showing the access, respective sight lines and speed limits.

Also at the meeting Members were informed that the archaeological implications/issues were being further considered with additional advice sought from Hertfordshire County Council Historic Environment Team. HCCHET has confirmed their originally recommended conditions remain applicable.

Considerations

- Highway Issues - Based upon Hertfordshire County Council Highways advice there is no highway safety objection to the application.
- Archaeological Issues. - There are no outstanding issues, with HCCHET reinforcing its original advice.
- Overview - With the highway safety and archaeological issues addressed by the respective specialist technical consultees the application is recommended for the grant of permission subject to the imposition of conditions.

RECOMMENDATION - As previous report to DCC on 2nd February 2017 and conditions as set out in Annex B. (Note : The drawings have been changed to include C01 A as referred to above).

ANNEX A

N Gibbs introduced the report and said it had been referred to committee due to the contrary views of Tring Town Council. N Gibbs updated members in relation to archaeology on the site.

Members were concerned over the access to the site. It was on a dangerous road where a fatality had happened previous.

N Gough from Herts Highways said they were aware of concerns on road safety and in the last five years there have been no reported collisions on this section of road so as far as Herts Highways are concerned, there is no evidence of significant problems.

Nigel Rose spoke in support of the application.

Councillor C Wyatt-Lowe said this was a 60mph road and would cars have time to see cars

exiting that junction.

Councillor D Collins asked N Gough if the speed limit could be changed.

N Gough said it wasn't as simple as that and a technical assessment would need to be undertaken as well as changes to the physical features on the road to change the environment.

It was proposed by Councillor Whitman but the officer's recommendation failed due to the lack of a seconder.

Councillor C Wyatt-Lowe said it was clear that members were not happy and proposed that the application be deferred for further discussion with planning officers, developer and Herts Highways regarding the access road. It was seconded by Councillor Guest.

Vote

For: 10 Against: 0 Abstained: 2

Resolved

That the application be deferred for further discussions regarding the access road.

ANNEX B

Summary

The application is recommended for approval.

The site is within the Green Belt . The proposed residential development is inappropriate development which is by definition harmful to the Green Belt . Very special circumstances are necessary to justify the proposal.

The site is subject to an extant planning permission for 2 dwellings with a modified access from Bulbourne Road. The principle of residential development on this site has therefore been accepted. This is the lawful 'starting point' / 'fallback position' for the LPA's consideration of the very special circumstances. The physical impact of the proposed development would not be materially different to the approved scheme, which in turn was considered acceptable on account of previous development at this site. On this basis and notwithstanding the increase in the number of dwellings it is considered that there is a case to grant permission with no other harm.

The revised design overcomes the design objections to the originally submitted scheme given the site's setting in relation to the Chilterns Area of Outstanding Natural Beauty.

Hertfordshire County Council Highways confirms there are no highway safety objections. There are no other detailed objections subject to the imposition of conditions.

Site Description

Gamel Farm is located in the Green Belt off the Bulbourne Road just to the north east of the built up edge of Tring, adjoining the Chilterns Area of Outstanding Natural Beauty. The former New Mill Social Centre now featuring 6 dwellings is to the south west separated by a field.

The site is subject to an extant planning permission for 2 dwellings (1517 sqm) and a new access as referred below under the Planning History.

The site is served by a longstanding main vehicular access linked to Bulbourne Road. The land has been cleared of all the original buildings serving Gamnel Farm which featured a two storey farmhouse. The site is now very visible from Bulbourne Road featuring chalk piles adjoining the higher dwelling known as Alverston to the immediate north. The gated access adjoins the now boarded rising site frontage to Bulbourne Road. The boarding was installed following the recent removal of a row of substantial conifer trees.

Gamnel Farm was of the mid-19th Century origin. In addition to the farmhouse it was apparently served by a range of brick built outbuildings, stables and barns. The land features an open barn used for the storage of construction equipment.

To the north of the site there is a significant area of additional land owned by the applicant.

Proposal

This is for the construction of 4 four bedroom detached dwellings of gable roof design with slate roof and timber clad, brick and stone finished dwellings served by a new centralised access off Bulbourne Road. The dwellings will be set back from the road frontage. The internal layout features a central shared access road with two dwellings to each side. The dwellings on the south west will be two storey. Those opposite on the north east will be three storey with basements. The proposed floor space is 1512 sqm. Each dwelling will be served with some curtilage parking and substantial gardens. The subdivision of the plot involves House 3 featuring a garden facing onto Bulbourne Road.

The proposed development follows a very similar building footprint to the approved extant scheme with no changes to the building heights and marginally less floor space.

The Original Scheme has been modified/ reconsidered by the Applicant/ Agent to address the Conservation & Design Team's response. The Agent has made the following observations in the submission / preparation of the Revised Scheme:

- Retention of the 2 proposed buildings as detached houses. This is because it is considered they will read as one building from most viewpoints.
- Removal of the undercover area from Plot 3.
- Removal of the chimneys.
- The increased height observed by the Conservation and Design Team . The ridge and eaves match exactly the approved scheme.

The Revised Scheme has been further changed to show indicative structural planting along the Bulbourne Road frontage and internally.

Referral to Committee

This is referred to the DCC as the recommendation is contrary to the views of Tring Town Council.

Relevant Site Planning History

Planning Permission 4/01914/12/FUL. December 2012.

Demolition of existing house, barn and stables and construction of two detached dwellings with new access and rear private paddock. The development included the closure of the two frontage accesses and the replacement with a new access.

Conditions imposed included pre commencement requirements (materials, levels, contamination, sustainable construction), sight lines, pedestrian splays, parking , the residential curtilages differentiation from an adjoining paddock, the withdrawal permitted development rights and compliance with the approved plans.

This permission is extant as explained below.

Decision 4/03773/15/DRC. October 2015.

The LPA discharged the conditions addressing materials, levels, contamination and sustainable construction.

Note: The Scientific Officer only recommended the partial discharge of the contamination condition no. 10 - parts (a) and (b). The condition also required the compliance with its parts (c) and (d) before commencement unless otherwise agreed. As Application 4/03773/15/DRC was submitted to discharge Condition 10 in its entirety and the LPA discharged this in full, it is concluded that there has been compliance with all the pre commencement conditions.

On this basis Planning Permission 4/01914/12/FUL is extant - the Agent has confirmed the commencement of development at the site and that work stopped on site pending the outcome of a pre application submission made in March 2016. The developer had concerns about the approved layouts and the commercial viability of the dwellings in their approved form.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS5 - The Green Belt
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS19 - Affordable Housing
CS24 - Chilterns Area of Outstanding Natural Beauty
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 12, 13, 15, 18, 23, 51, 54, 58, 61, 63, 97, 99, 111, 113 and 118

Appendices 3 5 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Landscape Character Assessment (May 2004)
Chilterns Buildings Design Guide and associated documents
Affordable Housing (Jan 2013)

Advice Notes and Appraisals

Sustainable Development Advice Note

Constraints

Green Belt
Adjoining Chilterns AONB
Former Land Use
Air Safeguarding Area
Community Infrastructure Levy Area 2

Representations

Tring Town Council

Tring Town Council recommend rejection of this application as currently set out on the grounds of road safety. The access to the site is one where there have been accidents including a fatality. The site is close to a bend towards the summit of the hill and is a frost pocket. Consequently, the access needs to be as close as possible to the New Mill boundary of the site.

Design & Conservation

Original Scheme

The Gannel Farm site currently has planning permission for 2 replacement dwellings, a dwelling replacing the existing 19th century farm house and a second property in the form of a barn. The site is adjacent to the Chilterns AONB so any impact upon the setting of the AONB will need consideration.

The previous scheme underwent extensive negotiation with planning and conservation officers to achieve a scheme which was considered suitable in this rural location – essentially reflecting the previous built form on the site of a large farmhouse and more subservient barn adjacent. The buildings were set back further into the site, thereby reducing their visual intrusion locally.

The revised scheme is considered to present some issues:

The barn-like dwelling (previously approved) is to be replaced by two properties – this in itself is acceptable however it is suggested that the properties more closely resemble barns and their design is simplified. Could the two separate dwellings adjoin rather than be separate? – this would provide a greater linear quality to the new development, more typical of farm barns. The ridge and eaves height of the proposed new dwellings (plots 3 and 4) looks to have been

raised? – thereby giving them more house-like proportions, the ridge / eaves heights should be lowered. The chimney stacks should be omitted. The projecting gables should be reduced in size and the open ground floor of house 3 (to give a covered area below the projecting gable) is not typical of barn like dwellings and should be amended.

It would be preferable if the proposed 'farm house' was one large building, subdivided; rather than two separate dwellings directly adjacent. Victorian / Edwardian properties would never have been built so close together in a rural location and many farm cottages were built as adjoining mirrored pairs; perhaps a semi-detached pair of houses would be more suitable in terms of design.

The proposed amendments are felt to have watered down the previously approved scheme, whilst there is scope for 4 dwellings instead of 2, it is suggested that the design and form, particularly of houses 3 and 4 are amended and the option of building semi-detached / adjoining units is considered.

Revised Scheme

The amendments give the new dwellings (plots 3 and 4) a more 'barn-like' appearance which is considered more appropriate in this rural area outside Tring. Recommend approval subject to a condition requiring details of materials to be submitted.

Building Control

Response awaited.

Scientific Officer

The site is located within the vicinity of potentially contaminative former land uses (farm land). Consequently there may be land contamination issues associated with this site. It is recommended that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Councils website (www.dacorum.gov.uk/default.aspx?page=2247)

Hertfordshire County Council: Highways

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

- 1) Visibility splays of not less than 2.4m x 78m shall be provided, and thereafter maintained, in both directions from the new access onto Bulbourne Road, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. *Reason: In the interest of highway safety.*
- 2) Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of all the access, within which there shall be no obstruction to visibility between 0.6m and 2m above the footway. *Reason: In the interest of highway safety.*
- 3) The development shall not be occupied until the access, car parking and turning areas have been constructed and surfaced. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time. *Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses.*
- 4) Best practical means shall be taken at all times to ensure that all vehicles leaving the

development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway. *Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.*

5) Within 1 month of the new access brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb/removing the existing bell mouth/ and reinstating the footway to the same line, level and detail as the adjoining footway and highway boundary. *Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.*

Highway informative

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments".

The costs incurred for the construction of the new vehicle access, the sealing up of any redundant crossovers not part of the final approved scheme, will be borne by the applicant.

Highway Comments

The above application is for the demolition of the existing farmhouse and stables and construction of two detached dwellings served by a new 5.0m wide access road. The connection onto Bulbourne road will be via a radius junction type, as shown on the submitted plan no 1C 912/11/2012

- *Access*

Access to the site will be from one new vehicle access as mentioned above. All existing crossovers onto Bulbourne Road that are not part of this new access are to be closed off. Bulbourne Road is a classified B road, secondary distributor. The access road leading to the properties will be a shared surface access road, 5.0m wide and it is not proposed to offer this road for highway adoption.

- *Parking*

The application form states that there are eight off street parking spaces within the site and that this will remain unchanged as part of this development

The Local Authority is the parking authority and they will ultimately determine the amount of off street parking that is required as per their parking standards. This will include requirements for disabled parking if appropriate.

Conclusion

The highway authority does not consider the proposal will result in a significant impact on the safety and operation of the adjacent highway consequently; it does not consider it could substantiate a highway objection to this proposal. Therefore, the highway authority has no objection (subject to the above conditions) to the grant of permission.

Hertfordshire County Council: Historic Environment

The proposed development lies on the site of Gamnel Farm which is recorded in the Historic Environment Record (HER: 16073), although I note the building has been demolished after suffering fire damage. The 1888 OS Map shows the farm was once more extensive than the more recent layout and contained a large 'T' shaped farmhouse and at least six ancillary barns arranged around a courtyard.

The site is first recorded in 1296 as associated with Ralph Gamel (*The Place Names of Hertfordshire*, 1970) and is therefore likely to have medieval origins that were built over by successive generations.

Given the above, the position and scale of the proposed development is such that it is likely to have an impact on heritage assets of archaeological interest dating to the medieval and post-medieval periods. It is recommended that the following provisions be made, should you be minded to grant consent;

- the archaeological field evaluation via a process of 'trial trench evaluation' to the archaeological horizon, of the proposed building footprint,
- the archaeological monitoring of the groundworks for the proposed building, services and of any other works which will be the subject of significant ground disturbance, as appropriate,
- the archaeological investigation of any remains encountered during this process, and a contingency for the preservation of any remains *in situ*, if warranted,
- the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results, and
- such other provisions as may be necessary to protect the archaeological interest of the site.

These recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. These recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording.
- The programme for post investigation assessment.
- Provision to be made for analysis of the site investigation and recording.
- Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- Provision to be made for archive deposition of the analysis and records of the site investigation.
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Condition B

- Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.
- The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition A and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Hertfordshire County Council: Property Services: Infrastructure Officer

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, HCC reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

Hertfordshire County Council: Planning Obligations

This response is in respect of planning obligations sought by HCC towards fire hydrants to minimise the impact of development on HCC Services for the local community.

Based on the information provided to date HCC would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. HCC reserve's the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in 123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. HCC as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit

HCC seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

- (i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. HCC as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

Thames Water

Comments awaited.

Veolia Water

Comments awaited.

Chiltern Society

CS's representative visited this site while it was being cleared of a lot of derelict material.

CS know there was a house and outbuildings there which were left derelict for a long time, so welcome the scheme now proposed as it will be an improvement on this site.

CS note that planning permission had been given previously for 2 houses, and now 4 houses are proposed, but on a slightly smaller footprint. The houses are close together which is good. They will not encroach on the openness of the area any more than is necessary.

CS believe the access will be the same as was approved in previous application.

Of course the neighbours at Alverston will be consulted, and their opinion is important.

CS have no objection to this application.

Response to Neighbour Notification / Site Notice

(Note : There was a need to replace the first notice which was removed within a few days of being installed)

None.

Considerations

The main issues are:

- The principle. The Green Belt Implications.
- The visual implications.
- Highway safety.

Policy and Principle

These relate to the Green Belt implications.

Context

Under the National Planning Policy Framework para 89 a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Para 90 confirms that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations and the re-use of buildings provided that the buildings are of permanent construction.

In granting Planning Permission 4/01914/12/FUL the Officer Report noted:

'The site lies in the Green Belt wherein there is a presumption against inappropriate development, the fact that there is has been a previous (expired) consent for conversion of farm buildings to residential, plus garaging and change of use of agricultural land to domestic garden, will carry significant weight.

As the existing large house on site is unfit for habitable use due to a fire, it is therefore accepted that to demolish and reposition a house further away from the front boundary and to allow for a better landscaped frontage would be a significant improvement on the site as viewed within its Green Belt context.

Similarly, it has already been accepted through the 2006 planning consent (see above) that the existing, centrally-positioned barn and the remains of a smaller barn along the side boundary, can be replaced by habitable floor space. The NPPF is the only change since that consent and that there is no overriding local planning policy or central government advice, that would alter the planning approach to accepting this replacement floor space.

Hence to provide two dwellings of the same floor space is acceptable in principle.

The acceptability of this particular scheme therefore rests on whether the two replacement dwellings will have a reduced impact, in terms of the height and overall bulk and positioning, on the openness of the Green Belt.

It is noted that the main two storey dwelling is slightly taller than the existing house, however, the plans demonstrate that due to slightly falling ground levels within the site that due to its new positioning that its overall ridge height will appear slightly lower than the existing one. It is accepted that as it is perceived to be smaller and set further back into the site that overall its impact will be slightly less.

The loss of the tall barn and the previous barn and their replacement by one building, as a barnlike conversion, will again produce a lesser visual bulk to the site.

Thus, this scheme demonstrates that it will create a slightly reduced visual impact on the Green Belt and can be supported under policy grounds'.

Dacorum Core Strategy Policy CS5 complies with the NPPF.

Assessment

The site history confirms that the LPA considered that in granting permission 4/01914/12/ FUL there was a case to support two dwellings in the Green Belt with due regard to the site history, the NPPF and the development's scale.

After very careful consideration with due regard to the NPPF and Dacorum Core Strategy Policy CS5, it is interpreted that the now proposed buildings dwellings are inappropriate development in the Green Belt. The access is appropriate development serving inappropriate development. In terms of applying Green Belt policy It has been taken into account that the site was previously developed but has been wholly cleared with no buildings and some of those buildings were not residential.

As the residential development is inappropriate in the Green Belt -as by definition it is harmful - it should not be approved except in very special circumstances as explained by para 87 of the NPPF. As clarified by NPPF para 88 when considering any application the LPA should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other considerations is outweighed.

In this case the site the site is subject to Planning Permission 4/01914/12/FUL. Fundamentally the fallback position of this live permission represents the very special circumstances in the consideration of the current application.

In this context in comparing the extant and proposed schemes there is physically marginal material difference. Therefore in this context the effect upon the 'approved and proposed openness ' of the Green Belt is interpreted as neutral. The layout by reason of the additional two dwellings will be likely to slightly affect the openness by the increased effects parking . The pressures for outbuildings/ garaging may also be more. Also the garden of Dwelling 3 also faces Bulbourne Road . However, with the withdrawal of permitted development rights- as in the case of the extant 4/01914/12/FUL - and immediate controls over new development at Dwelling 3 confirm there would not be a robust case to refuse the application for these

reasons.

It is concluded that due to the parallels between the extant and proposed schemes there are very special circumstances to justify the proposal in the Green Belt given the significant strength of the fallback position.

Design/ Visual Implications

This is set against the site's relative prominence in this urban fringe location adjoining the Chilterns AONB.

In assessing 4/01914/12/FUL the Officer Report noted:

'Overall design and effect on Street Scene

The Conservation Officer has commented that the scheme proposes a total demolition of the farmhouse and the three serving outbuildings and replacing them with a new farmhouse together with a second house in the form of a barn. The proposed two buildings are to be located deeper into the site than the existing farmhouse and frontage barn, which will allow them to be set at a lower ground level and enabling a soft landscape area to be created between the buildings and the road. Although the overall height of the new buildings remains fairly consistent with the existing building group the recessed siting will reduce the extent of their visual intrusion within the area.

He considers that the design of the buildings, which is the result of extensive negotiation with this planning and conservation officers, take on the form of a traditional farmhouse and a barn which it is considered will contribute to the buildings setting within their rural location.

He considers that from a design aspect the buildings are considered acceptable for approval but it is essential that a high standard of materials are used. As a result a number of sample details would be required by condition.

For the above reasons there would be no adverse effects on the street scene.

The visual appearance of the site would be significantly improved by the development. The development proposed would sit sympathetically within the street scene and would represent an improvement over the existing situation.

The site itself abuts the Chilterns AONB, however, through the loss of the portal framed barn and the design and siting of the two new dwellings it is considered that there will be no harmful impact on the appearance or character of the adjoining AONB and thus will comply with Policy 97 objectives. Furthermore, it is considered that the design details and the materials proposed will be in accordance with the design principles and materials advocated through the Chilterns Building Design Guide'.

Again the fallback position is the extant planning permission. With due regard to a comparison between the approved and proposed schemes and the Conservation Team's response to the Revised Scheme there are now no design objections. As the site is not within the Chilterns AONB the LPA could not impose a condition regarding the use of timber doors and windows and metal rainwater gutters and downpipes. However the proposed use of oak windows is very positive.

Layout

All the dwellings will be served by significant sized gardens. In granting permission in 2012 no noise or air quality issues were identified. It is acknowledged that the main garden of one

dwelling (House 3) adjoins the Bulbourne Road where there will be more noise and potentially poorer air quality. However this is a deep garden. A condition regarding the noise attenuation of this dwelling is recommended.

The layout provides a communal area at the front of the site which can provide for communal visitor parking , refuse collection and additional landscaping.

Impact on Neighbours

This is in the context of Dacorum Core Strategy Policies CS12 and CS32 and the NPPF paragraph 133.

There will be no harm to the residential amenity of the adjoining Alverston in terms of privacy, physical impact and noise/ disturbance.

Highway Safety/ Access/ Emergency - Refuse- Service Access/Parking/ Traffic Generation/ Sustainable Location /Inclusive Access/ Access for Persons with Disabilities

Highway Safety and Access

Based upon the fallback position of Planning Permission 4/01914/12/FUL there is approval for the new access from the Bulbourne Road and the closure of the existing. HCC Highways raised no objections to this change in 2012. This assessment took into account the sight lines and traffic generation. The current application reinforces the approved approach. Again HCC Highways raises no objections subject to the imposition of conditions. The removal of the conifer trees demonstrates the daytime sight line visibility in both directions.

It is fully acknowledged that this is a very busy stretch of highway and the access is close to the brow of the hill as observed by Tring Town Council which raises major highway safety objections. Exiting and entering the access day and night will not be straightforward, however fundamentally based upon CC Highways advice there would not be a case to refuse the application based upon highway safety.

Internal Layout. The layout plan accommodates adequate scope for additional parking provision with no general, fire and emergency access, refuse servicing and turning objections. Access for persons with disabilities/ limited mobility is an integral part of the development. The dwellings can also be adapted to lifetime homes. A condition regarding fire access and fire hydrant provision are recommended.

Sustainable Location. The site is very close to a very long established built up part of Tring comprising of the historic New Mill and more modern development . At New Mill many dwellings benefit from a range of local facilities with opportunities for accessibility by foot , bus and cycle. The area is served by the local and wider bus network. Bulbourne is also accessible which features a garden centre, pubic house, Wildlife Centre and the Grand Union Canal.

Construction. It will be expected that wheel washing facilities are provided in site during the whole construction period.

Ecological Implications/ Biodiversity

The recently received planting scheme is in the interests of providing biodiversity benefits.

Drainage/ Contamination/ Land Stability

Drainage. Conditions are recommended. The site is not in a flood zone.

Contamination. Conditions are recommended .This is based upon the Scientific Officer's advice upon the discharge of conditions for the extant permission.

Land Stability. The onus is with developer to ensure that land is not subject to any known natural or artificial geological conditions which would militate against the construction of the development. A informative is recommended.

Water Supply. There have been no responses from Affinity Water. .

Sustainable Construction

The application's supporting documentation confirms an acceptable approach.

Archaeological Implications

Conditions are recommended in accordance with HCC's Historic Environment advice. This is notwithstanding that there were not imposed in respect of the extant permission.

Crime Prevention/ Security

Despite the relatively isolated location the layout is designed with inbuilt natural surveillance. Boundary treatment will be important. In this location there will be some inevitable individual external lighting requirements

Lighting

As this is a sensitive E1 Lighting Zone a condition is recommended . The use of anti light pollution glass would be beneficial.

Archaeological Implications

Standard archaeological conditions are necessary.

Conditions

Those recommended are wide ranging and are more comprehensive than the extant permission. They are however necessary to ensure that the development is accommodated at the site in accordance with the relevant policies in this sensitive location, taking into account the considerations in the report and the specialist advice of the technical consultees.

Air Safeguarding

There are no implications.

Community Infrastructure Levy

This will be necessary.

Environmental Impact Assessment

This is not required.

Conclusions

Two detached dwellinghouses can be built at the site under the extant planning permission. This is the fallback position. With due regard to a comparison between of the approved and proposed schemes in terms of footprint, floor space and scale there is a case to recommend permission based upon their similarities in terms of the impact upon the Green Belt justifying very special circumstances with no other harm. The latter relates to no design or highway safety objections.

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

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

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

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

Reason: To safeguard the character and appearance of the Green Bell and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 3 No development shall take place until details of the materials proposed to be used on the surfaces of the roadway , turning and parking areas have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 4 No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and**

approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.

Reason: To safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 5 **Details of the type of planting in the areas shown by the approved drawings shall be submitted to the local planning authority within 6 months of the date of this decision.**

The scheme for planting shall also include the area between Houses 1 and the Bulbourne Road frontage and its future management. The approved planting shall be carried out fully in accordance with the approved details in the planting season following the first occupation of any of the dwellinghouses hereby permitted. If within a period of five years from the date of the planting of any tree that tree, or any tree planted, shrub or section of hedge or replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree, shrub or section of hedge of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation. For the purposes of this condition the planting season is between 1 October and 31 March.

Reason: To safeguard the character and appearance of the Green Belt and the setting of the Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12, CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 6 **Details of all internal boundary fencing, including any acoustic fencing between the garden of House 2 with Bulbourne Road shall be submitted to the local planning authority in writing within 6 months of the date of this decision. The approved boundary fencing shall be installed fully in accordance with the approved details before the first occupation of any of the dwellinghouses hereby permitted and shall be thereafter retained at all times.**

Reason: To safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty and the interests of residential amenity in accordance with Policies CS5, CS12, CS24 and CS32 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 7 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until requirements 1.0 and 2.0 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition 2.0 has been complied with in relation to that contamination.**
procedures for the Management of Land Contamination, CLR 11'.

1.0 Implementation of Approved Remediation Scheme

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

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

2.0 Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

- 8 All remediation or protection measures identified in the Remediation Statement referred to in Condition 7 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 to accord with Policy 32 of the Dacorum Core Strategy.

- 9 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 the aims of Policies CS12 and CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 10 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation and turning shown on Drawing No.C204 Rev C shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved. The roadway shall constructed with a 13.5m tonne loading.**

Reason: To ensure the provision of an acceptable means of access to the site for all vehicles including emergency and refuse vehicles and so as not to compromise highway safety in accordance with Dacorum Core Strategy Policies CS8 & CS12 and saved Dacorum Borough Local Plan Policies 54 and 55.

- 11 **Visibility splays of not less than 2.4 m x 78m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.**

Reason: In the interests of highway safety in accordance with Dacorum Core Strategy Policies CS8 & CS12 and saved Dacorum Borough Local Plan Policy 54..

- 12 **Pedestrian visibility splays of 2 m x 2 m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interests of highway safety in accordance with Dacorum Core Strategy Policies CS8 & CS12 and saved Dacorum Borough Local Plan Policy 54..

- 13 **Within one month of the first use of the access hereby permitted being first brought into use the existing accesses shall be stopped up and closed by removing the vehicle crossover, raising the kerb and reinstating the footway surface.**

Reason: In the interests of highway safety in accordance with Dacorum Core Strategy Policies CBS 8 & CS12 and saved Dacorum Borough Local Plan Policies 54 and 55

- 14 **Detailed proposals for the fire hydrant(s) serving the development shall be submitted in writing to the local planning authority within 6 months of the date of this decision and the approved fire hydrant(s) shall be provided prior**

to occupation of any dwelling house forming part of the development hereby permitted and thereafter shall be retained at all times.

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with Dacorum Core Strategy Policies CS12 and CS29 and Saved Policy 54 of Dacorum Borough Local Plan.

- 15 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 within the residential curtilages of the dwellinghouses hereby permitted:**

Schedule 2 Part 1 Classes A, B, C, D and E

Part 2 Class B

Reason To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Green Belt and the setting of the Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS8 and CS12 of Dacorum Core Strategy .

- 16 **No development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**
- 1.The programme and methodology of site investigation and recording**
 - 2.The programme for post investigation assessment**
 - 3. Provision to be made for analysis of the site investigation and recording**
 - 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
 - 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
 - 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: In order to ensure investigation and preservation of archaeological findings to accord with Policy CS27 of the Dacorum Core Strategy.

- 17 **The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with Policy CS27 of the Dacorum Core Strategy.

- 18 **The development shall be constructed and maintained fully in accordance with the submitted approach to submitted Sustainable Design and Construction**

Statement shall be submitted to the local planning authority.

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy.

- 19 **Details of all exterior lighting to be installed at the application site shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed and thereafter retained fully in accordance with the approved details.**

Reason: To safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty, the residential amenity of the locality, highway safety, biodiversity, access for persons with disabilities and crime prevention/security in accordance with Policies CS5, CS12 , CS24 , CS25 and CS32 of Dacorum Core Strategy and Polices 97 and 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 20 **The domestic gardens for the dwellings hereby permitted only extend to the rear garden boundary line of Houses 1, 3 and 4 as identified on Drawing No.C204 Rev C.**

Reason: To safeguard the character and appearance of the Green Bell and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 21 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

**L001 site location plan
C01 A
C204 Rev C
B001
C200
C201
C202 Rev B
C203 Rev B
C205**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

NOTE 1:

This decision to grant planning permission has been taken for the following reason, having regard to the relevant policies of the development plan, national planning policy/guidance, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions and the advice of expert technical consultees.

The site is located in the Green Belt and adjoins the Chilterns Area of Outstanding Beauty served by a long established vehicular access. There is an extant planning permission for residential development at the site served by an approved access. The proposal represents an acceptable alternative to the extant permission in terms of the Green Belt implications and highway safety implications. There are no detailed objections to the development subject to the imposition of conditions..

Informatives

Land Stability

The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Highways Safety

In the interests of highway safety during construction wheel cleaning facilities for construction vehicles should be made available at all times.