

**4/03283/16/MFA - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 31 RETIREMENT APARTMENTS AND ANCILLARY FACILITIES INCLUDING COMMUNAL LOUNGES, GUEST ACCOMMODATION AND STAFF OFFICES WITH ASSOCIATED ACCESS, PARKING, SERVICING AND AMENITY SPACE..
SITE AT JUNCTION OF BROOK STREET AND MORTIMER HILL, TRING, HP23 5EE.
APPLICANT: Grace Mews LLC.**

[Case Officer - Jason Seed]

Summary

The proposed application will provide 31 units of residential accommodation for the over 55's and associated infrastructure. The site is considered to be located within a sustainable location with good access to local amenities and will make a valuable contribution towards the Borough's housing stock. It is considered that with appropriate planning conditions attached to the decision notice, the proposals would comply with Policies CS1, CS2, CS4, CS12, CS27, CS31 and CS32 of the Core Strategy, Saved Policies 51, 58 and Appendices 3 and 5 of the Dacorum Borough Local Plan (DBLP) and the National Planning Policy Framework (NPPF).

Site Description

The site is located at the junction of Brook Street and Mortimer Hill in Tring, Hertfordshire and extends to 0.22ha.

The site is currently occupied by a Petrol Filling Station (PFS) and associated car wash facility; a car garage; and a vacant unit fronting Mortimer Hill which is used for alternative uses, most recently a cafe. There is also a car park located to the rear of the site off the eastern boundary which is part located over the PFS canopy

The PFS has a large flat roof canopy covering over the forecourt and sales building. The car garage occupies a two storey building across ground and first floor levels and the building then steps up to three storeys at the junction of Brook Street and Mortimer Hill. The building then steps down to a single storey level when travelling eastwards up Mortimer Hill.

Access to the PFS is made from Brook Street and access to the car garage and vacant building is made from Mortimer Hill with a car park to its rear.

The site is bound to the north by residential properties and garages at The Hollies with a stepped footpath located on the northern site boundary providing access to the rear car park; to the east by residential properties off Mortimer Hill and Nursery Gardens; to the south by Mortimer Hill beyond which is residential; and to the west by Brook Street beyond which are the Tring Museum, Tring Market Place and an access road to Tring Auctions.

There are substantial level changes from Brook Street to the west of the site and rising up Mortimer Hill to the south and east. Existing building heights across the site are stepped to reflect this level change

The surrounding area comprises a mix of uses including the Robin Hood pub to the south, Tring Local History Museum to the south-west, Tring Market Place to the west, Tring Fire Station to the north-west and residential properties within the remainder of the surrounding area.

The site is located within close proximity (approx.60m) of the B4635 (Tring High Street) with Tring Railway Station located approximately 2 miles to the east.

The site is subject to the following planning designations: Former Land Use, CIL2.

The Tring Conservation Area and several Listed Buildings are situated within the wider area.

Proposal

The application seeks full planning permission for the demolition of the existing buildings and the construction of 31 retirement apartments (detailed in the table below) and ancillary facilities including communal lounges, guest accommodation and staff offices with associated access, parking, servicing and amenity space.

Total Number Unit Types	1B	2B	TOTAL
CORE A	8	13	21
CORE B	1	9	10
TOTAL UNITS - all Cores	9	22	31
TOTAL habitable rooms - all Cores	18	66	84

Totals:	
Total number of units on site:	31
Total number of HR's on site:	84
Total net area of units on site:	2224.7

The units are proposed to accommodate persons over 55 years of age. The building will be warden operated, with a member of staff on site during the day to provide assistance and security for residents of the units with a 24 hour on-call link to a central management company in the evenings and overnight.

Management of the building will be controlled from an office located in Core A.

The Strategic Planning Department have been consulted on the application and has stated that the Core Strategy sets a housing target as a whole for all forms of housing and the Council's monitoring is geared towards ensuring this is achieved alongside a rolling 5-year housing programme. This assumes that the housing supply as a whole will progressively meet a range of different needs.

This proposal would assist the Council to meet the wider needs of the housing market and the projected annual need of 72 specialist dwellings for older people.

Referral to Committee

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

Relevant Planning History

None.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS 14 -Economic Development
CS15-Offices,Research,Industry, Storage and Distribution
CS16 - Shops and Commerce
CS17 - New Housing
CS19 - Affordable Housing
CS23-Social Infrastructure
CS27 Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 21, 34, 45, 51,54,55,57,58,62,99,100,101,111
Appendices 3, & 5

Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Affordable Housing (Jan 2013)

Summary of Representations

Tring Town Council

Object to the application on the grounds of failure to maintain the current level of employment provision, loss of a desirable mix of uses, the minimisation of the impact of traffic and reductions in the overall need to travel will all be adversely affected, pressure on car parking, visual intrusion, scale, height and bulk which is out-of-keeping with the surroundings.

Thames Water

No objection, subject to condition and informatives

Strategic Planning

We do not have any in principle objections to the proposed development, however, we recognise the loss of the existing uses would be locally controversial and should be carefully considered.

Impacts on the highway network, as well as parking provisions and the design of the built form (in regards to the established neighbouring uses and within the setting of the conservation area) should be fully assessed by the Case Officer before any recommendation is made.

Conservation and Design

No objection, subject to conditions.

Herts fire and Rescue

We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Crime Prevention Officer

I note this development is for independent living and therefore will need to comply with Building Regulation 'Approved Document Q: Security' (ADQ) to 'Prevent Unauthorised Access'. At 5.10 in the Design and Access Statement (DAS) it says the security will be to Secured by Design (SBD) standards, and if it were to achieve SBD I would be content with as regards security. I would encourage the applicants if they obtain planning permission apply for the SBD award which also helps the applicants achieve ADQ.

Advisory provided.

Environmental Health

No objection on environmental health grounds, subject to conditions.

Environment Agency

No objection. However, in order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

Contaminated Land Officer

As further works are required, I recommend that the standard contamination conditions be applied to this development should permission be granted.

Lead Local Flood Authority

No objection, subject to conditions.

County Waste Team

The County Council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development and provide comment to the borough council. Completed SWMPs should be passed onto the Waste Planning Authority to collate the data after the development.

Strategic Housing

Following a full review of the viability report provided by BNP, we accept that the proposed scheme generates a negative land value and is therefore unviable to provide any form of affordable housing provision.

Highway Authority

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 conditions. A copy of the Highway Authority's response is provided in full at Appendix A.

Trees and Woodlands

No comments provided.

Community Consultation

A total of 237 comments have been received, the majority of which were in objection to the application. A summary of the issues which have been raised is provided below.

- Loss of the existing petrol station / motor repair facility;
- The Strategic Planning department at Dacorum are proposing to increase the population of Tring by 30%, therefore, it cannot possibly make sense for the Development Control department at Dacorum to be removing infrastructure i.e. the last petrol station within the town;
- Shortage of school places, doctors, dentists, etc;
- Impact on parking in the surrounding area;
- Lack of parking;
- Height / scale of the development;
- Increase in traffic;
- A detrimental impact on the local environment with the extra volume of traffic/fumes;
- Will take local business away from local shops as the majority of car owners will probably choose to drive even further away to Aylesbury/Hemel Hempstead Tesco superstore and shop at the same time;
- Tring already has a retirement home development reference the Old Rose & Crown Hotel in the High Street;
- No social or affordable housing commitment;
- Not housing for younger people;
- The Geotechnical Study is not included in these amended plans. As there were a number of areas which Campbell Reith said required further investigation, I would ask why these have not been investigated and the results produced;
- Party wall issues:
- We do not require flats for over 55's;

- I am writing in support of it as a sensible development for Tring;
- As a result there will also be a potential negative impact on pedestrians, notably Tring school children;
- The proposed design deprives some residents of Nursery Gardens of their privacy - where they today have totally private rear gardens, in future they could be overlooked by the east-facing flats that will tower above them and have direct visual views into their gardens and bedrooms;
- Lose of employment;
- Overpriced units;
- Disruption to roads during construction;
- Site contamination;
- Loss of privacy.

There is also a petition which has been signed by 1,667 (as at 01/11/2017) which is available to view from:

<https://www.change.org/p/petition-voicing-objections-to-redevelopment-of-shell-garage-and-market-autos-site-in-tring>

The considerations raised above (in so far as they are material to planning matters) are addressed within the following sections of this report.

Considerations

Policy and Principle

Policy NP1 of the Core Strategy states that the Council will take a positive approach to the consideration of development proposals, reflecting the presumption in favour of sustainable development contained in the NPPF.

Policy CS1 states that the market towns and large villages will accommodate new development for housing, employment and other uses, provided that it is of a scale commensurate with the size of the settlement and the range of local services and facilities, helps maintain the vitality and viability of the settlement and the surrounding countryside and causes no damage to the existing character of the settlement.

Policy CS2 states that development sites will be chosen in accordance with a sequence of properties which prioritises development within defined settlements on previously developed land / buildings and areas of high accessibility.

Policy CS4 states that in residential areas appropriate residential development is encouraged.

Encouraging the effective use of land is also a core planning principle encouraged within the NPPF (Paragraph 17).

It is considered that the principle of the provision of residential accommodating on previously developed land which is located adjacent to the town centre is supported by the above policies.

Furthermore, the site is free of any restrictive constraints. As such, the principle of the development is considered acceptable, subject to the satisfactory addressing of other planning considerations.

The provision of elderly persons accommodation is also supported by Government guidance. The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move can also free up existing houses that are under occupied.

Loss of Existing Facilities / Employment

It is noted that a significant volume of objection to the proposals is based upon the loss of the existing petrol filling station (PFS).

However, in policy terms, there is nothing to prevent the loss of the PFS as there are no policy safeguards in place to protect against this and this has been confirmed by the Council's Strategic Planning and Regeneration Team.

Furthermore, the proposal does not neatly fit within the definition of a Local Shop under DBLP Policy 45 (Scattered Local Shops) being a mixed quasi retail use. Even if it did, it would be unreasonable to object to the loss of the retail element given its proximity to other shopping outlets within the Town Centre and also in the nearby Tesco Food Store (on London Road). Both are conveniently located to the site.

The site does not fall within a designated General Employment Area. Saved Policy 34 also indicates that sites such as this falling outside protected employment areas and within the urban area can be redeveloped with non-employment type uses.

A PFS is not recognised as a designated employment use under Policy CS15 (Office, Research, Industry, Storage and Distribution). This matter notwithstanding, Policy CS1 of the Core Strategy states that the market towns and large villages will accommodate new development for housing and employment and it is anticipated that the proposal will result in the provision of a number of employment positions being provided as detailed below:

Direct employment - 7 people

- House/Estate Managers - 2 to cover 24/hr shifts.
- Cleaners- 3 for cleaning of common parts.
- Gardeners- 2 people for landscape gardens and amenity space.

Indirect / Third Party Contractors - 5 people

- Security - 2
- Window cleaners - 2
- Central management and administration - 1 person

Due to the lack of policy requirement for the retention of the existing facilities / employment at the site, it is considered that the proposal does not conflict with the local or national planning policy environment in this respect.

Impact on Street Scene

Policy CS12 of the Core Strategy states that on each site, development should integrate with the streetscape character.

With regards to street scene impact, it is important to make assessment of the proposals impacts when viewed from both Brook Street to the west / south-west and Mortimer Hill to the south.

The site consists of a modern PFS, garage building and related structures. It was constructed in the mid-20th century with the garage forecourt comprising a later rebuild. The office / workshop structures are 2-3 storeys in a yellow brick not particularly typical of the area. Prior to this there appears to have been a row of historic structures dating from the 19th century facing the frontage. These have all been removed. To the rear the former nursery has been developed as housing (dwellings on Nursery Gardens), as have the open areas to the north and the south. This housing all dates to the second half of the 20th century. The former cattle market is now a car park. Some historic buildings remain to the southern end of Brook Street including the Robin Hood Pub and nearby cottages.

It is considered that the proposal will result in a visible increase in scale of development which will be evident from both Brook Street and Mortimer Hill.

The residential properties situated to the north of the site are typically of two storeys. However, these properties are situated on a raised area of land which elevates their position within the street scene considerably. By comparison, the application site is situated at a lower land level which minimises the visual scale of the proposals when read within the wider street scene and results in a scale of development which appears to be in keeping with the surrounding area.

The overall visual mass of the proposal is further minimised by the breaking-up of the principle elevation into two 'cores' with a link section joining the two which is set back from Brook Street. It is noted that there is no predominant / prevailing architectural style present within Brook Street which allows for a greater degree of aesthetic flexibility with regards to design and assimilation into the street scene.

In respect of impact on the from Mortimer Hill, it should be noted that the topography of the road rises steeply from west to east which results in a readily-evident / visible built form within the street scene, particularly when viewed from the junction of Mortimer Hill and Brook Street.

Due to the topography of the site, views of the proposal from the eastern end of Mortimer Hill are limited to those which are available from a short section of the westernmost part of Mortimer Hill and those from the south of the site. Given the scale of the existing buildings and commercial character which is present at the site, it is not considered that the proposed development would result in an impact on the street scene which would be so severe as to warrant refusal.

The Conservation and Design Officer has been consulted on the application and has stated that the demolition of the existing buildings is acceptable. They have advised that the existing buildings are of a low level of architectural interest and do not make a positive contribution to the setting of the nearby Tring Conservation Area or the listed buildings (discussed further in the following section).

It is therefore considered that the proposal is acceptable with regards to the requirements of Policy CS12 of the Core Strategy.

Impact of the Proposal on the Tring Conservation Area and Listed Buildings

Policy CS27 of the Core Strategy states the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.

Development will positively conserve and enhance the appearance and character of conservation areas.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 read in conjunction with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 create a presumption against planning permission being granted if harm could be caused to the heritage assets.

It is noted that the site is situated to the north-east of the Tring Conservation Area, the boundary of which commences on land beneath that situated to the south of the Tring Local History Museum.

Furthermore, it is noted that the Robin Hood Pub situated at the junction of Tring High Street and Brook Street is a Grade II Listed Building. The Conservation and Design Officer and the Planning Officer have had special regards to the setting of this heritage assets as part of the ongoing considerations of this application as per the relevant sections of the act and associated guidance.

During the course of the application, the Council's Conservation Officer has been consulted and has provided ongoing guidance to the applicant. The Officer has stated that the proposal will not adversely impact upon the nearby designated heritage assets as the structures which are currently in situ are unattractive and fail to make a positive contribution to the setting of the nearby Conservation Area or the Listed Buildings.

By contrast, the proposed development provides an opportunity to secure a replacement building of acceptable design and an appropriate condition will ensure that the finish of the development is comprised of high quality materials which will assimilate with the street scene, surrounding area and the adjacent Tring Conservation Area.

As such, the proposal is considered to comply with the requirements of Policy CS27 of the Core Strategy, NPPF and relevant legislation.

Impact upon Neighbouring Amenities

Policy CS12 states that on each site, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

Given the scale and the location of the development it is considered appropriate to consider the potential for these impacts occurring in respect of surrounding properties.

In respect of noise, the Council's Environmental Health Officer has been consulted and has stated that they would not expect that statutory nuisance would be an issue if this development were to be approved and the Council would have to deal with any neighbour noise or other matters as they arise.

With regards to construction noise, an informative is recommended to be placed on the decision notice which details the Council's Environmental Health guidelines on acceptable construction working hours.

Saved Appendix 3 of the DBLP states that there should be sufficient space around residential buildings to avoid a cramped layout and maintain residential character, to ensure privacy and to enable movement around the building for maintenance and other purposes. The minimum distances of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. This distance may be increased depending on

character, level and other factors.

As the proposed site plan illustrates, the rear elevation of the proposed units is situated in excess of 23m from the rear elevations of the properties within Nursery Gardens, with the exception of the easternmost elevation which will be situated approx.. 5m from the flank elevation of the property to the east. However, the proposed building will contain obscured glazing in this elevation and the flank of the elevation of the neighbouring property does not contain any windows. As such no privacy issues are raised in this respect.

It is noted that the upper floor windows on the north-facing elevations are to be fitted with obscured glazing and as such, the privacy of occupiers of the properties situated to the north of the site is maintained.

With regards to daylight and sunlight impacts, the applicant has provided a Daylight & Sunlight Assessment. The analysis demonstrates that there is a minimal change between the access to daylight to the existing buildings before and after the proposed development. Of the 19 windows analysed, there are no Vertical Sky Component (VSC) results below the BRE criterion of 27% minimum. No façades are directly shaded by the new development as the angle to sky is less than the BRE guideline of 25 degrees. Therefore, the proposals also comply with the BRE guidelines for daylight and sunlight access to existing buildings.

BRE advises that for a garden or an open space to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21st March. Results in the Daylight and Sunlight Assessment show that more than half of the open spaces, the area with most potential to be affected, receive more than 2 hours of sunlight on 21st March both at present and with the proposed development. Other open spaces are not affected by the proposed development.

As such, the proposed development complies with BRE guidelines and existing residential amenities in terms of daylight and sunlight are maintained.

The proposals are therefore comply with Policy CS12 and Saved Appendix 3 of the DBLP.

Amenity Space

Saved Appendix 3 of the DBLP states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. Residential development designed for multiple occupancy will be required to provide a private communal amenity area to the rear of the building at least equal to the footprint of the building for two storey developments, and increasing with building height.

A communal garden is proposed to the rear of the development which can be accessed directly from the communal lounge on the upper ground floor and provides 580 sqm of high quality external amenity space for residents.

Whilst it is acknowledged that the proposal does not provide an amenity area of existing footprint to the building, the site benefits from being located within close proximity to other amenities which provide opportunities for recreation and socialising including Tring High Street and associated facilities.

Impact on Trees and Landscaping

There are no trees contained within the site boundary. A small area of amenity land is present within the street scene (outside of the site boundary) and this will remain unaffected by the proposals.

The Trees and Woodlands Officer has been consulted but has not provided any comments.

The proposed site plan illustrates that a hard and soft landscaping scheme will be provided which will soften the appearance of the development and will provide a significant enhancement to the site in this respect and will assist the development in assimilating into the street scene. It is considered appropriate to secure further details of this by way of condition to ensure a high quality outcome.

It is therefore considered that the proposals accord with the requirements of Policy CS12 in this regard.

Flood Risk and Drainage

Policy CS31 states that development will be required to minimise water runoff and to secure opportunities to reduce the cause and impact of flooding, such as using green infrastructure for flood storage.

The application site is situated within Flood Zone 1 which indicates that it has a low probability of flooding. Notwithstanding, the application is accompanied by a Flood Risk Assessment and Preliminary Drainage Strategy (PDS).

The PDS states that the development will result in a reduction in impermeable areas overall and includes new formal drainage and SUDs including an increase in porous areas by 23 % and new surface storage SUDs, permeable and underground storage in communal areas. Underground storage / tanking will only be used if surface SUDs are not possible. This will be addressed through detailed design once the physical and chemical properties of the ground and suitability for infiltration / soakaway and suitability of incorporating additional sub-porous layers can be confirmed.

The detailed design will incorporate appropriate oil interceptors / treatment devices to manage water quality.

In terms of foul water disposal, the development will retain existing and secure a new connection to adjacent sewers where appropriate for the foul. This will be confirmed during detailed design with the water company.

The Lead Local Flood Authority has been consulted on the PDS and has stated that the proposed development site can be adequately drained and mitigates any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy. Conditions are recommended including the submission of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development.

It is therefore considered that the proposal accords the requirements of Policy CS31 of the Core Strategy.

Refuse Storage

Refuse collection will occur directly from Brook Street in accordance with the arrangement for The Hollies immediately to the north of the site and the residential properties immediately opposite The Hollies. A bin store for the development is provided at a central location on the Brook Street frontage for this purpose. However, it is unclear from the application submission how service vehicles associated with the collection would be able to safely access the bin store. As such, a condition is recommended to address this matter to the Council's satisfaction.

Contamination

Policy CS32 of the Core Strategy states that development will be required to help remediate contaminated land in line with Environment Agency, Defra and Natural England guidance. Any development proposals which would cause harm from a significant increase in pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.

Given the history of the site and the surrounding area, contamination issues are considered to present a moderate to high risk. Potential sources of contamination that require further consideration are outlined below:

- On site use as a petrol filling station, with potential underground storage tanks;
- Historic use of the site as a garage, with potential underground storage tanks;
- Vehicle repairs and servicing centre on site;
- Car washing on site;
- Car parking on site and steel drum storage in the north western corner of this area;
- Areas of infilling and Made Ground resulting from the historic demolition of the site and surrounding area;
- Car parking and garages to the north of the site; and,
- Substation to the south of the site.

The applicant has submitted as Geo-environmental and Geotechnical Desk Study. The report concludes that an intrusive investigation is recommended in order to determine if a risk is present and, if so, what form of remediation is likely to be appropriate to enable the site to be developed so that it is suitable for use.

The Contaminated Land Officer has been consulted and has stated that they are in agreement with the findings of the report and recommendation for a site walkover survey prior to the design and undertaking of a ground investigation.

As further works are required, the Contaminated Land Officer has recommended that the standard contamination conditions be applied to this development should permission be granted.

Furthermore, it is noted that the site is located on a primary aquifer. The Environment Agency has advised that in order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution, and;
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant will be required to consider these matters during the preparation of both the detailed drainage strategy and while addressing the requirements of the conditions pertaining to contaminated land.

Site Access and Highway Impact

The applicant proposes to close the three existing site accesses and provide a new site access from Brook Street. The existing crossovers will need to be re-instated with kerbs and footways. The new vehicular access onto Brook Street will pass beneath the new building and lead to the car park at the rear of the site. It is noted that the existing facilities are also accessed from a similar location. Brook Street (B488) is a single carriageway secondary distributor road subject to a speed limit of 30mph. The applicant has provided a drawing which provides suitable swept

path assessments to demonstrate that two-way movement of vehicles into and out of the access arrangements is achievable.

With regards to public transport, the site is serviced by bus stops located on Brook Street adjacent to the site. The bus stop on the east side of the road, serving the southbound direction, is serviced by bus routes 50, 61 and 164 with services to Aylesbury. The bus stop on the west side of the road, serving the northbound direction, is serviced by bus routes 164 to Pitstone and Wilstone, 61 to Dunstable and 50 to Ivinghoe. The nearest railway station to the site is Tring railway station which is approximately 2m walk from the proposed development site. Tring railway station is serviced by London Midland and Southern trains. London Midland trains provide access to London Euston, Tring, Bletchley, Northampton, and Milton Keynes Central. Southern trains provide access to Milton Keynes Central and East Croydon.

As part of the planning application package, the applicant has provided a Transport Statement (TS) to demonstrate the impact of the proposed development on the traffic network and the Highway Authority has been consulted on the application.

The Highway Authority have stated that the difference in the number of trips generated by the existing and the proposed development demonstrates that the proposed development will likely result in a reduced number of trips arriving to and departing from the development site in both the AM and PM peak periods than the existing use. Therefore, no severe impact is likely to be generated by the proposed development on the surrounding highway network. Junction assessments are not required for the proposed development as the proposed development is likely to generate less trips than the existing land uses.

The Highway Authority concluded that the development is acceptable in terms of highway impact subject to conditions pertaining to a Construction Traffic Management Plan, a Car Park Management Plan, a Delivery and Servicing Plan, and detailed plans illustrating a horizontal clearance of 500m on either side of the proposed access and re-instatement of the highway. A number of informatives have also been recommended.

It is therefore considered that with the appropriate measures secured as detailed above, the development accords with Policies CS8 and CS9 of the Core Strategy and Saved Policy 51 of the DBLP.

Parking

The application proposes a total of 30 off-street parking spaces which are to be located underground and to the rear of the site. The parking area is accessed via the vehicular access which is provided adjacent to Brook Street.

Of the parking spaces provided, a total of 7 accessible spaces and 2 are for Smart-sized vehicles.

The application site is situated within Zone 3 as defined by the Council's 'Accessibility Zones for the application of Parking Standards Supplementary Planning Guidance' Document.

Saved Appendix 5 of the Dacorum Borough Local Plan provides the Council's maximum parking standards. For elderly person's accommodation, the maximum standards are specified at 1.5 spaces per unit including 0.25 visitor space.

The proposed development comprises a total of 31 residential units, which based upon the maximum standard cited above, would result in a maximum provision of 46.5 spaces. As such, the proposed development provides 16.5 spaces less than the maximum allowance.

For residential development, the SPG currently expects all parking demand to be

accommodated on site; although reduced provision may be acceptable for high-density residential proposals in appropriate locations. Saved Policy 58 of the DBLP also states that parking provision may also be omitted or reduced on the basis of the type and location of the development, such as sites in close proximity to facilities, services and passenger transport.

Paragraph 32 of the National Planning Policy Framework is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Furthermore, a recent appeal decision (reference: APP/A1910/W/17/3173690 – 02/10/2017) which overturned refusal of planning permission for a proposal on the basis of a lack of parking in the Borough stated as follows:

‘The National Planning Policy Framework 2012 (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling, and advises that parking standards should take account of (amongst other things) the accessibility of development and the levels of car ownership. Subsequently, the Government issued a Written Ministerial Statement (WMS) on 25 March 2015, which highlights that any local parking standard should only be imposed where there is clear and compelling justification’.

The applicants proposes to provide 12 cycle spaces and 17 mobility scooter spaces for residents encouraging sustainable transport modes.

It is noted that there are two public car parks within Tring High Street and within walking distance of the site; one is located adjacent to Tring Library, and another (The Forge).

Furthermore, a Car and Cycle Parking Management Plan will be required to ensure that the proposed parking is managed appropriately and to ensure no displacement of parking onto the highway occurs.

It is therefore considered that the proposed development complies with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the DBLP.

Affordable Housing and Community Infrastructure Levy (CIL)

Policy CS19 of the Core Strategy states that affordable housing will be provided on sites of 10 or more dwellings. 35% of the new dwellings should be affordable homes.

Section 7 of the Council’s Affordable Housing Supplementary Planning Guidance document states that in cases where the applicant considers that the site cannot viably support the Council’s affordable housing policy requirements, the Council will require the applicant to submit a financial appraisal and supporting evidence at pre-application stage.

The applicant has submitted an Affordable Housing and Economic Viability Assessment which tests the viability of the proposed scheme and the results demonstrate that the proposed scheme generates a negative land value of c. £0.93m and when compared to our site value of c. £2.17m the scheme is unviable by c. £3.1m. Consequently, the proposed scheme is unable to provide any affordable housing.

The Council’s Strategic Housing department has been consulted on the Assessment and concluded that they accept that the proposed scheme generates a negative land value and is therefore unviable to provide any form of affordable housing provision.

Policy CS35 states that all development will provide or contribute to the provision of the on-site, local and strategic infrastructure required to support the development. The site is situated

within CIL Charging Zone 2.

The Charging Schedule states that retirement housing is chargeable at a rate of £0 per square metre for retirement housing.

It is therefore considered that the proposal does not conflict with the requirements of Policies CS19 and CS25 of the Core Strategy.

Sustainability

Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible. The policy details a number of principles which should normally be satisfied. These include: recycling construction waste; providing an adequate means of water supply, surface water and foul drainage; planning to minimise carbon dioxide emissions; incorporating at least one new tree per dwelling; minimising impacts on biodiversity; minimising impermeable surfaces and providing on-site recycling facilities for waste.

An Energy Statement prepared by NRG Consulting is submitted as part of the planning application.

The Statement demonstrates that a reduction of 19.15% in regulated CO2 emissions throughout the energy hierarchy can be achieved via measures including:

- Passive design measures;
- Low U-Values;
- Low air permeability;
- A high energy gas heating system;
- 100% low energy lighting; and
- Installation of Photovoltaic Panels.

It is considered that the proposals will satisfy Policy CS29 through the introduction of the above measures, the securing of landscaping enhancements and drainage provision though an appropriate planning condition although it is considered that matters pertaining to sustainability also be further assessed through the Building Control process.

It is therefore considered that the proposal complies with Policy CS19 of the Core Strategy.

Summary and Conclusion

Planning permission is sought for the demolition of the existing facilities at the site and the construction of 31 residential units for occupancy by the over-55s and associated parking and facilities.

The site is situated within a sustainable location with good access to a range of local amenities and will contribute towards the Borough's housing stock.

Special regard has been given to the setting of the local heritage assets and great weight has been given to the conservation of the setting of both the Robin Hood pub Listed Building and the adjacent Tring Conservation Area. It has been confirmed by the Council's Conservation and Design Officer that the setting of these assets will be preserved.

A number of planning conditions are recommended which will secure a high quality finish to the development and will also mitigate the impacts of the proposed development on the surrounding area. The conditions will also restrict the occupancy of the units to over 55's to ensure that the assessments which have taken place remain relevant.

It is considered that the proposal complies with Policies CS1, CS2, CS4, CS12, CS27, CS31 and CS32 of the Core Strategy, Saved Policy 51, 58 and Appendices 3 and 5 of the Dacorum Borough Local Plan (DBLP) and the National Planning Policy Framework (NPPF) and is therefore recommended for conditional approval.

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

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

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

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

215028 /110 Rev F (Proposed Site Plan)
215028 /120 Rev F (Proposed Lower Ground Floor Plan)
215028 /121 Rev E (Proposed Upper Ground Floor Plan)
215028 /122 Rev E (Proposed First Floor Plan)
215028 /123 Rev F (Proposed Top Floor Plan)
215028 /124 (Proposed First Floor Plan - Overlooking)
215028 /130 Rev D (Proposed SW Elevation)
215028 /131 Rev D (Proposed South East and North East Elevations)
215028 /132 Rev C (Proposed North West Elevation and North West Sectional Elevation)
215028 /133 Rev B (Proposed Proposed North West Sectional Elevation - Overshadowing)
Application Form
Daylight and Sunlight Report

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

- 3 **Notwithstanding the details already provided, no development (excluding demolition) shall take place until details of the materials to be used in the construction of the external surfaces (including timber detailing on the gable ends / porches, roof tiles, bricks and brick bond, joinery details, window materials, metalwork and rainwater goods) of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: In the interests of the visual amenities of the street scene and adjacent Tring Conservation Area in accordance with Policies CS12 and CS27 of the Core Strategy.

- 4 **Notwithstanding the details already submitted, no development (excluding demolition) shall take place until full details of both hard and soft landscape**

works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

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

- 5 **No persons under 55 years of age (qualifying person) shall reside in any of the dwellings/apartments, hereby approved with the exception of a spouse (the term spouse shall include, for the avoidance of doubt, a partner by virtue of civil partnership or marriage) and/or the widow or widower of a Qualifying Person such widow or widower having commenced his or her Occupation of one of the development dwellings as the spouse of the Qualifying Person prior to the death of the Qualifying Person.**

Reason: To ensure the proposals are delivered in accordance with the assessments that have been made with regards to the National Planning Policy Framework, the Core Strategy and the Saved policies and appendices of the Dacorum Borough Local Plan.

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

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and

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

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Core Strategy.

- 7 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 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 in accordance with Policy CS32 of the Core Strategy.

- 8 **The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Preliminary Drainage Strategy (ARK Environmental Consulting Ltd dated December 2016) and the mitigation measures detailed within the Flood Risk Assessment.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS31 of the Core strategy.

- 9 **No development (excluding demolition) shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles**

and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 40% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1. Provision of a fully detailed drainage plan showing pipe diameters, pipe runs, outlet points and location of SuDS features.
2. Infiltration tests carried out in accordance with BRE Digest 365.
3. Detailed surface water run-off calculations for 1:100 year (+40% CC), which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+40% CC).

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy CS32 of the Core Strategy.

- 10 **No development shall take place until a Construction Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that construction waste is minimised in accordance with Policy CS29 of the Core Strategy. It is necessary for the condition to be pre-commencement in this instance as the demolition works will require the removal of waste to avoid environmental / health hazards associated with retaining such wastes on site.

- 11 **Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority.**

Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Provision of sufficient on-site parking prior to commencement of construction activities;
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan. Due to the nature of the condition, it is necessary for these details to be provided and approved in advance of the development commencing.

- 12 **Prior to first occupation of the development, a Car and Cycle Parking**

Management Plan shall be submitted to and approved in writing by the local planning authority. It shall include the information prescribed in the Transport Assessment and the following:

- **Details of car parking allocation and distribution;**
- **Methods to minimise on-street car parking;**
- **A scheme for the provision and parking of cycles; and,**
- **Monitoring required of the Car Parking Management Plan to be submitted to and approved in writing in accordance with a timeframe to be agreed by the local planning authority.**

The Car Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, in accordance with a timeframe agreed by the Local Planning Authority, and thereafter retained for this purpose.

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking and the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Dacorum Borough Local Plan.

- 13 **Prior to first occupation of the development hereby permitted, a Servicing and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery plan shall incorporate the servicing arrangements for the use and adequate provision for the storage of delivery vehicles within the site.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policies CS8 and CS9 of the Core Strategy.

- 14 **Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:**

- i. Roads, footways, foul and on-site water drainage.**
- ii. Existing and proposed access arrangements including visibility splays.**
- iii. Parking provision in accordance with adopted standard.**
- iv. Cycle parking provision in accordance with adopted standard.**
- v. Servicing areas, loading areas and turning areas for all vehicles.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policies CS8 and CS9 of the Core Strategy.

- 15 **Prior to commencement of the development hereby permitted, the applicant will need to demonstrate that a horizontal clearance of 500mm on either side of the proposed access and the carriageway will be clear of obstruction.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS9 of the Core Strategy.

- 16 **Vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing No. SK05 only. Any other access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be**

agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety in accordance with Policies CS8 and 9 of the Core Strategy.

- 17 **No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.**

Reason: To ensure that the works do not adversely impact on sewerage infrastructure in accordance with Policy CS32 of the Core Strategy.

- 18 **The obscured-glazed windows annotated 'OG' on Drawing Numbers 215028/132 Rev C and 215028/122 Rev E will be obscured and non-opening below 1.7m and shall remain as such for the lifetime of the development.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 of the Core Strategy.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and 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.

INFORMATIVES

Contaminated Land

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' These reports should comply with BS10175:2011 which clearly sets out how a site investigation and risk assessment should be carried out.

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

Lead Local Flood Authority

Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

Crime

The applicant is advised to apply for the Secured by Design (SBD) standards award which also helps the applicants achieve 'Approved Document Q: Security'. To apply for Secured by Design, details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

Environmental Health

The applicant is reminded of the Environmental Health Department's restrictions on construction working and other matters as advised below:

- (1) Building work and all related activities on the site, including deliveries and collections shall only take place between 7-30 am and 6-30 pm on weekdays (Monday to Saturday inclusive) and no work shall take place on site on Sundays or Bank Holidays.
- (2) No waste material, wood or other material shall be burnt on site at any time.

Highway Authority

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN4) Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant would need to apply to the Highway Authority to obtain their permission and requirements. Further

information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

S184 or S278 Agreement

Any works within the highway boundary (including alterations to the footway and the proposed site access) would need to be secured and approved via a S184 or a S278 Agreement, whichever is most appropriate to the scale of works, with the Hertfordshire County Council.

Thames Water

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.