

**4/03167/17/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 31 DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS ON TO AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE (AMENDED SCHEME).**

**CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL.**

**APPLICANT: W E Black Ltd - Mr E Gadsden.**

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[Case Officer - Intan Keen]

## **Summary**

The application is recommended for approval.

The principle of residential development on this site has been established under a previous application considered by the Development Management Committee. The current scheme seeks one additional residential unit above the extant permission and the proposal would be acceptable in terms of layout and density, would not detract from the appearance of surrounding street scenes or the character of the surrounding area (described under TCA1 Aylesbury Road and TCA2 Miswell Lane). The extent of tree removal proposed would not raise any objection noting the retention of the line of TPO trees within the site's north-western corner and this would not outweigh the planning benefits of provision of housing in the site's location within a designated residential area within the town of Tring. Residential amenity within the development would be satisfactory and the proposal would not have an adverse impact on the living conditions of neighbouring properties. Car parking provision and access arrangements would be acceptable and no concern has been raised with respect to traffic movements as a result of the proposal.

The proposal therefore accords with the aims of the National Planning Policy Framework, Policies CS1, CS4, CS8, CS11, CS12, CS17, CS18, CS19, CS29, CS31, CS32 and CS35 of the Dacorum Core Strategy 2013 and saved Policies 18, 21, 58 and 99 and saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011.

## **Site Description**

The application site comprises the buildings and the majority of the grounds of the Convent of St Francis De Sales Preparatory School which is a sloping site accessed principally via a long drive off the northern side of Aylesbury Road and within the defined town of Tring. The school buildings and sports fields on the site are currently vacant following the closure of the school in 2014. The site is located at a height above Aylesbury Road consistent with the topography of the immediate area where the site's main frontage is largely vegetated including a bank comprising mature trees subject to a Tree Preservation Order.

Surrounding land uses are predominantly residential, with several single dwellings forming a shared boundary with the site, including those off Longfield Road, Cherry Gardens, Abstacle Hill, Cobbetts Ride and High Drive off Aylesbury Road (Gordon Villas); comprising a mix of two-storey dwellings and bungalows, set on plots of varying size, shape and garden area. St Josephs Care Home is located immediately to the south of the site and neither the old Convent nor the hall fronting Longfield Road form part of the redevelopment site, the former building is understood to be occupied by Tring School for boarding pupils. The site lies within a designated residential area under the adopted Dacorum Borough Local Plan 1991-2011.

## **Proposal**

Planning permission is sought for the redevelopment of the site to create 31 dwellings together with open space, parking areas and landscaping following the demolition of existing school buildings and structures on site; continuing to use the main access off Aylesbury Road. The

mix of dwellings would include:

6 one-bedroom flats  
8 two-bedroom houses  
2 three-bedroom bungalows  
8 three-bedroom houses  
7 four-bedroom houses

Of these 31 dwellings, 11 would be provided as affordable units which would equate to 35% of the total development.

The development would provide a total of 70 parking spaces.

The buildings would comprise semi-detached dwellings as well as terraces, bungalows, flats and one detached dwelling with development no greater than two storeys. The internal road network would be laid out leading off from the main drive off Aylesbury Road coming to a T-junction with another main road leading off to two other spur roads within the development.

The individual plots would feature private rear gardens, and the majority of units with private parking within their respective curtilages. The flats would benefit from a communal garden area and parking in front.

### **Referral to Committee**

The application is referred to the Development Management Committee as the previous application 4/01569/17/MFA was refused by the committee on 12 October 2017.

### **Planning History**

As noted above, application 4/01569/17/MFA for 40 dwellings was refused for the following reason:

By reason of the proposed dwelling density, the number of units on the site, insufficient open space provision and the impact on and relationship of development with trees, the proposal would represent an overdevelopment of the site when considered in the context of the locality within the TCA2 (Miswell Lane) Residential Character Area, to the detriment of the appearance of the area, contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

Prior to this, application 4/00029/16/MFA for demolition of all existing buildings, construction of 32 residential dwellings, alterations to the existing vehicular access onto Aylesbury Road, landscaping and the introduction of informal public open space was granted on 16 February 2017. This scheme included 30 dwellings on the main school site (the area of the current application site) and the remaining two fronting Longfield Road replacing the aforementioned existing hall, the latter portion which does not form part of the application site.

There is a separate live application 4/02899/17/TPO to fell one Beech tree within the western corner of the former school grounds, however this does not form part of the application site under the current scheme and is therefore not relevant in its consideration.

### **Policies**

#### National Policy Guidance

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

## Dacorum Core Strategy

Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS23, CS24, CS25, CS27, CS29, CS31, CS32, CS35

## Dacorum Borough Local Plan

Saved Policies 10, 13, 18, 21, 58, 69, 76, 99  
Appendices 3, 5 and 6

## Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Area Based Policies (May 2004) - Residential Character Area TCA1 (Aylesbury Road) and TCA2 (Miswell Lane)

Affordable Housing (January 2013)

## **Summary of Representations**

### Tring Town Council

The Council recommended no objection to the application with a comment that the protected trees on site be safeguarded unless proven to be diseased, when they should be replaced with natural resistance.

### Neighbours

Comments have been received from properties at Nos. 31, 33 Cobbetts Ride and Nos. 26, 38 Longfield Road objecting to the proposed development on the following grounds:

- Provision of amenity / play areas insufficient;
- No community focus such as central open space for play;
- Query distances between neighbouring properties and impact on overlooking to existing dwellings;
- Clear lines of sight from Plots 12-19 into gardens and habitable rooms of Nos. 31, 33 and 35 Cobbetts Ride as a result of siting and orientation;
- Concerns surrounding visual intrusion of development relative to neighbouring properties where new dwellings on higher ground;
- Noise disturbance;
- Note separate application to fell trees adjacent to site with intention of extending development from the spur;
- Objection to access from Longfield Road for construction vehicles.

A response from No. 58 Longfield Road has been received in support for this application, noting the concerns of residents and council have mostly been addressed, with bungalows on the side near Cherry Gardens and reduced density.

Comments from Nos. 31 and 33 Cobbetts Ride also noted improvements in the scheme as above.

### Hertfordshire Highways (comments in full)

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: Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) visibility splays measuring 43m x 2.4m shall be provided to each side of both the accesses off Aylesbury Road and Longfield Road and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

S278 Agreement Any works within the highway boundary, including alterations to the footway, site accesses and upgrading of street furniture etc, known as 'off site works' will need to be secured and approved via a legal S278 agreement with HCC.

The Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Where works are required within the public highway to facilitate an improved or amended vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before any works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, and Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Description of the Proposal

Demolition of existing buildings, construction of 31 dwellings, alterations to existing vehicular access on to Aylesbury road, landscaping and introduction of informal public open space (amended scheme). The above application is for the demolition of the existing buildings and replaces them with a mix of C3 residential dwellings with off street parking. Both pedestrian and vehicular access will be via the existing access off Aylesbury Road (with improvements) whilst the access from Longfield Road will be closed off to through traffic. This will all be subject to a legal S278 Agreement and the following conditions and informatives. Location Convent of St. Francis de Sales preparatory School, Aylesbury Road Tring, HP24 4DL

#### History

4/00029/16/MFA Site: Convent of St Francis De Sales Preparatory School, Tring Demolition of all existing buildings and construction of 37 residential dwellings including over 35% affordable housing. Alterations to the existing vehicular access on to Aylesbury Road. Landscaping and the introduction of informal public open space.

4/01569/17/MFA Site: Convent of St Francis De Sales Preparatory School, Tring Demolition of existing buildings, construction of 40 dwellings, alterations to existing vehicular access on to Aylesbury Road, landscaping and introduction of informal public open space This application was REFUSED, for the reasons given below. The proposed dwelling density, the number of units on the site, insufficient open space provision and the impact on and relationship of development with trees, the proposal would represent an overdevelopment of the site when considered in the context of the locality within the TCA2 (Miswell Lane) Residential Character Area, to the detriment of the appearance of the area, contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

## Highways

**Aylesbury Road** This is a classified road - B4635/20, secondary distributor from the speed sign near Donkey Lane to Park Road and is maintained by HCC as the highway authority. This section of road is 450m long and approximately 7.5m wide outside the entrance to the site. The speed limit is 30mph, the road is lit and generally there is no observed on street parking during the day. There are neither traffic counts nor traffic calming measures for this section of road. The road is traffic sensitive ie no working between 07:30 to 09:30 and 16:30 to 18:30. There are no formal waiting restrictions outside the entrance to the site. Vehicular access to the development will be off this road via the existing steep drive. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

## Road Safety

Looking at the rolling 5year RTC data there has been 1 slight personal Injury Accident (PIA) recorded in this period. This was recorded on the 20th June 2012 as a slight injury incident. It appears to be a two car collision resulting in a rear end shunt to the car slowing down and turning into the access drive of the school. No further PIA's were recorded which could be down to the fact that the school has been shut for some time and/or that this section of highway is not an accident hotspot.

## Longfield Road

This is an unclassified local access road, L2 the 2U233/10, connecting Miswell lane to Aylesbury Road. It's 516m long and approximately 6.5m wide although this does vary considerably. It is a 30mph lit road with on street parking during the day and evening. There are no traffic counts for this road. The current access that serves the rear of the site will be closed off to through traffic although the simple vehicle crossover will be kept for the replacement dwellings providing a means of access to their off street parking spaces respectively.

This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

## Road Safety

Looking at the rolling 5 year RTC data for PIA it shows that there have not been any recorded incidents along this stretch of road.

As part of a Design and Access statement, the application should take account of the following policy documents;

- National Planning Policy Framework (March 2012);
- Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031
- Roads in Hertfordshire Design Guide 3rd Edition
- Dacorum Borough Local Plan (reserved), Appendix 5 Parking Provision

## Parking

Off street parking is a matter for the Local Planning Authority (LPA) to determine and the applicant has provided details of the parking provision. DBC's parking standards (DBC Local plan and the SPG) should be used to determine the level of parking this site should attract, the applicant has used this maximum based standard to come to the figures mentioned above. The site sits within the borough council's zone 4 for this assessment. In this case the applicant is providing parking spaces but it is unclear if any will be DDA compliant. The applicant will need to provide room for cycles and buggies.

Roads in Hertfordshire highway design guide 3rd edition states that the dimension and location requirements for parking bays, driveways and turning areas shall be in accordance with the guidance in DfT Manual for Streets.

## Accessibility

Forward Planning Officers (Passenger Transport Unit) have supplied details of bus services and bus infrastructure to identify gaps in the service. (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>)

Their comments are attached should contributions be sought from the LPA for bus stop improvements.

The nearest bus stops are located on Western Road approximately 150 metres from the site access. Therefore all dwellings are likely to fall within the recognised accessibility criteria of 400m. Neither stops have easy access kerbing and shelter provision. The existing east bound footway width may be insufficient to provide shelter provision.

Services are as follows: 50 Aylesbury to Ivinghoe 61 Aylesbury to Luton 164 Aylesbury to Leighton Buzzard 500 Aylesbury to Watford 501 Aylesbury to Watford  
The site is located on the main bus corridor to and from Aylesbury with frequent services available.

## RAIL

Tring station is approximately 2.5 miles away. Trains are run by London Midland and journey time into London Euston is around 42 minutes with up to five trains per hour operating during the rush hour period.

## OTHER COMMENTS

Accessibility to bus services from this site is considered good. The nearest bus stops fall within the recognised accessibility criteria of 400m for all dwellings. Rail access is remote however good cycle parking facilities exist at the station.

Should this development go ahead, it is recommended that developer contributions be used toward improving access to local buses with kerbing enhancements, bus cage and shelter provision (for the west bound stop). Kerbing enhancements cost approximately £8000 each and shelter provision is also around £8,000. Therefore to improve bus access facilities at this location a total cost of around £24,000 would be likely.

## Servicing Arrangements

Refuse and recycling receptacle storage will need to be provided. Refuse collection is likely to be via a kerbside collection regime within the site as will all other service providers. Planning Obligations/ Community Infrastructure Levy (CIL)

If the LPA are minded to grant PP then any contributions for locally identified schemes may be sought. The bus stop improvements mentioned above being the most likely. However, off site works to both the accesses will be covered in the S278 agreement.

#### Conclusion

The assessment does not indicate any significant issues with the proposal to create 31 dwellings on the site of the former Francis House Preparatory School. The highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informatives.

#### Chiltern Society

No objections to type of buildings and layout. Note importance of TPO trees and their contribution to the biodiversity of the area. Application addresses concerns of dwellings with respect to height particularly those sited on higher ground overlooking other properties. Instead of terraces previously proposed the development comprises good quality, mainly semi-detached family houses. Provision of three areas of significant open space considered an improvement on previous plans. Character of surrounding area has been reflected in the designs. Request replacement of trees proposed for removal.

#### Sport England

No comment. The principle of the loss of the playing field has been previously considered by the Council and the Secretary of State during the determination of the previous scheme 4/00029/16/MFA.

#### Trees and Woodlands

Layout of development with regard to tree retention and tree replacement is good.

Other than those it has been previously agreed to remove, no other trees are due to be lost to development.

Proposed open space adjacent to the site entrance welcomed. Query who will manage long term. (Response in section below.)

Proposed new trees should be relocated within open space identified between Plots 1 and 2. Guidance with respect to planting locations.

Require fully compliant BS5837:2012 application, details of access driveway modification and detailed planting plans.

#### Parks and Open Spaces

No objection. Query whether DBC would adopt areas of informal public space.

Response to consultee that previous application 4/00029/16/MFA included landscaping condition requiring details of management of such areas.

#### Refuse

No objection. Advice received on suitable bin types.

Consideration should be given to the size and manoeuvrability of the collection vehicle

including the gradient of the access road from Aylesbury Road.

Hertfordshire Property Services

No objection. Note CIL contributions.

Hertfordshire Lead Local Flood Authority

Request Flood Risk Assessment or Drainage Strategy.

Hertfordshire Ecology

Advise submission of Preliminary Bat Roost Assessment.

Hertfordshire Minerals and Waste

No objection. Noted relevant waste policies. The Council is urged to pay due regard to relevant waste policies and ensure their objectives are met. Detailed information would be expected to be provided for both the site preparation and construction phases as the waste arisings from construction will be of a different composition to arisings from the enabling work through submission of a Site Waste Management Plan.

Thames Water

No objection with respect to waste.

Recommend informative with respect to water infrastructure. Minimum pressure of pipes to be taken into consideration by developer.

**Considerations**

Policy and principle

As noted above, the application site lies within a designated residential area in the town of Tring where appropriate residential development is encouraged under Policies CS1 and CS4 of the Core Strategy.

Further policy support for the provision of housing is contained within the NPPF which states that housing applications should be considered in the context of the presumption in favour of sustainable development; and the site's location within a designated residential area within the defined village of Tring would accord with these objectives. Further, Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is also supported in principle under Policy CS18.

The policy support for additional housing in a town and residential location as outlined above is given considerable weight in assessing the proposal.

The previous applications which considered the redevelopment of the site assessed the principle of the loss of the school and playing fields and under this application it has been accepted that residential development on this site has been established, noting Sport England's comments above. It is also acknowledged that the previous application 4/00029/16/MFA was referred to the Secretary of State as a departure from the Development Plan and was not subsequently called in. Consequently Sport England in their comments both under the current and most recently determined application 4/01569/17/MFA has not objected to the proposals on these grounds. The proposal therefore would not conflict with

the aims of Policy CS23 of the Core Strategy or saved Policy 69 of the Local Plan.

It is also noted that the appraisal for Residential Character Area for TCA1 (Aylesbury Road) is an area of limited opportunity in terms of scope for residential development; however with respect to redevelopment, this will not normally be permitted except on the Convent and School sites.

The provisions of saved Policy 10 of the Local Plan are also relevant, stating that vacant or underused land and buildings should be brought into the appropriate use(s) as soon as practicable through new building, conversion, adaptation or other alteration. Importantly, the saved policy goes on to state (where relevant) general building development should be designed to achieve the maximum density compatible with the character of the area. The proposal would accord with these objectives.

The number of dwellings sought on the main school site would represent an increase in one unit above that previously approved (excluding the two dwellings approved fronting Longfield Road under 4/00029/16/MFA) and this would not raise any principle issues and shall be detailed in the following sections.

It follows the principle of redeveloping the site for residential dwellings is accepted and established.

#### Layout and density

##### *Tree removal*

It is important to note that the site area has been reduced following the previously refused application, so that it excludes the area of open space within the site's western corner, including a row of six trees, five of which were proposed for removal (and three of which were subject to a Tree Preservation Order). As such, all tree removal proposed under the current application would not differ from the previously approved application.

##### *Site layout*

The site layout described above where dwellings would be oriented to front a main residential road running across the site at the top of the drive off Aylesbury Road, with smaller spur roads is considered to be a benefit in terms of layout and simpler wayfinding within the site compared with the previously approved scheme. This would also have the result of less hard landscaping perceived within the site which would enable a slightly curved road layout and staggered building setbacks which would add interest to the development when viewed within the site and also contribute to the suburban character of the immediately surrounding area.

When approaching the main development site from the drive off Aylesbury Road, the viewer would approach the detached dwelling at Plot 1 with its articulated southern side elevation and a pair of semi-detached dwellings terminating the view at the head of the internal T-junction which would contribute to the sense of place within the site.

##### *Dwelling density*

Noting the previously approved application and site layout considerations above, it is considered that the currently proposed dwelling density of 23 dwellings per hectare would be acceptable. It is acknowledged that this density would not exceed the maximum range set out in saved Policy 21 of the Local Plan which stipulates densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net. This should be balanced against the Residential Character Area statements for TCA1 and TCA2 which apply to the application site and require a lower dwelling density at no greater than 25 dwellings per hectare.

In applying the guidance of the Residential Character Area statements, it is considered that the development principles of TCA1 (Aylesbury Road) are applicable to works at the site's principal road frontage, whereas arguably the development principles of TCA2 (Miswell Lane) would be better applied to the development within the main part of the site (currently comprising the school buildings and playing fields); as existing surrounding development on Longfield Road, Abstable Hill and Cobbetts Ride and their spur roads all form part of TCA2, and it is these properties which form the immediate context for assessing the impact of the proposed residential development.

#### *Building separation, amenity space and open space*

The development would achieve an acceptable degree of spacing between buildings which would generally accord with the development principles set out under TCA2 (Miswell Lane) given the immediately surrounding context. Sufficient space around the buildings would be achieved and importantly the site would provide appropriate landscape buffers including through rear or private gardens to the boundaries of the site, particularly those shared with existing residential properties, contributing to the established suburban character of the locality.

A minimum distance of 23m would be achieved between the main walls of buildings within the development where these do not directly front a road, to accord with local standards set out under saved Appendix 3 of the Local Plan.

All dwellings would have private garden areas that would meet the minimum garden depth of 11.5m.

The flatted part of the development would benefit from its own private amenity area that would be greater than the footprint of the building.

Areas of open space within the development have been incorporated within the layout which would also assist in providing visual relief from buildings in the site.

The proposal would accord with the aims of Policies CS10, CS11 and CS12 of the Core Strategy.

#### *Removal of permitted development rights*

If planning permission is granted it would be reasonable to remove permitted development rights relating to Classes A and B (extensions and roof extensions) to ensure sufficient garden space to properties is retained and in the interests of residential amenity within the development to accord with the aims of Policies CS11 and CS12 of the Core Strategy.

#### Impact on protected trees and landscaping

It is important to note that no further tree works are proposed above those approved under the previous application (4/00029/16/MFA). The six Beech trees in a linear group (four of which are subject to Tree Preservation Order 544) are excluded from the application site under this current scheme. The extent of tree works is therefore acceptable.

If planning permission is granted it would be reasonable and necessary to include a landscaping condition requiring the loss of trees to be offset by replanting particularly within the amenity areas identified within the main site, which over time would serve the purpose of softening the development.

It follows the proposal would not conflict with the aims of Policies CS12 and CS25 of the Core Strategy and saved Policy 99 of the Local Plan.

### Impact on character and appearance of surrounding area

There are a number of locations from which proposed buildings on the site would be visible. The principle street frontage to Aylesbury Road would remain largely unchanged with respect to impact from buildings due to the siting of dwellings within the main part of the site. The frontage to Aylesbury Road would be altered only by access works to facilitate the development; however the proposals would ensure that the transition from Tring town to the more rural character when traveling west to continue out of the town would be retained in accordance with the development principles of TCA1 (Aylesbury Road). The bank of mature trees would be retained as open space as part of the development and this would be acceptable.

With respect to the residential development on the site, the development guidelines of TCA2 are considered of greater relevance given the immediately surrounding context. The development would consist of two-storey forms which is considered acceptable noting the immediately surrounding context. Bungalows would occupy the easternmost portion of the site closest to Abstacle Hill. This would be a satisfactory design response with respect to roofscape within the development and building intensity.

Buildings themselves would be well-proportioned, some with projecting gable elements to form a variety of street scenes whilst creating visual interest. The balance of hardstanding for private parking provision and soft landscaping particularly at prominent corners would be acceptable noting the site's suburban context.

Views into the site would also be obtained from the elevated perspective of Barbers Walk (looking across bungalows on Abstacle Hill) and above the tennis courts) as well as above dwellings on the western side of Cobbetts Ride. The development however would not appear unduly prominent from surrounding street scenes, noting that the site lies within a residential area and less so than the previous approval with bungalows on the former tennis courts.

The proposed development would generally appear less intrusive than existing school buildings when viewed from surrounding streets including from Cobbetts Ride and would not appear over-scaled in comparison with dwellings in this immediate context.

Details of materials shall be reserved by condition if planning permission is granted given the scale of the proposals.

The proposal would therefore accord with the objectives of Policies CS11 and CS12 of the Core Strategy in this regard.

### Impact on highway safety and car parking

No objection has been raised from the highway authority with respect to traffic generated by the development.

Parking would be provided with at least two spaces within the curtilages or proximate to each of the houses (to be allocated). The spur road containing the flatted component comprising six dwellings and a terrace of four units (two-bedrooms each) would benefit from 16 car parking spaces within the cul-de-sac.

Under saved Appendix 5 of the Local Plan the development for 31 dwellings would require a maximum of 63 spaces. The site layout would provide a total of 70 car parking spaces to minimum dimensions (the four spaces in front of double garages for bungalows at Plots 2 do not meet the 5.5m length required for bays immediately in front of garages). This slight overprovision of parking is acceptable as the site is currently only served by the drive off

Aylesbury Road, and the limited available visitor parking around the site where surrounding private residential roads are not conveniently located with access to the development.

It follows the proposal would not conflict with the aims of Policies CS8 and CS12 of the Core Strategy and saved Policies 54 and 58 of the Local Plan.

#### Impact on neighbouring properties

It is important to note that the proposed site layout and overall building form remains largely unchanged from the most recently considered scheme (4/01569/17/MFA) with respect to the interfaces with neighbouring properties. As a result of a reduced site area, the properties immediately adjacent to the development include the Convent as well as single dwellings along Longfield Road, Cherry Gardens, Abstacle Hill and Cobbetts Ride. The application site does not abut the dwellings on High Drive, Aylesbury Road (Gordon Villas), No. 38 Longfield Road or the former hall.

#### *Convent*

The impact on the Convent is assessed on the basis that it would be occupied for boarding (associated with Tring School) as noted above. The dwelling at Plot 1 would be sited opposite the Convent at a minimum (first floor) window-to-window distance of 19m. The impact of the development with respect to overlooking would be mitigated as the nearest walls would not be facing each other (the principal elevation of the Convent facing east rather than directly north-east towards Plot 1) and it is not considered there would be additional unreasonable overlooking compared with opportunities from the private drive. Sufficient space and landscaping would be retained around the Convent building and the proposed development so that there would be no objection with respect to visual intrusion or loss of light.

#### *Cherry Gardens*

The development relative to No. 7 Cherry Gardens would remain unchanged from the previously considered scheme and this did not raise any concerns with respect to visual intrusion, loss of light or overlooking noting the 25° line from the neighbour's nearest windows would not be breached.

#### *Longfield Road*

The development would exceed the 23m back-to-back standard between rear-facing walls relative to adjoining dwellings on Longfield Road.

#### *Abstacle Hill*

The former tennis courts abuts the dwellings on Abstacle Hill where two bungalows are proposed. This is considered an improvement above the two-storey dwellings that have been previously proposed in this location. The 23m minimum distance between main rear walls would be achieved.

#### *Cobbetts Ride*

Due to the orientation of No. 29 (rear wall facing south-west) and its generously-sized rear garden it is not considered the development, although on relatively higher ground, would not compromise the residential amenity of this neighbouring property.

The proposed bungalows would achieve separation distances of over 15m relative to the nearest chalet bungalows at Nos. 33 and 35 (The Hollies) Cobbetts Ride which would be appropriate noting their scale and hipped roof forms. This is an acceptable relationship noting

the proposed side walls of the bungalow (Plot 20 and garage facing these neighbours. The roof light serving the stair within the side hip of Plot 20 would be obscure-glazed which would prevent any unreasonable overlooking to properties on Cobbetts Ride.

The siting of Plots 12 to 15 (inclusive) relative to the shared side boundary with No. 31 Cobbetts Ride is not considered to give rise to concerns relating to overlooking or visual intrusion. A triangle of open space separates the rear boundaries of the terrace row from the side boundary of this neighbour's rear garden where the dwellings themselves would be sited between 16.5m and 19m from this boundary. Whilst the terrace is two-storey, at these distances it is not considered unreasonable overlooking would occur from the first floor windows of these units and is not a dissimilar relationship to that previously considered (under 4/01569/17/MFA) which did not raise objection.

#### *Noise disturbance*

The siting of buildings and the intensity of development nearest the boundaries would not raise any concerns with respect to noise disturbance noting the assessment and consideration of the above-mentioned recent applications on the site.

The development would therefore satisfy the objectives of Policy CS12 of the Core Strategy.

#### Impact on protected species

Reference is made to comments provided by the County Ecologist under the previous application which are considered relevant in the consideration of the current scheme. If planning permission is granted it would be reasonable to impose conditions requiring offset provision to support protected species in accordance with the aims of the NPPF.

#### Flood risk and drainage

It is not considered that an objection could be sustained on flood risk noting the previous reports prepared for the two previous applications for development on this site, including the proposal for 40 units most recently considered where the flood authority did not raise objections. As such any planning permission shall be subject to conditions previously recommended by the flood authority so that the development accords with Policies CS31 and CS32 of the Core Strategy.

#### Archaeology

Previous comments (under 4/00029/16/MFA) with respect to archaeology matters are considered relevant in assessing the current application and therefore if planning permission is granted this shall be subject to the imposition of archaeological recording conditions in accordance with Policy CS27 of the Core Strategy.

#### Refuse and fire services

Principal access arrangements are acceptable noting the assessment of this matter under previous schemes and as such would not raise concerns with respect to access for refuse and fire services. It is noted that the provision of fire hydrants as required by the fire authority shall be secured by condition if planning permission is granted.

#### Affordable housing

The development would provide 11 on-site affordable units in line with requirements under Policy CS19 of the Core Strategy. This shall be secured by an agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

## Community Infrastructure Levy (CIL)

The application site falls within CIL charging zone 2 and as such the proposal shall be subject to a CIL rate liability of £150 per square metre unless any exemptions are applicable.

## Previous referral to Secretary of State

The previously approved application (4/00029/16/MFA) during determination was referred to the Secretary of State following the Development Management Committee's decision to grant the application. For clarification the current application does not require referral to the Secretary of State as Sport England has not objected on the loss of playing fields as noted above.

## RECOMMENDATIONS

1. That the application be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

The on-site provision of 11 affordable housing units.

Suggested 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 **Construction of the buildings hereby approved shall commence (for the avoidance of doubt this excludes demolition and levelling works) until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

**Specific details of the following shall be submitted to the local planning authority for approval and development shall be carried out in accordance with the approved details:**

- **Sample panels of brickwork;**
- **Roof materials sample;**
- **Detailed scaled drawing of joinery;**
- **Details of window heads and cills;**
- **Rainwater goods.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

**3 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 and boundary treatments, including area provided for communal amenity space for flats;**
- **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, including offset planting following tree removal concentrating on smaller public amenity spaces within the development;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **full details of proposed ramps;**
- **refuse and cycle areas including covered storage and other outbuildings;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs etc);**
- **external lighting;**
- **means of managing / maintaining landscaped areas.**

**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 Dacorum Core Strategy 2013.

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

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 Dacorum Core Strategy 2013.

**5 Prior to the commencement of any works a Construction Management Plan shall be submitted and approved in writing by the local planning authority.**

**The plan shall include details of:**

- **on site parking for construction workers for the duration of the construction period;**
- **wheel cleaning facilities associated with the proposal;**
- **a scheme for construction methodology including the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.**

**The scheme shall be implemented in accordance with the agreed Construction Management Plan.**

Reason: In the interests of maintaining highway efficiency and safety and pedestrian safety for the duration of the construction period in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 6 **Prior to the first occupation of the development hereby permitted (or prior to the commencement of the use hereby permitted) visibility splays measuring 43 x 2.4 metres shall be provided to each side of the access off Aylesbury Road and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 7 **The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Phase 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey Report. Demolition of buildings shall not commence before details of the location, number and type of bird and bat boxes shall be submitted and approved by the local planning authority together with timeframes of their installation to ensure adequate compensation is available prior to commencement of works affecting bat roost sites. The bird and bat boxes shall be installed in accordance with the approved details and agreed timeframes.**

Reason: In the interests of biodiversity and in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

- 8 **Prior to occupation of the development hereby permitted, a lighting design strategy for biodiversity as recommended in the submitted Phase 1 Study, shall be submitted to and approved in writing by the local planning authority. The strategy shall:**

a) **identify those areas/features on site that are particularly sensitive for identified bat populations and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and**

b) **show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.**

**All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.**

Reason: To protect bat movement corridors and compensatory roosting features in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

- 9 **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 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 for the duration of the construction and development in accordance with Policy CS27 of the Dacorum Core Strategy 2013.

- 10 **Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 9.**

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 9 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 2013.

- 11 **The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out by JNP (reference M41452-FRA001 dated December 2015) and the following mitigation measures detailed within the FRA:**

1. Implement appropriate drainage strategy based on infiltration.
2. Limiting the surface water run-off rates to maximum 12l/s with discharge into Thames surface water sewer.
3. Implementing appropriate SuDS measures as indicated on drawing M41452-FRA001 Rev 2 dated November 2015 with the use of soakaways, permeable paving and geocellular tanks.
4. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

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 Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 12 **No development (excluding demolition) shall take place until the final design of the drainage scheme is completed and sent to the local planning authority for**

approval. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations / modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.

2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime

Development shall be carried out in accordance with the approved details.

Reason: To ensure feasibility of the proposed surface water drainage strategy in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 13 **Prior to first occupation of the development hereby approved, a scheme for the provision of fire hydrants must be submitted to, and agreed by the local planning authority. The units shall not be occupied until the hydrants serving the buildings have been provided in accordance with the approved details. The fire hydrants must thereafter be retained in association with the approved development.**

Reason: To provide for a safe means of access for fire and emergency vehicles in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 14 **Prior to the commencement (excluding demolition) 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 Dacorum Core Strategy 2013.

- 15 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 14 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 Dacorum Core Strategy 2013.

- 16 **No development (excluding demolition) shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. This shall include information on the types of waste removed from the site and the location of its disposal. The development shall be carried out in accordance with the approved details.**

Reason: To reduce the amount of waste produced on the site in accordance with Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan.

- 17 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A and B**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 18 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of their respective dwellings and they shall not be converted or adapted to form living accommodation.**

Reason: To ensure adequate parking provision for the development in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

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

**Site Location Plan (no reference)**

**16 / 3431 / 48 (context plan)**  
**16 / 3431 / 30A (proposed site layout)**  
**16 / 3431 / 31 (Plot 1)**  
**16 / 3431 / 32 (Plots 2 and 3)**  
**16 / 3431 / 33 (Plots 4 and 5)**  
**16 / 3431 / 34 (Plots 6 to 11 floor plans)**  
**16 / 3431 / 35 (Plots 6 to 11 elevations)**  
**16 / 3431 / 36 (Plots 12 to 15)**  
**16 / 3431 / 37 (Plots 16 to 19)**  
**16 / 3431 / 38 (Plot 20)**  
**16 / 3431 / 39 (Plot 21)**  
**16 / 3431 / 40 (Plots 22 and 23)**  
**16 / 3431 / 41 (Plots 24 and 25)**  
**16 / 3431 / 42 (Plots 26 and 27)**  
**16 / 3431 / 43 (Plots 28 and 29)**  
**16 / 3431 / 44 (Plots 30 and 31)**  
**16 / 3431 / 45 (site section A-A)**  
**16 / 3431 / 46 (site sections B-B and C-C)**  
**16 / 3431 / 47 (site sections and extracts)**

**Design and Access Statement**

**Flood Risk Assessment (reference M41452-FRA001)**

**Phase 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey Report**

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

Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive discussion with the applicant during the determination stage of the previous application which led to improvements to the scheme. The Council has therefore acted proactively 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) Order 2015.

Hertfordshire Highways Informative:

AN1) Where works are required within the public highway to facilitate an improved or amended vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before any works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, and Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) 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 <http://www.hertsdirect.org/services/transtreets/highways/> or

by telephoning 0300 1234047.

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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Ecology Informative:

If demolition is to be undertaken within the breeding season, it is important to check for active nests within roofs and soffits. Starlings are protected under the Wildlife and Countryside Act 1981, which makes it illegal to intentionally kill, injure or take a starling, or to take, damage or destroy an active nest or its contents. Preventing the birds from gaining access to their nests may also be viewed as illegal by the courts. (Ref: RSPB).

#### Contaminated Land Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

#### Environmental Health Informative:

Noise on Construction/Demolition Sites - The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

Construction of hours of working – plant & machinery - In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays.

Dust - Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider Best Practice Guidance for the control of dust and emissions from construction and demolition, produced in partnership by the Greater London Authority and London Councils.

Asbestos - Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found

the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

Bonfires - Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted