

**4/03153/17/FUL - CONSTRUCTION OF TWO NEW SEMI-DETACHED THREE-BEDROOM DWELLINGS AND ASSOCIATED ACCESS..
LAND TO THE REAR OF 21, 23 & 25 GROVE ROAD, TRING, HP23 5HA.
APPLICANT: Braybeech Homes Limited.**

[Case Officer - Rachel Marber]

Summary

The application is recommended for approval.

The principle of residential development in this location is considered acceptable. The proposed scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy Policy CS17 and the NPPF (2013). The two proposed dwellings would not result in significant harm to the visual amenity of the area, residential amenities of neighbouring properties or be detrimental to matters of highways safety. The scheme is therefore in accordance with the National Planning Policy Framework (2012), Policies NP1, CS1, CS4, CS8, CS11, CS12, CS17, CS29 and CS35 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99, 100, and Appendices 3 and 5 of the Local Plan (2004), and the New Mill West (TCA13) Character Area Appraisal (2004).

Site Description

The site is located on the south-western side of Grove Road, within the residential area of New Mill West (TCA 13), which forms part of the urban area of Tring. The site comprises of the part of the rear gardens of Nos 21-25 Grove Road.

This section of Grove Road is characterised by a variety of housing stock in regards to varying age and style, with open land on the opposite side of the road. Property nos.23 and 25 comprise of 1960's semi-detached housing and No. 21 comprises of a detached early 20th century property. 1990's cul-de-sacs also reside nearby (New Mill Terrace and Grove Gardens respectively). To the south of the site fronting onto Grove Road is 1 to 5 Sinfield Place, a development of two-pairs of 2½ storey 3-bedroom dwellings and a detached 3-bedroom dwelling.

Land levels fall across the site towards New Mill Terrace. The site contains semi-mature trees and hedges, with the most mature being located along the rear boundary of the site towards the New Mill Terrace properties.

Site History

The application site would form part of a wider proposal of seven dwellings. The site history is as follows.

4/00069/16/FUL – Construction of six 4xbed detached dwellings, refused at committee on 03/06/16

“The proposed backland development would represent an overdevelopment of the site and would cause significant harm to the character of the area. The proposed development would result in a contrived and cramped form of development which would be out of character with the surrounding area. The proposals are therefore contrary to Core Strategy policies CS11 and

CS12, Tring Character Area (TCA) 13 of the Saved Local Plan, and the NPPF.”

This application was **allowed** at appeal under ref: APP/A1910/W/16/3156127 for following assessment made:

'The site would be similar to, or match the prevailing character of the area. Density of the site would be at a comparable level to the surrounds, and the design of the properties would also assimilate well into the local character. The heights of the proposed properties, whilst not strictly two storey, would match other similar modern housing set nearby and the spacing between dwellings would be similar to the prevailing character of the area. Gardens would be of a reasonable size and overall the proposal would not appear as overdevelopment of the site or contrived or cramped. I have concluded that the proposal would not have an adverse effect upon the character and appearance of the area.'

When considering the distance between these dwellings on New Mill Terrace and the existing and proposed landscaping I consider that such views would not be overbearing. When combined with the distances I do not consider therefore that the proposal would have an adverse effect on the living conditions of nearby residents in terms of outlook or overlooking.

Concern is raised over matters of drainage. I can appreciate that given the low lying nature of New Mill Terrace in relation to the site that the development of the proposal could lead to adverse impacts in terms of water run off from the site. The application notes that sustainable urban drainage techniques will be utilised. Such matters could be conditioned to ensure that full details are approved by the Council prior to development commencing.

The proposal would build 6 houses and provide 3 off street car parking spaces for each property, including an integral garage and two spaces on a driveway. This would be ample parking for such a development located within a reasonably sustainable location.

4/01806/17/FUL – Construction of a 4-bed detached dwelling, granted under delegated powers on 03/08/17

4/01806/17/FUL CONSTRUCTION OF A DETACHED DWELLING
Granted
03/08/17

4/02747/16/FUL CONSTRUCTION OF THREE DETACHED DWELLINGS AND A PAIR OF SEMI-DETACHED DWELLINGS
Withdrawn
26/01/2017

4/01801/16/FUL CONSTRUCTION OF FIVE DETACHED DWELLINGS (AMENDED SCHEME)
Refused (appeal allowed 30/01/17)
30/08/2016

4/00069/16/FUL CONSTRUCTION OF SIX FOUR BED DWELLINGS
Refused (appeal allowed 01/12/16)
03/06/2016

Proposal

The proposal involves the construction of a pair of semi-detached 3-bed dwellings on land to the rear of No. 21-25 Grove Road. The proposal would comprise of an extension to the wider backland scheme on the adjacent sites outlined above. The current proposal would extend the site to north to incorporate new plots 8 and 9. The proposed dwellings would be accessed via the shared surface driveway approved as part of application ref: 4/01801/16/FUL, which would be extended into this new plot. Each property would have two parking spaces.

Referral to Committee

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

Policies

National Planning Policy

National Policy Guidance (2017)

National Planning Policy Framework (NPPF) (2012)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS29 - Sustainable Design and Construction
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 58 - Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 100 – Tree and Woodland Planting
Appendix 3- Layout and Design of Residential Areas
Appendix 5- Parking Provision

Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area (TCA 13 New Mill West)

Summary of Representations

Comments received from consultees:

Tring Town Council

Objection

The council recommended refusal of this application on the grounds that it was overdevelopment of the site and asked, that should any development be permitted, conditions similar to those stipulated in appeal decision APP/A1910/W/16/3156127 be made

HCC Highways

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:

Condition 1 :

Prior to the commencement of the site works the applicant shall submit a construction management plan setting out details on any demolition works, removal of materials from site, parking for all contractors, sub-contractors, visitors and delivery vehicles, storage of materials to be approved in writing by the Local Planning Authority in consultation with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.

Reason;- To minimise danger, obstruction and inconvenience to users of the highway

Condition 2:

Before being brought in to use the new parking areas hereby approved shall be surfaced in tarmac or similar durable bound material and arrangements shall be made for surface water from the site and access road to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.

Advisory Note.

Informative: I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980.

Storage of materials

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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Obstruction of the highway

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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Mud on highway

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 1234047.

Planning Application:

The development proposal is for erection of pair of semi-detached three bedroom dwellings with associated parking and landscaping. Site and surrounding:

The site is located at the rear of 21, 23 and 25 Grove Road in Tring. The area is largely residential dwellings consist of mix semi and detached properties. The site is within the residential neighbourhood.

Local Road Network

Grove Road is an unclassified local access road some 1262m in length. The development is to be served by the same access from Grove Road which was approved after a planning appeal under planning application 4/00069/FUL. The permission was granted for an application for 4 detached 4 bedroom properties at the rear of 27 and 29 Tring Road. The access was created on a land between 27 and 29, a shared driveway and 4.1m wide. 4.1m width is the minimum width required for 2 motor cars to pass one another with a 0.5m tolerance.

There are no on-street parking restrictions along Grove Road and most properties are with their own driveway and off-street parking facilities.

Accessibility

The local area is not in a highly sustainable location, but it is a residential neighbourhood and there are number of new residential development closer to the application site.

Capacity and Safety

The highway network in the vicinity of the site does not have any road safety issues. In terms of road capacity the development is likely to be an intensification on the previous use of the site with 0 vehicular trip generation. The applicant's proposal is to provide 5 car parking spaces. On-site parking is a matter for the planning Authority. However, the additional traffic associated with the proposed development are unlikely have any material impact on the capacity of the local road network. Vehicular Access and parking

The proposal is to serve the site off the approved two-way shared surface road located between 27 and 29 Grove Road. The new access road is under construction to provide access to 4 no detached and semi-detached properties under planning permission 4/00069/FUL at the rear 27-33. The proposed carriageway width is 4.1m which is the minimum carriageway width required

for two cars to pass one another. The proposed access to the current application is off the access road under construction. . The applicant is proposing a turning area for HGVs to turn around and the vehicles to enter and leave the application site in forward gear.

The revised vehicle access arrangement for properties 27 and 29 are not desirable. The layout was approved by the planning Inspector. The access road under construction and the connection to the current application site will not be adopted for maintenance by the highway authority. The applicant with the planning authority should make the necessary arrangements for the long term maintenance of the access road.

Conclusion

The Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes.

Amended Comments

Additional information from the planning case officer stating there is a construction management plan attached to the development under construction and the access road to be permeable slabs. In view of the above the suggested conditions 1 and 2 is not necessary for the current application

DBC Contaminated Land

The following report has been submitted in respect of the above:

- Geo-environmental Report; Document Ref: 20692R1; Issue No. E; WDE Consulting Ltd; November 2017

Planning history:

- 4/00069/16/FUL original scheme (6no. plots)
- 4/01236/17/DRC original scheme (6no. plots)
- 4/01806/17/FUL relates to an additional plot (Plot 7)
- 4/02351/17/DRC relates to an additional plot (Plot 7)
- 4/03153/17/FUL relates to an additional 2no. plots (Plots 8 and 9)

Issue A of the report was submitted in respect of 4/01236/17/DRC. Issue C of the report was submitted in respect of 4/01806/17/FUL and 4/01236/17/DRC. Issue D of the report was informally reviewed and approved following amendment via email to WDE Consulting Ltd on 15 November 2017. The amended version of Issue D was renamed Issue E.

Current application:

I am satisfied that the risks in relation to Plots 8 and 9 are likely to be low as no contamination was identified during the site investigation on Plots 1 – 6 and the former garage in close proximity has been subjected to remediation and redevelopment.

The preliminary conceptual site model and associated risk assessment identified historic Made Ground as a potential source of on-site; no Made Ground was identified within the exploratory holes on Plots 1 - 6. I recommend that a careful watching brief be undertaken during ground and construction works on the site for the presence of Made Ground and any visual and/or olfactory evidence of contamination. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of

action agreed.

Strategic Housing

Due to the number of units being developed, the site will be exempt from any affordable housing contribution.

Herts Property Services

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

I trust the above is of assistance if you require any further information please contact me or the planning obligations team (development.services@hertfordshire.gov.uk).

Comments received from local residents:

19 New Mill Terrace

Objection

I object to this planning application for the following reasons,

The original application for this site was for 6 houses, one further house has already been added and with this new application the original site will be 30% bigger than agreed.

I don't believe the measurements on the plans to be accurate, the suggested plot is not big enough for two semis detached houses.

This application is an addition to an existing development making the site overcrowded.

Car parking spaces will have to be removed to allow access to the proposed houses meaning residents will have insufficient car parking and will then have to park on Grove Road causing congestion.

I understood it that only two storey dwellings were allowed and these will be two and a half storey.

I have concerns that this latest addition to the existing building site will increase the risk of flooding to the houses on New Mill Terrace. I also fear that the main sewer cannot cope with the level of new builds on Grove Road.

22 New Mill Terrace

Objection

This 'infilling' application is an extension of the original application for 6 houses making it an overdevelopment of the site. The proposed 2 1/2 storey design contravenes TCA13 which provides for 2 storey only development. This will cause the properties to be of an overbearing nature to the considerably lower houses on New Mill Terrace.

Car parking is an issue in the area. There will be insufficient provision for parking for the proposed properties in the development area.

Traffic is a nightmare along Brooke Street which will only worsen with the addition of yet more properties. Cars are continually being damaged.

I am also concerned that the aging sewerage system will not cope with the increased demands put upon it by further development,

Our property has a cellar containing a well. We are only too aware of rising water levels. The road at the front of our property regularly floods and is a flood risk area. The development will exacerbate this situation.

We have no police presence and crime is increasing. You may remember Barclays Bank that had its window smashed in an attempt to burgle the ATM next door to the redundant Police station! What a picture that made in the paper!!! There is an increasing feeling of vulnerability in Tring since criminals realise that it takes too long for authorities to attend any crime scene to be effective.

Banks are moving out of the area.

Schooling is at capacity.

If you are unfortunate enough to fall ill trying to get an appointment at the doctors is next to impossible.

Bus routes have been cut so that it is now even harder to use public transport to ease congestion on the roads.

Parking is a big problem in this particular area since a large amount of the properties have no 'off road' parking and the majority of dwellings own at least two vehicles. There will not be adequate parking for this development which will mean even more vehicles being parked on grass verges.

The traffic travelling down Brook Street is horrendous. While the council have seen fit to introduce traffic calming measures on other roads, Brook Street has completely escaped their attention. A few months ago the whole road was blocked off due to a vehicle speeding and crashing into the parked cars along the road. I don't think there will be a single resident who hasn't suffered damage to their vehicle along Brook Street. Further development will obviously exacerbate the situation.

Brook Street regularly floods after even the smallest amount of rainfall. The houses opposite us are built on floating foundations due to the increased risk of flooding. Our particular property is very old and has a cellar. Therefore the foundations are considerably lower than the proposed development. I don't know if the councils are even aware that our cellar has a well in it. I was informed some time ago that other properties in the area also have wells. This entire development will no doubt increase the risk of flooding not just to the road and at surface level but it will actually flood our house internally. At present we have a pump in the well which we have on one occasion had to use to pump our property out. Will Braybeech Homes Ltd be compensating us for any damage increased flooding will cause to our property?

The sewerage network in the area is very old. We still have lead piping!!!! This development will cause additional pressure on the existing installation.

Since the aspect of the development is far higher than the properties on New Mill Terrace and exceed the 2-storey limitations they will be overbearing. The trees identified in the gardens of New Mill Terrace while it says they will be 'safe' from the developers, will have their roots damaged by the foundations which will be very close to the garden boundaries. I am sure if these roots are damaged and 'accidentally' kill the trees they will have to be removed for safety reasons. I was under the impression that trees were supposed to be planted on the development on the old Sears Garage site. This was not done so although a neighbour mentioned that there will be 'green' hedging at the bottom of our property I am sure this also will be accidentally forgotten by the developers. The proposed 2 ½ storey design contravenes the planning requirements for the area.

Further to my emails to you today concerning the above planning application. I thought you should be aware that we have suffered a power cut in the area today and have just been disturbed by Thames Water contractors at 21:30 who informed us that they should be closing the road to mend major leaks that have led to flooding in the road and gardens. This has been occurring for some time now. They for some reason have decided to abort this work today and will have to return to complete the work another day. When contractors intend to close roads I thought it to be the usual practice to notify residents. Thames Water obviously do not feel the need to extend this common courtesy. Flooding is a real problem that has been increasing over the years in the New Mill area which is only made worse by increasing development. Expecting extremely old drainage and sewage networks to cope with increasing developments is extremely naive. Thames Water were supposed to be renewing the pipework along Brook Street but I do not believe this has been done yet. I was amazed that last time Braybeech applied for the first planning application for the initial development the first 'Authority' to give their approval of the application was none other than Thames Water. It is about time they actually acquainted themselves with the area and its drainage problems before approving of developments which will ruin residents quality of life and their properties. Increasingly residents are leaving and renting their properties to tenants who are not concerned about the upkeep of the area and properties. Sending road sweepers to move the water does not solve the problem. We have been told by the contractors that they will probably return tomorrow to start the work. Thames Water even tried to install a meter on the stop cock outside the front of our property. Luckily my partner managed to stop the contractor since we share the water inlet pipe with four other users. This would have meant us receiving a bill for all five users. They clearly have no understanding of the area. Thames Water were completely unaware of this situation.

26 New Mill Terrace

Objection

I am writing to object to the above Planning Application.

My objections are as follows :-

It is against the Dacorum Borough Local Plan 1991-2011 as the proposed development is both cramped in appearance and reality. The density is not within the medium range of dwellings per hectare.

Again the houses are 2/3 stories high.

The access road which has already been allowed under appeal, has been changed from the original application and I see no amendments to Planning Ref 4/00069/16/FUL. Yet more vehicles to use the access road entering & exiting onto Grove Road, an already busy road, with much school thoroughfare walking up daily.

The parking allocated to the Application is 2 per house, however they are one behind each other and this makes it hard to see how they will be used, there is no visitor parking allocation which would mean either parking on the access road or on Grove Road, this is already happening at the 2nd block of flats constructed on Brook St, not enough allocated parking so the residents are now parking on Brook St.

This is now the 3rd Phase of the development. 6 x 4 bed houses, an additional 4 bed added, then this application, there is no affordable housing provided which contravenes Policy CS19, affordable homes will be provided on sites of 5 dwellings or more, it would appear the developer is progressing in stages to avoid providing affordable homes which reduce his profits.

On the original 6 bed application, various trees were ear marked to be kept, at least one has been taken down that was protected under the Planning Application.

Point 27 of the Appeal decision (ref APP/A1910/W/16/3156127) we raised concerns of matter of precedent, Planning Inspectorate stated that each case to be judged on its merits. This is now the 4th Planning Application on this site, by allowing the original Application to allowed, another 2 Applications have been submitted, one already passed and this one. I feel that the Planning Inspectorate have been, at best, naive, in allowing the Appeal to be granted, we had already pointed out if allowed it would pave the way for more, and we have been proved right twice now.

The distance between the proposed houses and 1 Sinfield Place, as far as I can see on the drawings, looks below the distance required by Planning regulations, habitable rooms from the proposed houses, look directly into the living room & bedrooms of 1 Sinfield Place, and vice versa.

1 Sinfield place is not even fully on the application drawings, The houses that are currently in the process of selling their gardens to the developer might well be affected as they are close to the proposed dwellings, but are receiving sufficient financial reward to negate this. 1 Sinfield Place has privacy invasion on a grand scale, with no recompense bar the fact they are being even more cramped with properties surrounding them.

I would ask the Councillors to continue to support the residents in rejecting this overbearing, overcramped, overworked area. Tring needs affordable housing for our children growing up in this lovely market Town, not 3 or 4 bed houses that are well beyond the range of an average working citizen.

20 New Mill Terrace

Objection

I would like to submit my objection to the proposed building works reference 4/03153/17/FUL. I live on New Mill Terrace and the proposed building works will overlook my property.

I remember when previous building works were carried out on Grove Road there were already concerns in regards to appropriate drainage of water down to New Mill Terrace, and I am concerned these new buildings could cause further problems in this aspect. Furthermore, the number of new builds being squeezed into a small place in addition to building works that are already in progress seems preposterous, and leads me to doubt the accuracy of the plans submitted for the land.

It is my understanding that the buildings should not exceed 2 stories yet 2.5 is being planned for. Finally, I'm sure you are more than aware of the parking issues in Tring, and the Grove/New Mill area is already choked to capacity. As the average household in the UK has at least 2 cars, the addition of further properties is not going to ease this matter.

For all of these reasons I object to the planned building works and I hope my concerns are not taken lightly - drainage, parking and overcrowding all for financial gain doesn't seem to fit with the original ethic of Tring Town.

18 New Mill Terrace

Objection

I am writing regarding the plan to build new houses at the end of our gardens.

I have been alerted to this by my neighbour who has lived here for 26 years.

I have only lived here for 2 months so I am not so emotionally attached however, based on what she has told me so far, I do have concerns and raise some points to consider below:

(Please note if any of this is incorrect information then I would welcome the clarity you may be able to offer.)

In no particular order:

Parking in this area is already troublesome and I understand that parking provision for these new houses is far from satisfactory.

Removing the trees and greenery at the end of our gardens which is home to wildlife and also of course provide an outlook enjoyed by all.

If the above is planned, are there any plans to re-plant new trees.

This may alleviate concerns of some (maybe fast growing conifers along the back?).

Possible over-load on the sewerage system?

The fact there has been no approach to discuss with the parties affected so far.

I understand that our fences may be taken down during the building process.
This needs clarity, discussion and approval.

An attempt by the property developer to allay any concerns of the people affected.

An understanding of proposed timescales, impact on our gardens etc.

Any compensation for the affected parties.

Any requirement of the developer to claim some of the land which is currently within our garden boundaries.

Ethically it seems very greedy & selfish to try and squeeze more houses into what seems a very small area impacting others who live there 'to make a buck'.

Key Considerations

Principle of Development

The application site is a windfall site located within the residential town of Tring. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site.

Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

Furthermore, the National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, given that the development would be located in a sustainable location the principle of development is acceptable in accordance with Policies, CS1, CS4, CS17, of the Core Strategy, Saved Policy 10 of the Local Plan (2004) and NPPF (2012).

Impact on Visual Amenity

Paragraph 60 of the NPPF states that, 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'

In addition, paragraph 64 of the NPPF states that 'permission should be refused for developments of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'

Core Strategy (2013), Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the Saved Local Plan (2004) Policies 10, 18, 21 and Appendix 3.

Architectural Style and Spatial Form

The Area Character Appraisal for TCA13 New Mill West describes the character of the area as, "including later development from the 1960s onwards", but has a varied character including Victorian terraces, 1960's cul-de-sacs and more modern cul-de-sac development in the Grove Gardens area. The development principles for the area identify New Mill West as an area of limited opportunity for residential development, although infilling may be acceptable subject to the development principles. In this area there is scope for variation and innovation in terms of the design of housing, though small to moderate sized terraced dwellings not exceeding two storeys are encouraged. Furthermore, the existing layout structure of the area should be maintained, the general building line should normally be followed, and spacing within the close range (2 m or less) will be acceptable. Densities in the medium range 30 - 35 dph are encouraged.

The spatial layout of Grove Road and Grove Gardens, Tring comprises predominately of detached residential dwellings which all have a relatively linear relationship within the street. These properties are varied in terms of architectural style, height and building line. Due to variation in typography levels the height of these properties are staggered, elevating down towards the north-west of the Road. The form of development on New Mill Terrace comprises a uniformed row of early 10th century terraced houses. The architectural style, height and size of property within the immediate are varied. In terms of building size and form, there is no overall distance character.

The proposal seeks to construct two semi-detached units in the rear gardens of Nos. 21-25 Grove Road. The principle of backland development has already been established as acceptable within app ref: 4/01801/16/FUL. Due to the proposed development being backland development very little impact on the Grove Road street scene would result due to the new unit being set 40 metres away from the street scene. It may be possible to view the development from the street scene however, such views would be limited to separation gaps between properties.

The proposed dwellings would be of two-storey (8.6 metres) height which would reflect the properties along Grove Road and also the approved adjacent development. The properties would also feature half-hipped roofs to reduce overall bulk and massing. Further articulation and variation in order to break up the bulk and massing of the dwellings and add visual interest is also evident with variation in building lines, height and materials. Again, this would reflect the design approach of the adjacent approved dwellings ref: 4/01801/16/FUL.

It is therefore considered that the proposed backland residential development to the rear of No's 21-25 Grove Road is acceptable in principle, and would be in keeping with the character and appearance of the area. The proposals would have no significant impact on the character and appearance of the Grove Road street scene, and it is considered that the proposals would comply with Policies NP1, CS1, CS4, CS11 and CS12 of the Core Strategy (2013).

Density

The proposed scheme has a density of 36 dph which is inkeeping with the density of surrounding development and in line with the medium density range set out within the development principles for TCA 13 (30-35 dph), albeit it is actually marginally above this. The total development size, including the previously granted 7 other units, would result in a total area of 0.295 ha and therefore density of 23.7 dwellings per hectare (dph). As such, both the quantum of development and the density of the scheme are considered to be acceptable and inkeeping with policy. The scheme would not represent an overdevelopment of the site.

This is important because how Policy 10 of the Local Plan (2005) is applied needs to be carefully considered. It is important to note that the second paragraph of the policy refers to securing the 'optimum' use of land, rather than the 'maximum' use of land. This choice of wording was deliberate as the policy goes on to refer to developments '*achieving the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan.*' In this case, due to the existing residential density, varied housing layout, and the proposed comprehensive development it is not considered that the development would be contrary to the established character and appearance of the area.

Thus, the proposed scheme would generate a density of 36dph. This density is in keeping with

the density of surrounding development and is in line with the medium density range set out within the development principles for TCA 13. The proposal would adhere with Saved Policies 10 and 21 of the Local Plan (2004), policies CS11 and CS12 of the Core Strategy (2013) and the Supplementary Area Policy Guidance TCA13 (2004).

Impact on Residential Amenity

The NPPF (2012) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

There would be no significant loss of daylight or sunlight to neighbouring properties as a result of the proposed development. There would be no breach of the 45 degree or the 25 degree lines when considering the BRE regulations. The separation distances outlined below would also help to ensure that there would be no significant adverse effects.

Saved Appendix 3 of the Saved Dacorum Borough Local Plan (2004) contains guidance on layout and design for new developments. It requires a minimum distance of 23 metres to be maintained between the main rear wall of the dwelling and the main wall of another (although distances less than this can be considered to be acceptable where the viewing angles are oblique). This distance is required to ensure no significant loss of outlook or privacy to neighbouring residents occurs as a result of the proposal. Due to the orientation of the new units, there would be no direct main wall- to main wall relationship.

It is important to note that DBC has no policy guidance for side elevation to main wall relationship. Nonetheless, separation distances measured from the side elevations of the proposed dwellings to the rear elevations of the dwellings fronting Grove Road would be between 15 metres and 16 metres. The new units would also be situated on a lower land level, as such this relationship is considered acceptable.

A 19 metre approximate separation distance between the rear elevation of the new units and No.1 Sinfield Place would occur. This relationship would also be at a 90 degree angle, minimising impact further. The proposed new units would also be located 9 metres away from the side elevation of plot number 6 of the recently approved development. No direct overlooking is expected to result from this relationship due to the first floor flank elevation windows of plot 6 being conditioned as obscure glazed.

In similar regard the proposed units would be located approximately 35-40 meters away from the properties to the rear of the site at New Mill Terrace. This relationship would also be side to rear and at an oblique angle.

In addition to the separation distances assessed above, the existing and proposed screening and planting between the proposed units and surrounding properties would help provide effective screening of the proposed new development from the perspective for the surrounding properties.

The proposed first floor flank facing windows on the application dwellings serving the bathrooms have been recommended as obscure glazed in order to preserve the residential amenity and privacy of future occupiers of the dwellinghouses. Due to no translucent first floor windows proposed no loss of privacy to neighbouring residents at Grove Road or New Mill Terrace would result from the proposal.

No.27 Grove Road's garden space would be reduced by approximately 1 metre in order to accommodate the additional parking space serving plot 6. Nonetheless the garden depth serving this property would be 13.6 metres, maintaining the 11.5 metre standard.

Turning to living conditions of future residents, Saved Appendix 3 of the Local Plan (2004) states that a dwellinghouse should be provided with a minimum 11.5 metre deep garden space. Additionally, Saved Appendix 3 of the Local Plan (2004) states that garden depths equal in size to adjoining properties would be acceptable with a functional proposed width, shape and size that is compatible with surrounding area.

The proposed 8 metre deep garden of plot 8 is compensated by the 19 metre deep side garden. Plot 9 would have a garden depth of 13 metres. These garden sizes would be compatible with that of the adjacent approved development. Thus, the proposed external amenity provision would appear spatial congruous and meet the standard of provision within the immediate area; henceforth adhering to Saved Appendix 3 of the Local Plan (2004).

As a result the proposal is considered acceptable in regards to impact upon the residential amenity and privacy of neighbouring residents; complying with the NPPF (2012), Saved Appendices 3 and 7 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Impact upon Parking Provision and Access

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

The application seeks to provide two, three bed dwellings, which would require 5 off street parking spaces. The application proposes two off street parking spaces per dwelling which would result in one space short of the maximum standard. It should be noted that the site is situated in a sustainable, urban location within a residential area of Tring, with good access to public transport and within easy walking and cycling distance of the Town Centre and other local amenities. The driveways of plots 5 and 6 would remain the same as existing, with one additional parking space added to serve plot 6; as such the current proposal would increase the parking provision of approved scheme ref: 4/01801/16/FUL.

Hertfordshire Highways were consulted on the scheme and proposed expansion of the new access road and raised no objection subject to the recommended conditions and informatives be attached the grant permission. As a result the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal would be considered compliant with Policies CS8 and CS12 of the Core Strategy (2013), Saved Policies

57, 58 and Appendix 5 of the Local Plan (2004).

Impact on Trees and Landscaping

Saved Policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

The proposed scheme seeks to remove a number of trees from the central part of the site to facilitate the development, but existing neighbouring trees adjacent to the site boundary would be retained. Supplementary tree planting is also proposed as part of the scheme, to help mitigate against the loss of some trees, whilst simultaneously supplementing the retained tree screen to help provide effective screening of the proposed for the surrounding properties and soften the appearance of the proposal. In sum, the proposed landscaping scheme would be in accordance with Saved Policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Ecology

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS26 of the Core Strategy (2013) states that proposals should contribute to the conservation of habitats and species.

An Ecological Survey has been previously undertaken at the site and submitted in support of the previous applications and appeals. Herts Ecology were subsequently consulted on the proposal and confirmed that there is no evidence of the buildings and trees on the site being used by bats for roosting, as such no objection to this current scheme on Ecology grounds is made.

Contaminated Land

Policy CS32 of the Core Strategy (2013) seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated. The Contaminated Land officer has subsequently been consulted on the application site as part of the adjacent approved scheme which identified no contamination on plots 8 and 9 during the site investigation. In respect to the current application the contaminated land officer has therefore advised no further action is required.

Drainage

Policy CS31 of the Core Strategy (2013) seeks to minimise the risk of flooding. With regard to the nature of the development and as the application site is not within Flood Zones 1 or 2, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. The application site would utilise the same SUDS drainage techniques as approved for the application site under app ref: 4/01236/17/DRC; these details have been submitted within two drainage plans which the Lead Local Flood Authority have been consulted

on.

This will help to ensure that the scheme incorporates sustainable drainage solutions, which will help to alleviate any risk of surface water discharge from the development to the New Mill Terrace Properties to the rear; an issue which has been raised by local residents. The scheme will also have to comply with the Building Regulations.

Sustainability

Policy CS29 of the Core Strategy (2013) states that new development should comply with the highest standards of sustainable design and construction possible. A sustainability checklist was submitted alongside the planning application where it has been outlined that measures such as use of high quality, non-hazardous materials and maximum water consumption of 110 litres per person per day will be used to ensure sustainable design, construction and operation of the development. It is envisaged that further assessment of the proposal's sustainability credentials will be undertaken through the Building Control process.

Affordable Housing

Policy CS19 of the Core Strategy (2013) sets out the site criteria for affordable housing. This should be read alongside the Affordable Housing SPD and Housing SPD clarification note version 2: July 2016. Moreover, contents of the Government's Planning Practice Guidance, states that contributions for affordable housing should not be sought from developments of 10 units or less. The current proposal is for two units which DBC Strategic Housing team has outlined, 'Due to the number of units being developed, the site will be exempt from any affordable housing contribution.' Therefore, no affordable housing contribution would be sought for this site.

Consultation Response

Several concerns were received as a result of the application. The main concerns are addressed below:

Plans not accurate- The plans are believed to be 'true and accurate', and this has been confirmed by the Agent within the application form.

Overdevelopment - Overdevelopment is assessed in terms of the impact of the proposed works on external amenity provision, build form ratio to open space and number of car parking spaces. Moreover, the percentage of ground covered by building would equate to 24.4% with 139sq.m of building footprint in comparison to the 569 sq.m site area. Parking provision would fall marginally short by one parking space shy of maximum standard. Further, sufficient external amenity provision, in accordance with Saved Appendix 3 of the Local Plan (2004) would also be ensured.

Two and half storeys not allowed in area- The Planning Inspector when allowing appeal ref: APP/A1910/W/16/3156127 for app ref: 4/000069/16/FUL wrote the following in this regard:

'I consider that the design of the dwellings would add to the varied character of the surrounding area, and although larger properties in footprint, would not appear radically dissimilar to the

fairly new properties in nearby Sinfield Place, with part gabled frontages and prominent ground floor square bay windows, and dormer windows in the roof to rear. Whilst the height of the dwellings may be higher than some of those in the surrounding area, the site sections demonstrate that such heights would be similar to those of the properties on Grove Road, and due to the levels of the site would ensure that the proposed units would appear subservient to these frontage properties from the main road...The heights of the proposed properties, whilst not strictly two storey, would match other similar modern housing set nearby and the spacing between dwellings would be similar to the prevailing character of the area.'

As such, the prevailing character of the area features 2/12 storey dwellings, thus the proposed scheme would not look overbearing or incongruous within its surrounds.

Concerns regarding drainage and flooding- While it is appreciated that given the low lying nature of New Mill Terrace in relation to the application site the development proposal could lead to adverse impacts in terms of water runoff from the site. Therefore, the application notes that sustainable urban drainage techniques will be utilised, the submitted SUDs drainage plans will also be secured by condition in order to ensure compliance. Thames Water were consulted on the above application in regards to sewage work and have raised no objection.

Overbearing to New Mill Terrace- It is acknowledged that New Mill Terrace would be situated on a lower land level however, the Inspector in appeal ref: APP/A1910/W/16/3156127 deemed the application to be acceptable in terms of impact to neighbouring residential amenity. The current proposal maintains the separation distance approved under app ref: 4/000069/16/FUL with the improvement of this being a side to rear elevation relationship within the current scheme.

Damage to trees neighbouring development- Concerns were raised over the potential damage to neighbouring trees as a result of the proposal and lack of enforcement relating to the planting of trees at Sinfield Place, and that this situation could occur similarly with the proposal in this case. It is considered the landscaping proposals and tree retention outlined on the site plan is made in good faith. Such matters would be committed to via condition, and it will be ensured that these conditions are fully implemented.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning, following the expiry of the consultation period and no additional material considerations being raised, with a view to grant 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:**

Policy CS29 Checklist

Design and Access Statement December 17
Geo-environmental Report November 2017
L06-16
2049/56C
2049/55E
2049/57C
2258-11-01 Rev E
Typical Layout- rainwater down pipe drainage into sub-base reservoir
High level Drainage Schematic- 06/02/18

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

- 3 **The bathroom windows at first floor level in the side elevations of the dwellings hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and future occupants of the dwellings; in accordance with Policy CS12 of the Core Strategy (2013) and Saved Appendix 3 of the Local Plan (2004).

- 4 **No development shall take until details of the protection method during site excavation and construction for the trees shown for retention on the approved Drawing No. 2049/55D and 2258-11-01 Rev E have been submitted to and approved in writing by the local planning authority. The approved protection measures shall be erected prior to the commencement of development.**

Reason: In order to ensure that damage does not occur to the trees during building operations; in accordance with Saved Policies 99 and 100 of the Local Plan (2004).

- 5 **If within a period of five years from the date of any planting in accordance with approved plan ref:2049/55D and 2258-11-01 Rev E, any planting is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), further planting of the same species and size as that originally planted shall be planted at the same place in the next planting season.**

Reason: In the interests of visual amenity; in accordance with Policy CS12 of the Core Strategy (2013).

- 6 **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, D, E, F, G and H
Schedule 2, Part 2, Classes A, B and C
Schedule 2, Part 3, Class L**

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 Policy CS12 of the Core Strategy (2013).

Highway Informatives

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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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 1234047.

Contaminated Land

It is recommended that a careful watching brief be undertaken during ground and construction works on the site for the presence of Made Ground and any visual and/or olfactory evidence of contamination. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.