

**ITEM NUMBER: 5h**

<b>20/00979/FUL</b>	<b>Construction of new dwelling connected to existing semi-detached properties. External refurbishment of existing two properties (renewal of application 4/01574/17/FUL).</b>	
<b>Site Address:</b>	<b>3 Grove Farm Cottage Marshcroft Lane Tring Hertfordshire HP23 5PP</b>	
<b>Applicant/Agent:</b>	<b>Regis Group</b>	<b>Mr Paul Seager</b>
<b>Case Officer:</b>	<b>Jane Miller</b>	
<b>Parish/Ward:</b>	<b>Tring Town Council</b>	<b>Tring East</b>
<b>Referral to Committee:</b>	<b>Contrary to the views of Tring Town Council</b>	

**1 RECOMMENDATION**

That planning permission be **GRANTED** subject to conditions.

**2 SUMMARY**

- 2.1 The principle of residential development is considered acceptable. The application seeks permission for the construction of a new three-bed dwelling connected to existing semi-detached properties and the external refurbishment of the existing two properties within a residential area of Tring.
- 2.2 This application is for the renewal of planning application 4/01574/17/FUL, the planning permission having lapsed on 19.10.20.
- 2.3 The proposal would not have a significant impact on the parent building, appearance and character of the surrounding area, residential amenity of the surrounding properties and highway safety.
- 2.4 The proposal is therefore in accordance with the aims of the National Planning Policy Framework (2019), Policies CS4, CS8, CS11, CS12, CS13 CS29 of the Dacorum Core Strategy (September 2013), and saved appendix 3, saved policies 99 of the Dacorum Borough Local Plan 1991-2011, and the Car Parking Standards SPD (November 2020).

**3 SITE DESCRIPTION**

- 3.1 The application site is located to the north west of Marshcroft Lane, on the corner with Ridge View. The site comprises a pair of mid 20c semi-detached two storey dwellings constructed in brick, with timber cladding at first floor, under a concrete tiled roof, with gardens to the side and rear, and off-street parking, within an established residential area of Tring.
- 3.2 The area is characterised by diversity in architectural design.
- 3.3 The site is adjacent to but not within the Metropolitan Green Belt.

**4 PROPOSAL**

- 4.1 Planning permission is sought for the construction of a new three-bed dwelling connected to existing semi-detached properties. External refurbishment of existing two properties (renewal of application 4/01574/17/FUL).

## **5. PLANNING HISTORY**

### Planning Applications

4/01574/17/FUL - Construction of new dwelling connected to existing semi-detached properties. External refurbishment of existing two Properties.  
GRA - 19th October 2017

## **6. CONSTRAINTS**

Special Control for Advertisements: Advert Spec Contr  
Article 4 Directions: Land by Marshcroft Farm, Bulbourne Road, Tring  
CIL Zone: CIL2  
Former Land Use (Risk Zone):  
Green Belt: Policy: CS5  
Parish: Tring CP  
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE  
RAF Halton and Chenies Zone: Green (15.2m)  
Residential Area (Town/Village): Residential Area in Town Village (Tring)  
Residential Character Area: TCA19  
Parking Standard: New Zone 3  
Town: Tring

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

### Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

### Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)  
Parking Standards Supplementary Planning Document (November 2020)  
TCA 19

## **9 CONSIDERATIONS**

### **9.1 Main Issues**

The main issues to consider are:

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

#### Principle of Development

9.2 The application site is located within a residential area, wherein the principle of a residential development is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed dwelling on the character and appearance of the area, the immediate street scene, and the residential amenity of the neighbouring properties

#### Quality of Design / Impact on Visual Amenity

9.3 Core Strategy Policies CS11, CS12 and CS13 state that development within settlements should respect the typical density in the area, integrate with the streetscape character and contribute to the quality of the public realm. TCA 19 states that development should not exceed two storeys.

9.4 This application is for the renewal of the previously granted planning application 4/01574/17/FUL- Construction of new dwelling connected to existing semi-detached properties. External refurbishment of existing two Properties.

9.4 Revised plans were requested and received during the course of the application process. Specifically these clarified the existing and proposed parking layout, and demonstrated the proposed internal layout of the parent dwelling.

9.5 It is understood that the entire site is within the same ownership as shown by the blue out line on plan 02 C existing site plan. The proposals would provide an enhancement to the appearance of the buildings.

9.6 The proposed attached dwelling is on the same footprint as that previously approved at DMC. The proposed parking also remains the same, but the revised plans clearly

show the inclusion of the two existing car parking spaces to the side/front of No.4, which will remain, and the allocation of those spaces, equating to two parking spaces per dwelling (drawing 04 H). This proposal will result in the addition of a double cross over between Nos. 3 & 4 and a reconfiguration and tidying up of the existing cross over which currently exists to the side of No.3

- 9.7 The proposal would be visible in the streetscene due to its end of terrace location and taking into account the site characteristics, the plots size, corner plot position, design and form it is considered that a development of this kind would be acceptable.
- 9.8 The application includes the external refurbishment of the existing pair of semi-detached dwellings (Nos.3 & 4) which would enhance the appearance of the existing dwellings and the addition of an extra cottage would not detract from the character of the area. The refurbishment and cladding of the elevations in timber, and creation of a pitched porched element to the façade, retention of chimneys, and chimney to the proposed dwelling would be welcomed. The redesign of the fenestration would be acceptable and introduces a more traditional appearance of the building. The proposal for the bay window, and plain terracotta clay tiles which would preserve the character of the street scene, as shown on Plan rev G proposed plans and elevations are acceptable. A condition will be added to the decision notice in respect of submitting details of external materials to ensure a satisfactory appearance to the development.
- 9.9 The proposal would not, in the view of the case officer, appear incongruous or have a detrimental impact on the character and appearance of the area. Overall, the development is considered to accord with saved Appendix 3 of the Dacorum Local Plan and Policies CS11, CS12 and CS13 of the Dacorum Core Strategy (2013).

#### Impact on Residential Amenity

- 9.10 Saved Appendix 3 of the Dacorum Local Plan (2004) states that residential development should be designed and laid out so that the privacy of existing and new residents is achieved. It further states that residential development should be designed and positioned in such a way that a satisfactory level of daylight and sunlight is maintained for existing and proposed dwellings. Policy CS12 of the Core Strategy compliments this and requires development to avoid visual intrusion, loss of sunlight and daylight to the surrounding properties.
- 9.11 The new house is located to the west of 3 Grove Farm Cottages, and is an infill plot adjacent to Ridge View. The property at 42 Marshcroft Lane has no windows on the flank elevation facing the proposal. The new dwelling does not breach the 45 degree line taken from the nearest habitable windows.
- 9.12 The properties situated at 6 and 7 Marshcroft Lane are situated on the opposite side of Marshcroft Lane, Saved Appendix 3 of the Local Plan does not suggest a front-to-front distance that might apply to dwelling on the opposite side of Marshcroft Lane relative to the proposed dwelling. The development would have the same street setback as the adjacent existing dwellings and on that basis it is not considered there would be unreasonable overlooking between the application site and dwellings opposite.

- 9.13 The windows on the first floor of the north eastern elevation effectively replace the existing windows at No. 4 Grove Farm Cottages and therefore it is not considered that there is any additional potential for overlooking.
- 9.14 The first floor windows in the proposed flank elevation will be obscured glazed and non-opening below 1.7m and a condition to this effect would be added to the decision notice to safeguard residential amenity.
- 9.15 Whilst Tring Town Council did not initially object to the application following consultation, when re-consulted with amended plans in respect of the general site layout/parking, they later objected with concerns for loss of amenity to residents of the parent dwelling and inadequate parking. Consequently the planning officer requested and received revised plans from the agent showing the proposed internal layout of the existing dwelling. It should be noted that the footprint of the proposed dwelling has not been changed from the previously granted planning permission.
- 9.16 Given the end of terrace location of the proposed dwelling, the greatest impact of the development would relate to the parent dwelling. However, the existing first floor windows at No. 3, which would be removed, serve the stairwell, and a secondary bathroom window, neither serving habitable rooms. Again the small ground floor side windows and door to No.3 would be removed. These serve the hall way, a utility room and kitchen, however the proposal includes internal alterations to the parent dwelling at No.3 which opens this area into a kitchen / diner with the kitchen units being moved into the current utility space, and thereby benefitting from a window directly into the rear garden as well as access to the rear garden from the dining area. This is shown on drawing 05 rev G Proposed Plans and Elevations. The parent dwelling has windows to the front and rear, and is considered to provide sufficient light for a typical three bed terraced property configuration. The first floor lay out to No.3 will remain unchanged.
- 9.17 The subdivision of the site into three plots would result in a smaller width rear garden for each property, the parent dwelling would have a rear garden length between 11m and 14m, the new dwelling would have a rear garden of minimum 11.5 metres deep and therefore considered acceptable in accordance with the requirements detailed in Appendix 3 of the local plan. However, given that the gardens will be reasonably small on this relatively constrained site, it would, in my view, be appropriate to restrict permitted development rights in respect of Classes A and, E for both the parent dwelling and proposed dwelling sites, and a condition will be added to the decision notice to this effect to enable a greater degree of planning control over future development on this site.
- 9.18 Taking the above into account, the development is considered to accord with saved Appendix 3 of the Dacorum Local Plan and Policy CS12 of the Dacorum Core Strategy.

#### Impact on Highway Safety and Parking

- 9.19 The Parking Standards Supplementary Planning Document was formally adopted on 18<sup>th</sup> November 2020. The new supplementary planning document propose a 'parking standard' (rather than a maximum or minimum standard).
- 9.20 Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B. This shows 2.25 parking spaces for a 3-bed dwelling house in Zone 3.

#### Car Parking -

- 9.21 The Dacorum Borough Council Parking Standards Supplementary Planning Document (SPD) (November 2020) states that the starting principle is that all parking demand for residential development will be accommodated on site, with departures being accepted only in exceptional circumstances. The SPD identifies three accessibility zones and varies the parking requirement accordingly. The application site is located within Zone 3, with a three bedroom dwelling expected to provide 1.8 spaces per dwelling where the spaces are unallocated and 2.25 spaces where allocated. The proposed plans for the renewal of this application shows that the parking spaces are allocated, hence there is a deficit of 0.25 for the new dwelling. However, in this instance the deficit could be considered de-minimus, as whilst falling just below 2.25 it is noted that the application form states that new cycle spaces will be created and further, there are local bus stops/routes running close by, including along Station Road to both Tring Town Centre and Tring Railway Station and that both can also be accessed by bike or on foot. Whilst not ideal there is no restriction to on-street parking in the immediate vicinity.
- 9.22 Following comments received from the neighbour at 8 The Grove, the agent was contacted and he confirmed that the parking spaces to the front of the dwellings will be achievable with a minimum size of 2.4m x 4.8m as required. The dimensions are shown on drawing 04 rev H proposed site plan, as are the vehicular and pedestrian visibility splays.
- 9.23 Hertfordshire Country Council as Highway Authority considers that this proposal will not have a severe residual impact on the safety and operation of the surrounding highway, subject to the conditions and informative notes below.

#### Electric Vehicle (EV) Charge Points –

- 9.24 The Parking Standards SPD requires 50% of all parking spaces to have an active charging point, with all remaining parking spaces having passive provision. The terms active provision and passive provision are defined as follows:

*Active provision for electric vehicles: an actual socket connected to the electrical supply system that vehicle owners can plug their vehicle into.*

*Passive provision for electric vehicles: the network of cables and power supply necessary so hat at a future date a socket can be added easily. It is significantly cheaper and less disruptive to install the underlying infrastructure for EV charge points during construction than to retrofit later.*

No details have been provided of EV charge points; therefore, this information will be required to be submitted and approved prior to first occupation of the development in

accordance with the Parking Standards Supplementary Planning Document (November 2020) Table 1 Electric Vehicle Charging Standard states that for such development, one dwelling, there should be provision for one active EV charging unit.

- 9.25 Having had regard to the size of the proposal, the parking provision is considered acceptable subject to conditions in accordance Policies CS8, CS12 and CS29 of the Dacorum Core Strategy and the Car Parking Standards SPD (November 2020).

### Other Material Planning Considerations

#### *Affordable Housing*

- 9.26 The scale of the development is such that there is no requirement for affordable housing contributions.

#### *Impact on Trees and Landscaping*

- 9.27 No objections from the Trees and Woodlands Officer.

#### *Waste Management*

- 9.28 There is access to the side of the proposed dwelling and it is considered that there is storage provision within the confines of the site and is considered acceptable. There will be no rear access to the existing property, however, whilst not ideal, there is sufficient area to the front.

#### *Ecology*

- 9.29 Following correspondence received from a neighbour, in addition to the formal consultation to the Ecology Officer, the planning officer also sent a separate email to draw his attention to the information received that the garden pond contained newts. It is also acknowledged that neighbour comments received referred to frogs and hedgehogs on the site. The formal response from the Ecology Officer stated that they are 'not aware of any existing habitat or species data for this site; however there are records of roosting bats in the area'. An informative has been added to the decision notice in accordance with the advice received. See in full below.

#### *Permitted Development Rights*

- 9.30 The Government's Planning Practice Guidance provides useful advice to Local Planning Authorities as regards the use of conditions:

- 9.31 *When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable*

*and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.*

- 9.32 Paragraph 206 of the NPPF states “Planning conditions should only be imposed
- ☐ where they are:
  - ☐
  - ☐ Necessary
  - ☐ Relevant to planning and;
  - ☐ To the development to be permitted
  - ☐ Enforceable;
  - ☐ Precise and;
  - ☐ Reasonable in all other respects

The six tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.

Any proposed condition that fails to meet any of the six tests should not be used. This applies even if the applicant suggests it or agrees on its terms or it is suggested by the members of a planning committee or a third party.

Specific guidance in relation to conditions which remove permitted development rights is also provided:

*Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has powers under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to enable them to withdraw permitted development rights across a defined area, where justified.*

- 9.33 The dwelling constitutes an infill form of development; that is to say, development over and above that originally envisaged by the planners of the estate. Therefore, careful consideration does need to be given to the whether a greater degree of planning control should be exercised over future development at this site.
- 9.34 Given that the garden area is already reasonably small on this relatively constrained site, it would, in my view, be appropriate to restrict permitted development rights in respect of Classes A and, E for both the parent dwelling and proposed dwelling sites.

### Community Infrastructure Levy (CIL)

- 9.35 This application is CIL liable.

## 10 **CONCLUSION**



10.1 The proposal would not have a significant impact on the parent building, appearance and character of the surrounding area, residential amenity of the surrounding properties and highway safety in accordance with planning policy.

10.1 The proposal is considered to be acceptable.

## 11 RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

### Condition(s) and Reason(s):

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

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

2. **Prior to first use of the development hereby permitted, parking spaces and the vehicular accesses shall be provided and thereafter retained at the position shown on the approved plan drawing number 04H. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.**

Reason: To ensure satisfactory parking, access into the site and avoid the carriage of extraneous material or surface water onto the highway , in accordance Policy CS8 of the Dacorum Borough Core Strategy (2013), Policy 5 of Hertfordshire's Local Transport Plan (2018), the National Planning Policy Framework (2019), and the Car Parking Standards SPD (November 2020)

3. **Notwithstanding the submitted plans, full details of the layout and siting of proposed Electric Vehicle Charging Points and any associated infrastructure for the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented prior to first occupation in accordance with the agreed details.**

Reason: to enable future occupiers to charge low emission vehicles in a safe and accessible way in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013), the Dacorum Borough Council Parking Standards Supplementary Planning Document (November 2020), and Paragraph 110 (e) of the National Planning Policy Framework (2019). The SPD identifies three accessibility zones and varies the parking requirement accordingly. The application site is located within Zone 3 wherein a three bedroom dwellings are expected to provide 1.8 spaces per

dwelling where the spaces are unallocated, and 2.25 spaces where allocated. The plans shows allocated spaces hence 2.25 spaces.

4. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
- o all external hard surfaces within the site;
  - o other surfacing materials;
  - o means of enclosure;
  - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
  - o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
  - o trees to be retained and measures for their protection during construction works
  - o cycle storage

**The planting must be carried out within one planting season of completing the development.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 2 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 similar species, size and maturity.**

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. **Notwithstanding the details shown on Drawing No. 05 rev G proposed plans and elevations, the new first floor side window within the gable end side elevation of the development hereby permitted shall be permanently fitted with obscure-glazing and non-opening below a height of 1.7m from finished floor level.**

Reason: In the interests of safeguarding residential amenity in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

6. **No development above slab level shall take place 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.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

7. **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:**

**Classes A and E**

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, and to ensure that sufficient amenity space is retained for future occupiers, in accordance with saved Appendix 3 of the Dacorum Local Plan, Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

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

- 01 F Proposed location plan and proposed site plan**
- 02 C existing site plan**
- 03 G existing floor plans and elevations**
- 04 H proposed site plan**
- 05 G proposed floor plans and elevations**

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

**Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. ECP Informatives

Construction Hours of Working - (Plant & Machinery) Informative

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: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.

#### Construction Dust Informative

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 the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

#### Noise on Construction/Demolition Sites Informative

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

### 3. Highway Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway

informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

1. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular 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. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047. The applicant would need to be aware that it may be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements if the level of the highways works is deemed to be too much to be carried out under a standard new access agreement with the Highway Authority.

2. 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.

3. 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.

4. 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.

4. Land Contamination Informative

In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.

5. Ecology Informative:

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

**APPENDIX A: CONSULTEE RESPONSES**

<b>Consultee</b>	<b>Comments</b>
Environmental And Community Protection (DBC)	Having reviewed the planning application I am able to confirm that there is no objection to the proposed development. However, although it is acknowledged that there is no formal land use on or immediately adjacent to the application site that would be

expected to result in ground contamination, the proposed end use is for a new residential dwelling. This is a sensitive land use that would be vulnerable to the presence of any contamination and so it is considered appropriate for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present will be remediated.

Given the small scale of the development and site specific circumstances it is considered that completion of the land contamination assessment questionnaire for small development sites with proposed sensitive end uses would be proportionate. This questionnaire has been attached to the email and should be completed by the applicant and returned to the LPA. If the information provided within the questionnaire is satisfactorily completed before the planning decision is made and it does not highlight any issues then there is no need for contaminated land conditions.

If the questionnaire is not completed prior to the decision notice then the following planning conditions should be included if permission is granted. The completed questionnaire may then be sufficient to discharge the conditions.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

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

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

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

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

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informative:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

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

09.06.2020 - update following receipt of questionnaire from agent

Having reviewed the completed Land Contamination Assessment Questionnaire we are satisfied that it provides sufficient information of the site to no longer warrant full contaminated land conditions. However, as it is a new development and will involve significant ground works the following informative is recommended.

#### Land Contamination Informative

In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.

21.05.20

Town and Country Planning Act 1990

Application: 20/00979/FUL

Description: Construction of new dwelling connected to existing semi-detached properties. External refurbishment of existing two properties (renewal of application 4/01574/17/FUL).

Location: 3 Grove Farm Cottage Marshcroft Lane Tring Hertfordshire HP23 5PP

With reference to the above planning application, please be advised Environmental Health have no objections or concerns.



	<p>However I would recommend the application is subject to construction working hours with Best Practical Means for dust.</p> <p>Construction Hours of Working - (Plant &amp; Machinery) Informative</p> <p>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: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.</p> <p>Construction Dust Informative</p> <p>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 the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Noise on Construction/Demolition Sites Informative</p> <p>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.</p>
Parish/Town Council	The Council recommended no objection to this application. (20.05.2020)
Hertfordshire Highways (HCC)	See below.
Trees & Woodlands	<p>With regard to Planning Application 20/00979/FUL.</p> <p>According to the information submitted trees will require removal</p>

	<p>to facilitate the development. I consider the trees to have low amenity value and, when evaluated against the merits of the scheme, should not pose a constraint to the development. Consequently, I have no objections to the application and recommend it being approved in full.</p>
<p>Hertfordshire Ecology</p>	<p>Reference: 20/00979/FUL          Proposal: Construction of new dwelling connected to existing semidetached properties. External refurbishment of existing two properties (renewal of application 4/01574/17/FUL)          Address: 3 Grove Farm Cottage Marshcroft Lane Tring Hertfordshire          HP23 5PP</p> <p>Thank you for consulting Hertfordshire Ecology on the above. I am not aware of any existing habitat or species data for this site; however there are records of roosting bats in the area.</p> <p>Given the location and nature of the site, and lack of apparent characteristics of the building, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination.</p> <p>However, in the event that bats are found, given the proposal will involve some modification to the roof, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.</p> <p>If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed.</p> <p>I trust these comments are of assistance.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Proposal          AMENDED PROPOSAL          Construction of new dwelling connected to existing semidetached properties. External refurbishment of existing two properties (renewal of application 4/01574/17/FUL).</p> <p>Decision          Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following</p>

conditions:

**CONDITIONS:**

1. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the accesses, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

2. Pedestrian visibility splays of .65m x .65m shall be provided, and thereafter maintained, on both sides of the new vehicle crossover, which will be restricted a to a double width, ie as per Roads in Herts - Highway design guide 3rd edt guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

3. The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose.

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority.

**INFORMATIVES:**

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is

authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047

2. 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: 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.

3. 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.

4. 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.

#### COMMENTS

The proposal is for Construction of new dwelling connected to existing semi-detached properties.

External refurbishment of existing two properties (renewal - application ref: 4/01574/17/FUL).

#### PARKING

According to drawing no 2446 04 F " Car Parking amended", four parking spaces are proposed in total: two for the new property and one for each of the current properties.

#### ACCESS

Although drawing no 2446 04 F " Car Parking amended", indicates that there are two existing VXOs for no 3 Grove Farm Cottage, a site visit on 29/09/2017 confirmed that there are no formal vxos in existence.

All proposed vxos on this drawing therefore are new ones and should be constructed by a contractor who is authorised to work in the public highway, as detailed in informative note 1 above.

Marshcroft Lane is an unclassified local access road, with a 30mph speed limit. There have been no accidents within the vicinity of the site for the last 5 years.

#### CONCLUSION

HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the conditions and

	informative notes above
Parish/Town Council	<p>20/00979/FUL The Council recommended REFUSAL of this application on the following grounds:</p> <p>loss of amenity to residents of existing properties</p> <p>no kitchen windows at No. 3 would lead to detrimental impact on resident</p> <p>parking issue caused at front of houses (20.08.2020)</p>
Hertfordshire Highways (HCC)	<p>22.10.2020</p> <p>Proposal</p> <p>AMENDED PROPOSAL</p> <p>Construction of new dwelling connected to existing semidetached properties. External refurbishment of existing two properties (renewal of application 4/01574/17/FUL).</p> <p>Decision</p> <p>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:</p> <p>1. Prior to the first use of the development hereby permitted the vehicular accesses shall be provided and thereafter retained at the position shown on the approved plan drawing number 04H. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.</p> <p>Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>1. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a</p>

contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

The applicant would need to be aware that it may be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements if the level of the highways works is deemed to be too much to be carried out under a standard new access agreement with the Highway Authority.

2. 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.

3. 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.

	<p>4. 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.</p> <p>Further information is available via the website :  <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>Comments / Analysis</p> <p>The submitted amended proposed site plan (04 rev. H) is considered to be acceptable and would remove the need for the originally recommended conditions in relation to the visibility and size of the parking spaces as they have been sufficiently demonstrated to be provided on the amended plan. Anyhow the required visibility splays would be through existing highway verge.</p> <p>Please refer to the above highway informative in relation to the works required to create the new vehicle crossovers to the properties. The applicant would need to be aware that a Section 278 Highway Agreement may be required if the level of the highways works is deemed to be too much to be carried out under a standard VXO agreement with the Highway Authority.</p>
Parish/Town Council	Tring Town Council recommended REFUSAL of this application due to insufficient alteration from previous application to warrant a change of opinion. Therefore, loss of amenity to resident of middle terrace property and inadequate parking provision. (29.10.2020)

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
13	2	0	2	0

### Neighbour Responses



Address	Comments
<p>8 The Grove Marshcroft Lane Tring Hertfordshire HP23 5PN</p>	<p>While the inclusion of improvement of the general appearance of the existing houses is to be welcomed (the lack of maintenance of the external materials by the owners is a disgrace) the details of the submitted proposals are disturbingly contradictory and although no works are shown to the two existing houses internally, the blocking up of the window and doorway at the rear of No.3 clearly presents Building Control issues detrimentally affecting escape in an emergency and ventilation, solutions to which would have a bearing on the application details.</p> <p>My biggest concern is the car parking proposals which will have a major impact on the visual amenity of this rural Lane both for residents of the Lane and the public on this much-used and loved walking route.</p> <ul style="list-style-type: none"> <li>- The PROPOSED SITE PLAN shows a convoluted and disingenuous boundary shape which misrepresents the reality of the existing and proposed site: the pedestrian access to No.3 is excluded from the application (outside the application red line site) but the existing arrangement is an enclosed and fenced front garden which does not provide access to the door from the road and therefore cannot be excluded from the application site without making a nonsense of the application; similarly, the proposed pedestrian access to the front door of the new house shown as outside the application boundary, does not exist.</li> <li>- The PROPOSED SITE PLAN would also seem to misrepresent the scale of the site: where cars are shown on the drawing in front of living room windows, the actual distance between the front wall and site boundary is a bit less than 4.5m but the Borough standard for a parking space length is 5m. It would therefore not be possible to park as shown on the drawing within the site boundary.</li> <li>- House no.4 has two existing car parking spaces outside the application site but not shown on the proposal (although No.4 building is within the red line). That may affect the parking criteria.</li> <li>- Is parking right up in front of other' peoples living room windows an acceptable arrangement, even if there was enough space?</li> <li>- The proposed parking arrangements, which include 3 new crossovers from the road (one double-width), would replace the existing and attractive grassed verge outside the site boundary with a swathe of tarmac (and the front gardens of the houses with hard-paved surfaces) which would significantly reduce the rural amenity value of this part of the Lane.</li> <li>-The PROPOSED PERSPECTIVES drawing is a gross mis-representation of the impact of the development: it shows the retention of the grass verges, full width cottagy fencing and garden spaces in front of the houses when the proposed site plan clearly illustrates the intention to replace them with hard surface!</li> </ul> <p>Contrary to the Consultation comments from your 'Trees and</p>

	<p>Woodland' people I would assert that the trees and woodland on the rear half of the site do indeed have 'high amenity value' (not 'low') by any criteria and their proposed removal with no replacement (neither the existing or proposed plans show any trees on the application site - a clear mis-representation to the authority) would be a significant reduction in visual amenity for residents, neighbours and the public and loss of habitat for possibly protected wildlife. Has an ecological survey been carried out?</p> <p>I believe the current application should be rejected until the applicants resolve the serious inconsistencies and deficiencies in the application which would then allow the main proposal to be reassessed.</p> <p>Text for Dacorum online Planning comments 21-8-20</p> <p>It would seem that this re-consultation is essentially the same as the original submission (but has just removed the grossly misrepresentative '3D images') and my objections remain for the same reasons. Additionally, I don't know where the applicants have got their measurements from but they have added dimensions for existing parking spaces which are completely wrong! The area dimensioned "5.8m" on the application plan is actually 2m; The distance from the end of No.4 to the far side of the existing fence is 2.8m; the distance from the left hand side of the front door of No.4 to the far side of the 'existing fence' is only 4.9m!</p> <p>In addition to the errors around the parking area to no.4, cars are shown on the drawing parked in front of living room windows, the actual distance between the window of no.3 and site boundary is 4.2m not the 4.9m shown (I've been out to measure it) but the Borough Standard for a parking space length is 5m. It would therefore be impossible to park cars as shown on the drawing within the site boundary.</p> <p>None of the existing paths or fences are shown nor are any of the existing trees, plants and hedges on the site. The difference between paving, grassed area and gravel crossovers are not identified. Contrary to the statement on the application form, no waste storage or existing or proposed drainage is indicated.</p> <p>Please confirm a site visit will or has been made to check these details.</p> <p>Has an ecological survey really been rejected? I understand there are newts in the pond and hedgehogs in the carefully created wildlife garden, to the rear of No.4.</p> <p>While I do not object in principle to the extension of the terrace, the consequences of the current proposals are unacceptable. I believe the current application should be rejected because of mis-representation and the significant loss of amenity to the existing occupiers and neighbourhood, as previously described.</p> <p>Thank you</p>
<p>3 Grove Farm Cottage Marshcroft Lane</p>	<p>Hi, I am the tenant living in 3 grove farm cottages. I know we can't say much because I'm sure our landlords would give us a months notice to leave and probably get someone else in. There is two reasons I object</p>

<p>Tring Hertfordshire HP23 5PP</p>	<p>and the first is the will be bricking up 4 windows and a back door to build the new property so this will leave what is a lovely bright and airy house into a dark cavern with no natural light coming into the kitchen, hall, landing, stairs and toilet upstairs. Also if you should be in the utility/out house room and a fire should occur in the kitchen then there is no way of leaving the room. Just one other thing is it's going to destroy a lovely garden which has a pond with frogs and newts in it and a wild area which has hedgehogs living. It's a fantastic place and area to live just a shame it's go to be altered to squeeze an extra house there.</p>
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