

ITEM NUMBER: 5b

23/00813/FUL	Demolition of existing buildings. Construction of 7 new houses with associated parking and landscaping	
Site Address:	Convent Of St Francis De Sales Preparatory School, Aylesbury Road, Tring, Hertfordshire, HP23 4DL	
Applicant/Agent:	Mr Thomas Doughty	Mrs Jill Bell
Case Officer:	Sally Robbins	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	Contrary view of Tring Town Council	

1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

2.1 The principle of residential development in this location is acceptable. The proposal comprises the demolition of the existing building on site and the construction of a cul-de-sac comprising seven detached two-storey dwellings with associated new access road, landscaping and parking. The proposed development would optimise the use of available land within an established residential area and the design would sit comfortably within the surrounding area, noting the prevailing form of development within the streetscene. There would be no harm to the adjacent conservation area and any nominal heritage harm caused by the demolition of the existing building would be outweighed by other considerations. The amenity space and parking provision are considered acceptable and the proposal will not have a significant impact on the living conditions of existing neighbouring properties.

2.2 The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11, CS12 and CS27 of the Core Strategy and the NPPF.

3. SITE DESCRIPTION

3.1 The application site is located on the north side of Aylesbury Road in Tring. The site comprises a two storey detached building that was previously used as a convent. Site levels rise upwards towards the north, away from Aylesbury Road. The boundary with Aylesbury Road comprises dense, mature trees and vegetation, which provides substantial screening from public view. The site is surrounded to the north, east and west by residential development, most notably new residential development on St Francis Close, which is a modern development comprising 31 units (planning permission ref. 4/03167/17/MFA).

4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the existing building on site and the construction of 7 x two-storey detached dwellings with associated parking and landscaping. The dwellings would be situated within a new cul-de-sac, formed off St Francis Close. Plot 1 would have its frontage facing onto St Francis Close, whilst plots 2-7 would have frontages facing onto the new cul-de-sac. Each dwelling would comprise 4 x bedrooms and would have off-street parking for 3 vehicles, with 2 additional visitor spaces for the whole development.

4.2 The proposal is an amended scheme following refusal of application ref. 22/00456/FUL. The amendments comprise changes to the rear façades of plots 3-6, which now include gable-end projections. In addition, the footprint of plots 3-6 has been reduced at the rear by the reduction of the single storey element.

5. PLANNING HISTORY

5.1 The proposed development is a re-submission of a previously refused scheme (ref. 22/00456/FUL). The reasons for refusal were as follows:

1. The development would result in the loss of what is considered to be a non-designated heritage asset which makes a positive contribution to the architectural history of the area, with little weight being given to the permitted development fall back position for its demolition. It is also considered the proposal would result in less than substantial harm (at a low level) to the setting of a designated heritage asset (The Tring Conservation Area) due to the relationship of the development to Aylesbury Road and plots 3-6 elevated positioned above the road combined with lack of facade to this frontage. It is also likely a close boarded fence would demarcate the rear boundaries on a raised level above Aylesbury Road. This would work against the currently open and landscaped approach into the Conservation Area and thereby impact on its setting.

Little weight is given to existing landscaping along Aylesbury Road in screening the development, as this could change over time. Furthermore, much of the vegetation and smaller trees within this grouping could be removed without permission. Additionally, the development would result in a shortfall in parking provision. It is considered this could be addressed through amendments. However, this would likely result in further harm due to the need to push back plots 3-6 closer to Aylesbury Road (to accommodate more parking to the front) and increased dominance of hard surfacing within the site.

It is considered that the provision of 7 new dwellings on site would not outweigh the harm identified above. Due to this, it is considered that the proposal would be contrary to Policies CS11, CS12 and CS27 of the Core Strategy (2013).

2. The application does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to policy CS26, paragraph 175 of the NPPF (2021), and the requirements of the Habitats Regulations 2017 and 2019.

5.2 The design of the dwellings has been amended in the current proposal in order to overcome the design concerns in reason for refusal no. 1. However, the general layout is similar and quantum of development is the same for the current proposal as the previous scheme.

5.3 In terms of the loss of the existing building on site, i.e. the non-designated heritage asset referred to in reason for refusal no. 1, an application for prior approval to demolish it under permitted development was submitted to the Council on 17 November 2022 (ref: 22/03433/DEM). The application was initially refused by the Council on the grounds that insufficient information had been submitted in relation to site remediation, however the decision notice was issued beyond the statutory determination period.

5.4 The Council therefore acknowledges that the application was determined out of time and that the decision notice has no legal effect and is null and void. The existing building can therefore be

demolished under permitted development within a 5-year period from the date of submission of the application.

5.6 In terms of reason for refusal no. 2, the proposed development would be eligible to financially contribute to the Council-led mitigation strategy, which would be secured via legal agreement should planning permission be granted.

Planning Applications:

22/03433/DEM - Demolition of the existing building at the former Convent of St Francis de Sales
Determined out of time (null and void – demolition can proceed) - 20th December 2022

22/00456/FUL - Demolition of the existing buildings. Construction of 7 new houses with associated parking and landscaping
REFUSED - 7th September 2022

21/04687/ROC - Details required by Condition 20 (approved plans) attached to planning permission 4/03167/17/MFA -Demolition of existing buildings, construction of 31 dwellings, alterations to existing vehicular access on to aylesbury road, landscaping and introduction of informal public open space (amended scheme
REFUSED - 22nd June 2022

21/01485/FUL - Demolition of the existing buildings. Construction of 8 new houses, with associated parking and landscaping.
REFUSED - 13th September 2021

20/02236/NMA - Non Material Amendment to Planning Permission 4/03167/17/MFA (Demolition of existing buildings, construction of 31 dwellings, alterations to existing vehicular access on to aylesbury road, landscaping and introduction of informal public open space (amended scheme))
GRANTED - 2nd September 2020

4/01735/18/FUL - Three detached dwellings with associated parking and landscaping
GRANTED - 29th July 2019

4/03167/17/MFA - Demolition of existing buildings, construction of 31 dwellings, alterations to existing vehicular access on to aylesbury road, landscaping and introduction of informal public open space (amended scheme)
GRANTED - 9th March 2018

4/01569/17/MFA - Demolition of existing buildings, construction of 40 dwellings, alterations to existing vehicular access on to aylesbury road, landscaping and introduction of informal public open space
REFUSED - 18th October 2017

4/00029/16/MFA - Demolition of all existing buildings. Construction of 32 residential dwellings, alterations to the existing vehicular access onto aylesbury road, landscaping and the introduction of informal public open Space.
GRANTED - 16th February 2017

Appeals:

23/00013/REFU - Demolition of the existing buildings. Construction of 7 new houses with associated parking and landscaping
IN PROGRESS

4/01569/17/MFA - Development Appeal
WITHDRAWN - 18th April 2018

6. CONSTRAINTS

CIL Zone: CIL2
Tring Conservation Area
Parish: Tring CP
Residential Area (Town/Village): Residential Area in Town Village (Tring)
Residential Character Area: TCA1
Parking Standards: New Zone 3
Town: Tring
Tree Preservation Order: 544

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 (2021)
Dacorum Borough Core Strategy 2006-2031 (2013)
Dacorum Borough Local Plan 1999-2011 (2004)

Relevant Policies:

Dacorum Borough Core Strategy:
NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS23 – Social Infrastructure
CS26 – Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS32 - Air, Soil and Water Quality

Dacorum Borough Local Plan:

Policy 10 - Optimising the Use of Urban Land
Policy 69 – Education
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 3 – Design and Layout of Residential Areas

Supplementary Planning Documents:

Parking Standards Supplementary Planning Document (2020)

Refuse Storage Guidance Note (2015)

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- Principle of Development
- Impact on Heritage Assets
- Quality of Design / Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on Highway Safety and Parking
- Other Material Planning Considerations.

Principle of Development

9.2 Policies NP1 and CS1 of the Core Strategy seek to ensure proposals achieve sustainable development. The latter policy seeks to concentrate the majority of development and new housing within the existing towns and large villages. Core Strategy Policy CS4 states that appropriate residential development within residential areas is encouraged. Furthermore, within the Core Planning Principles outlined in the NPPF there is heavy emphasis on the planning system's responsibility to make effective use of land (section 11). Paragraph 119 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. This is supported by Saved Policy 10 of the Dacorum Borough Local Plan, which seeks to optimise the use of available land within urban areas.

Loss of Social Infrastructure

9.3 The proposed development would result in the demolition of the existing building on site, which was originally part of the Convent of St Francis de Sales Preparatory School, which closed in 2014, and latterly as a boarding house by the Tring Park School for Performing Arts. The use of the building by Tring Park School for Performing Arts was on a temporary basis, whilst permanent accommodation on the Tring Park School site was sought.

9.4 Core Strategy Policy CS23 states that existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred. Consideration is also given to Saved Policy 69 of the Local Plan, which states that the loss of existing education facilities will not be supported unless: the new use is temporary, pending return to education use; or the site is no longer appropriate for or needed for education use.

9.5 Figure 14 in the Core Strategy lists the different types of social infrastructure, which includes early years to further education. The supporting documents state that the building on site was used as an ancillary function to a private school and was not used for teaching. It also states that a boarding house for a private school does not fall within the definition of social infrastructure and that no state school teaching space would be lost. However, paragraph 15.11 of the Core Strategy clarifies that the private sector has a strong presence in the borough and plays an important role in

providing independent school places. As such, the loss of private school facilities (including boarding accommodation) is afforded protection in the context of Policy CS23.

9.6 Notwithstanding the above, the supporting documents confirm that alternative boarding provision has been made within the grounds of Tring Park School. A new boarding house has been constructed that provides accommodation for 70 pupils (Elizabeth House, opened in 2019). As such, the previous use of the building as accommodation for an independent school has been re-provided elsewhere. The supporting documents state that the boarding house was never proposed as a long-term solution given its distance from the school (1.6km away), its size and that it requires a significant upgrade to bring it up to standard for boarding accommodation.

9.7 On balance, it is considered that the loss of the boarding house is acceptable in this instance, given that alternative provision has been made and that satisfactory evidence has been provided to demonstrate that the facility is no longer viable. Furthermore, the loss of the facility is weighed against the benefits of providing much-needed housing within the borough, in a sustainable location that would optimise the use of available land within an urban area.

Loss of C2 Use

9.8 Boarding houses are classed as residential institutions, or Use Class C2. As such, consideration must also be given to the loss of the C2 planning land use by virtue of the redevelopment of the site for residential use (Use Class C3). However, given the above assessment that the existing boarding facility is no longer required, added to the fact that the site is listed on the Council's Brownfield Land Register (area BLR/026) and thus deemed appropriate for residential development, it is considered that the proposed redevelopment for residential use is acceptable.

Summary

9.9 Taking all of the above into account, the proposal is acceptable in principle and would be located in a sustainable location that would seek to optimise the use of urban land. The proposal is in accordance with Policies CS1 and CS4 of the Core Strategy, Saved Policy 10 of the Dacorum Borough Local Plan and the NPPF.

Impact on Heritage Assets

9.10 Tring Conservation Area lies 30m to the west of the site. In addition, the existing building on the site has been described as a non-designated heritage asset by the Council's Conservation and Design Officer. The building is a high quality two-storey detached Edwardian villa with fine architectural features. In addition, the verdant setting within which the building sits is of importance to its setting and the wider conservation area.

9.11 Paragraph 199 of the NPPF states that great weight should be given to the conservation of heritage assets when considering the impact of a proposed development and Core Strategy Policy CS27 requires new development to protect, conserve and where appropriate enhance the integrity, setting and distinctiveness of heritage assets. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities should have special regard to preserving or enhancing the character and appearance of Conservation Areas.

9.12 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.13 In terms of non-designated heritage assets, consideration is given to paragraph 203 of the NPPF, which states that the effect of an application on the significance of a non-designated heritage

asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

9.14 The Council's Conservation and Design Officer has been consulted and commented that the design proposals of the new dwellings have now addressed the previous concerns raised with respect to the refused scheme (ref. 22/00456/FUL). The previous application cited the elevated position of plots 3-6 above the road combined with lack of facade to this frontage as a reason for refusal. The scheme has been amended to include gable projections and additional articulation at upper floor levels. This means the dwellings would sit comfortably within the site and the gable and upper floor elements would have an appropriate façade in relation to Aylesbury Road. As such, the Conservation and Design Officer does not feel that the proposal would harm the setting of the conservation area.

9.15 It is considered that the proposed development is a high quality, traditional design that would not be incongruous within this sensitive area. In addition, the proposed dwellings would retain a spacious layout, sitting comfortably within the site. The existing screening provided by the dense, mature trees and vegetation would be retained and the significant trees along the Aylesbury Road boundary are indeed protected by a Tree Preservation Order. It is therefore considered that there would be no harm to the adjacent conservation area, therefore the balancing exercise set out in paragraph 202 of the NPPF need not be undertaken.

9.16 In terms of the loss of the existing building on site, i.e. the non-designated heritage asset, an application for prior approval to demolish it under permitted development was submitted to the Council on 17 November 2022 (ref: 22/03433/DEM). The application was initially refused by the Council on the grounds that insufficient information had been submitted in relation to site remediation, however the decision notice was issued beyond the statutory determination period. The Council therefore acknowledges that the application was determined out of time and that the decision notice has no legal effect and is null and void. The existing building can therefore be demolished under permitted development.

9.17 The above is considered to be a permitted development fall-back position. In terms of the fall-back position, this is a real prospect and is given significant weight in this planning balance. Case law has established that the legal considerations in determining the materiality of a fall-back position as a planning judgement relate to the basic principle that for a prospect to be a "real prospect" it does not have to be probable or likely; instead, a possibility will suffice. In this case, however it is considered highly likely and probable that the building will be demolished. As such, significant weight is afforded to this fall-back position.

9.18 On balance, and taking all of the above factors into account, it is considered that there would be some limited heritage harm caused by the demolition of the existing building, which is considered a non-designated heritage asset. However, this is weighed against the benefits of the scheme, which includes the provision of much-needed housing within a sustainable location that would optimise the use of urban land. Furthermore, significant weight is given to the fall-back position that there is no statutory protection afforded to the existing building and that it is highly likely and probable that it will be demolished.

9.19 In summary, there would be no harm to the adjacent conservation area and limited heritage harm caused by the demolition of the existing building. It is considered that there are some minor benefits of the scheme, whereby there would be some small social/economic benefits, such as: delivery of additional dwellings to contribute to the Council's five-year housing land supply; and short-term economic benefits during the construction phase. However, given the small size of the development in terms of number of housing units, it is considered that these benefits would have limited value. Nonetheless, as outlined above, the fall-back position carries significant weight. It is

therefore considered that the limited harm caused by the loss of the existing building is outweighed by other considerations, to accord with paragraph 203 of the NPPF.

Quality of Design / Impact on Visual Amenity

9.20 Policies CS10, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and paragraph 130 of the NPPF seek to ensure that new developments are visually attractive and integrate with the surrounding area in terms of layout, design, scale and materials.

9.21 The surrounding area is characterised by residential development comprising older terraces and semi-detached properties to the west / northwest and more modern detached and semi-detached properties on St Francis Close to the east / northeast. Architectural styles are traditional and material finishes comprise predominantly facing brickwork and plain red or grey roof tiles.

9.22 It is considered that the proposed layout, design, scale and materiality of the dwellings would sit comfortably within the site and surrounding area. The screening along Aylesbury Road would be retained, which would further help the proposed development to assimilate into its surroundings.

9.23 Taking the above into account, it is considered that the layout, architectural style and built form of the proposed dwellings will not have a detrimental impact upon the character and appearance of the surrounding area. The proposed development will integrate with the surrounding area in terms of layout, design, scale and materials. The proposal therefore complies with Policies CS10, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and the NPPF.

Impact on Residential Amenity

9.24 The NPPF 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 and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy.

9.25 The application site shares its western boundary with existing residential properties on High Drive (nos. 9 and 10 Gordon Villas). The side elevation of proposed plot 6 would be approximately 15m from the rear wall of no. 9 Gordon Villas. First and second floor windows are proposed within the flank wall of plot 6, however these would serve non-habitable rooms and it is therefore reasonable and necessary to condition that these be obscure glazed and non-opening below a height of 1.7m above internal floor level to avoid any significant additional overlooking. In terms of the visual impact of proposed plot 6 on 9 Gordon Villas, it is considered that the separation distance of 15m is sufficient in order that there would be no significant harmful effects in terms of being visually overbearing or resulting in loss of light, particularly that there is existing intervening boundary vegetation that would be retained.

9.26 The side elevation of plot 7 would be situated approximately 14m from the rear elevation of no. 10 Gordon Villas, albeit at an offset angle. The first and second floor windows in the side elevation of plot 7 would be obscure glazed, to be secured by condition. It is considered that the separation distance and relative positions of plot 7 and 10 Gordon Villas would not give rise to any significant visual intrusion nor loss of light. In addition, the separation distance is greater than that approved within the St Francis Close development to the north, whereby the side elevation of 1 St Francis Close is 3.5m from the corner of 11 Gordon Villas.

9.27 A distance of approximately 18m would be achieved between proposed plot 2 and 34 St Francis Close, on the opposite side of the road. This is considered an acceptable front-to-front separation distance that is commensurate with the surrounding area.

9.28 In terms of the living conditions of future occupiers, the proposed dwellings would provide a good standard of amenity. The proposed shape and size of the garden areas would ensure the space is functional and compatible with the surrounding area. Separation distances between plots 3-6 would be 2m, which is acceptable given that the flank elevations would be comprise obscure-glazed windows serving non-habitable rooms. Front-to-front separation distances are commensurate with the surrounding area and the majority of residential areas, in the range of 13-16m.

9.29 Overall, it is considered that the proposed layout and scale of dwellings would not cause significant harm to the living conditions of existing occupiers. Furthermore, the living conditions of future occupiers would be acceptable. The proposal complies with the above-mentioned policies in terms of residential amenity.

Impact on Highway Safety and Parking

9.30 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.31 The development proposes 7 dwellings, each comprising 4 bedrooms. The parking requirement set out in Appendix A of the Parking Standards SPD is 3 allocated spaces or 2.4 unallocated spaces for each 4-bedroom dwelling. This equates to a parking requirement for the development as a whole of 21 allocated spaces or 16.8 unallocated spaces.

9.32 Each dwelling would have 2 spaces on hardstanding in addition to one space within an integral garage (i.e. all allocated spaces). To ensure adequate parking for the development, the use of the garages would be restricted to the parking of vehicles and may not be converted to living accommodation, which would be secured by condition. There would also be 2 additional visitor spaces at the end of the cul-de-sac and 2 visitor parking spaces for the existing development on St Francis Close would be relocated to enable the construction of plot 1. The total parking provision for the development as a whole would be 23 spaces. This level of parking provision is acceptable and complies with Appendix A of the Parking Standards SPD.

9.33 In terms of access, the development would use the existing access from Aylesbury Road to St Francis Close. St Francis Close is a private road and is not yet part of the adopted highway network. Plots 3-7 would have a new private road network joining St Francis Close and plots 1 and 2 would be located directly on St Francis Close. Although the existing and new roads are not highway maintainable at public expense, the Highway Authority has recommended that all accesses be built to standards stipulated in HCC Highways design guide. Furthermore, the existing access onto Aylesbury Road is deemed adequate to accommodate 7 additional dwellings.

9.34 The new private road has a turning head to accommodate the turning of large vehicles and, in terms of emergency vehicle access, the proposed dwellings are within the recommended emergency vehicle access of 45m from the highway to all parts of the buildings.

9.35 Herts County Council, as Highway Authority, has been consulted and raised no objection to the proposal, subject to the inclusion of a Construction Management Plan condition and informative notes.

Other Material Planning Considerations

Impact on Trees and Landscaping

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

9.37 The site comprises a Tree Preservation Order (TPO544) relating to groups of trees along the boundary with Aylesbury Road, along the western boundary and to the southeast of the site. There are also two individual Beech trees towards the north and centre of the site covered by the TPO. The two individual Beech trees have been identified as being of sufficient quality to warrant individual protection whereas the remaining are grouped as they offer combined amenity value.

9.38 An Arboricultural Impact Assessment and Arboricultural Method Statement has been submitted to support the application, which includes a Tree Protection Plan. A number of trees are proposed to be removed to facilitate the proposal. The Council's Trees & Woodlands Officer has been consulted and considers that the trees to be removed have limited amenity value and the submitted comprehensive planting scheme would mitigate these removals. Furthermore, a detailed scheme to protect remaining trees has been submitted which affords appropriate protection.

9.39 A detailed planting plan has been provided (drawing no. CLPD 109 P01), however the overlain site plan is from the previously refused scheme. Whilst the proposed planting schedule is deemed to be appropriate and would provide adequate mitigation planting, it contains an outdated site plan. Therefore, an updated detailed planting plan would be secured by condition should permission be granted, in addition to further landscaping details.

9.40 The Council's Trees & Woodlands Officer raised no objection to the proposal, subject to the tree protection measures and mitigation conditions. Subject to the above conditions, the proposed development would meet the requirements of Saved Policies 99 and 100 of the Local Plan and Policy CS12 of the Core Strategy.

Ecology

9.41 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Furthermore, Core Strategy Policy CS26 seeks to conserve and restore habitats and species.

9.42 The County Ecologist (Herts Ecology) has been consulted but a response has not been forthcoming. However, a response was received with respect to the previously refused scheme (ref. 22/00456/FUL, consultation response received on 12 August 2022). The refused scheme is similar to the current proposal in terms of the level of demolition proposed and amount of tree removal. Moreover, the same supporting information was submitted for the refused scheme as the current scheme, i.e.:

- Technical Note: Ecology by AA Environmental Limited (Report Ref. 213157)
- Supplementary Bat Report by AA Environmental Limited (report date June 2022)

9.43 For the previous scheme, Herts Ecology commented, "*The visual inspection (05.05.22) did not identify any significant changes from the original Preliminary Roost Assessment. Two emergence surveys were conducted on the 5th and 26th of May and a re-entry survey on the 27th of May. During these, a bat was observed emerging once from a tile hanging confirming the presence of a roost. Suitable mitigation measures have been provided within the report and with this information in place, I consider the LPA has sufficient information on bats for determination. It is acknowledged that if bats will be affected by the proposal, a European Protected Species (EPS) licence will be required from Natural England to proceed lawfully. I have no reason to believe that a licence will not be issued.*"

9.44 It is recognised that, as bats will be affected by the proposal, a European Protected Species (EPS) licence will be required from Natural England in order for the proposed development to proceed lawfully. Although the surveys are over 12 months old, the Council takes a precautionary approach and assumes the presence of bats. Herts Ecology previously stated that they have no reason to believe that a licence will not be issued. In addition, the submitted ecological reports listed above recommend a full scheme of mitigation, including the installation of bat boxes on trees prior to demolition and bat bricks incorporated into the design of the dwellings, which would be secured by condition.

9.45 In terms of biodiversity net gain, the ecological reports recommend further ecological enhancements including the timing of site clearance to avoid bird nesting season, the installation of bird boxes, tree protection measures, planting native species within the landscape strategy, boundary treatment to allow free movement of wildlife and a lighting strategy. These measures would be secured by appropriate conditions and/or informative notes.

9.46 Subject to the inclusion of the above-referenced conditions and informative notes, it is considered that the proposed development would meet the requirements of the NPPF and the Core Strategy in terms of biodiversity and ecology.

Environmental Health

9.47 Core Strategy Policy CS32 seeks to maintain soil quality standards and remediate contaminated land. It also seeks to ensure that proposals do not cause harm from a significant increase in pollution (into the air, soil or any water body), for example by noise or emissions. The Council's Environmental Health Officer has been consulted and recommended contaminated land conditions, should planning permission be granted. This is considered reasonable and necessary due to the potential of contaminative materials and the future end use of the site. However, it was also recommended that a condition be included that restricts noise levels at the site boundary between certain hours. This condition would not meet the tests set out in paragraph 56 of the NPPF, as it would not be necessary, enforceable or reasonable in all other respects. The suggested wording will therefore be included as an informative note, rather than a condition, should permission be granted.

Waste Management

9.48 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. The submitted site plan shows that there is adequate space on hardstanding adjacent to each dwelling that would be convenient for future occupiers to store bins. In addition, the proposed site layout would allow kerbside bin collection that would be within 25m of the waste collection vehicles, to accord with Dacorum's Refuse Storage Guidance Note. It is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

Habitats Regulations Assessment – Chilterns Beechwoods SAC

9.49 As part of its ongoing work to prepare the Local Plan, Dacorum Borough Council is required by law to undertake a Habitats Regulations Assessment (HRA) to understand the impacts that current and planned future growth is having on sites designated under the Habitats and Birds Directive. Evidence gathered to date concludes that the integrity of the Chilterns Beechwoods SAC, particularly at Ashridge Commons and Woods SSSI, is being harmed as a result of public access and disturbance.

9.50 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the

conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites.

9.51 The application site resides within the Chilterns Beechwoods 'zone of influence', therefore following advice from Natural England, a mitigation strategy is needed, which sets out the actions necessary to protect the SAC from both existing and future pressures. At a meeting held on 15 November 2022, Dacorum Borough Council Cabinet approved the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy. It also approved two Suitable Alternative Natural Greenspace (SANG) Management Plans for Bunkers Park and Chipperfield Common.

9.52 The new Mitigation Strategy sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6-kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). These measures will be delivered through a range of projects by the National Trust over a period of around 80 years (to 2102-2103).

9.53 The National Trust has confirmed that these Strategic Access Management and Monitoring (SAMMS) measures will cost a total of £18.2million. This cost will be shared across all of the affected local authorities. In Dacorum, this means that developers will be required to pay a tariff for each new home built.

9.54 To help to reduce recreational pressures on Ashridge Commons and Woods, alternative green spaces need to be identified. All new developments within the Zone of Influence will need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere.

9.55 Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. Developers that are unable to provide a suitable new SANG will be required to make a payment to us towards the long-term management and maintenance of these sites.

9.56 The proposed development would be eligible to financially contribute to the two SANG Management Plans for Bunkers Park and Chipperfield Common, which would be secured via legal agreement should planning permission be granted.

Response to Neighbour Comments

9.57 Many of the comments submitted relate to concerns over pedestrian access and safety. The development proposes to use the existing shared surface access off Aylesbury Road. A shared surface is one in which there is no pavement and a single surface is shared by all road users. A number of residents have raised concerns regarding the safety of this access road, with concerns that there is no dedicated pavement and that the site access is unsafe for pedestrians, disabled road users, parents with pushchairs etc. It is considered that there are three issues to consider in turn below.

Not within applicant's ownership

9.58 St Francis Close would be used by the new development to access the dwellings, however it is not within the same ownership as the applicant. Therefore the applicant has no control over St Francis Close and would not be able to make any changes to it. The landowner is W.E.Black, the developer of the adjacent St Francis Close development. The applicant has an agreement with W.E.Black to access the application site via St Francis Close.

An existing situation

9.59 The applicant's Transport Consultant (Iceni) has confirmed that 'St Francis Close is a private no through road that was upgraded as part of the St Francis Close development and it currently serves 34 existing homes. St Francis Close is a shared surface and adopts the Shared Surface and Shared Space principles of Manual for Streets (2007) and the Roads in Hertfordshire: A Design Guide (2011) along its entire length'.

Case Officer confirmed with Highway Authority

9.60 The Case Officer discussed these concerns with the Highway Officer and it was confirmed that, from the point of view of the Highway Authority, the proposal complies with the road design criteria set out in Hertfordshire's Highway Design Guide. Within this document the use of a shared surface, such as St Francis Close, may be used in schemes of up to 50 dwellings. The Highway Authority does not support a reason for refusal on highway or pedestrian safety grounds.

Permitted Development Rights

9.61 Should permission be granted, it is recommended that Permitted Development Rights are removed by condition with respect to Schedule 2 Part 1 Classes A and B of the General Permitted Development Order (extensions, enlargements and roof enlargements). This is to ensure sufficient garden space to properties is retained and in the interests of residential amenity within the development to accord with the aims of Policies CS11 and CS12 of the Core Strategy.

Community Infrastructure Levy (CIL)

9.62 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable and resides within CIL Zone 2.

10. CONCLUSION

10.1 By virtue of its layout, design and scale the proposed development will integrate with the street scape character and will not adversely impact upon the residential amenity of neighbouring occupants. The proposal would make effective use of land and would meet the requirements in terms of parking provision. It would not cause harm to the adjacent conservation area and the benefits of the scheme would outweigh the minimal heritage harm caused by the loss of the existing building. The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11, CS12, CS26 and CS27 of the Core Strategy and the NPPF.

11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

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 the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction of the development hereby approved shall be carried out in accordance with the approved details. The Construction Management Plan shall include the following details:**

- **Construction vehicle numbers, type, routing**
- **Access arrangements to the site**
- **Parking and turning areas for site operatives and visitors**
- **Traffic management requirements**
- **Construction and storage compounds (including loading/unloading and turning areas)**
- **Siting and details of wheel washing facilities**
- **Cleaning of site entrances, site tracks and the adjacent public highway**
- **Waste minimisation and recycling/disposing of waste from demolition/construction works, which must not include burning on site**
- **Timing of demolition and construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times**
- **The erection and maintenance of security hoarding**
- **Control of dust/dirt emissions during demolition and construction**
- **Control of noise and/or vibration**
- **Control of overspill of light from security lighting**
- **Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements**
- **Phasing Plan.**

Reason: In order to protect highway safety and the amenity of local residents and other users of the public highway and rights of way, in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan (2004), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2021).

3. **(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 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 an Intrusive Site Investigation 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 to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

- 4. Any contamination, other than that reported by virtue of Condition 3 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.**

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

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

- 5. The development hereby permitted shall not progress beyond damp proof course level 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. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made for inspection.**

Specific details of the following shall be submitted to the Local Planning Authority for approval:

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

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

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).

6. **The development shall be carried out in accordance with the recommendations set out in section 5.0 of the submitted 'Supplementary Bat Report' by AA Environmental Ltd dated June 2022, to include the installation of bat boxes prior to the commencement of any development on the site.**

Prior to the occupation of the development hereby approved, and notwithstanding the details approved in the above Supplementary Bat Report, an updated Bat Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The updated Bat Mitigation Plan shall include the following:

- **Locations of bat bricks to be incorporated into the facing brickwork of the dwellings**
- **Details of a low impact lighting strategy.**

The development shall be carried out in accordance with the approved details prior to occupation and shall be thereafter retained.

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development and to minimise impacts on biodiversity and avoid unnecessary light pollution, having regard to Policies CS26 and CS29 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021).

7. **Prior to the commencement of development hereby approved, the tree protection measures detailed within Appendix 2 of the Arboricultural Impact Assessment and Arboricultural Method Statement by Patrick Stileman dated 13 March 2023 shall be implemented. No equipment, machinery or materials for the development shall be taken onto the site until the tree protection measures are in place. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

8. **Notwithstanding the details submitted within the landscaping plan entitled 'Detailed Planting Plan' (drawing no. CLPD 109 P01), prior to the occupation of the development hereby approved, an updated landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:**

- **All external hard surfaces within the site**
- **Other surfacing materials**
- **Means of enclosure**
- **Soft landscape works and planting schedule**
- **Refuse or other storage units.**

The approved landscape works shall be carried out in accordance with the approved details prior to the occupation of the development hereby approved.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 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).

9. **The development shall be carried out in accordance with the ecological enhancements detailed in the 'Conclusions and Recommendations' of the submitted 'Technical Note: Ecology' by AA Environmental Ltd (Report Ref. 213157). The scheme of enhancements shall be implemented prior to the occupation of the approved development and thereafter so retained.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2021).

10. **The following windows of the new dwellings hereby approved shall be fitted with obscured glass and non-opening below 1.7m above internal floor level and thereafter retained as such in perpetuity:**

Plot 1 - first and second floor windows on the north and south elevations (shown on drawing no. 21 / 3507 / 11)

Plot 2 - first floor windows on north elevation (shown on drawing no. 21 / 3507 / 12)

Plot 3 - first and second floor windows on west elevation and first floor window on east elevation (shown on drawing no. 21 / 3507 / 13 Rev A)

Plot 4 - first and second floor windows on west elevation and first floor window on east elevation (shown on drawing no. 21 / 3507 / 14 Rev A)

Plot 5 - first and second floor windows on west elevation and first floor window on east elevation (shown on drawing no. 21 / 3507 / 13 Rev A)

Plot 6 - first and second floor windows on west elevation and first floor window on east elevation (shown on drawing no. 21 / 3507 / 15 Rev A)

Plot 7 - first floor windows on the east and west elevations (shown on drawing no. 21 / 3507 / 16)

Reason: In the interests of the residential amenities of the existing occupants of the adjacent dwellings and future occupants of the proposed dwellings, in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

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

Schedule 2 Part 1 Classes A and B

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2021).

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

Reason: To ensure adequate parking provision for the development in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Appendix A of Dacorum's Parking Standards SPD (2021).

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

Location Plan

21 / 3507 / 10 Rev A - Proposed Site Plan

21 / 3507 / 11 - Floor Plans & Elevations Plot 1

21 / 3507 / 12 - Floor Plans & Elevations Plot 2

21 / 3507 / 13 Rev A - Floor Plans & Elevations Plots 3 & 5

21 / 3507 / 14 Rev A - Floor Plans & Elevations Plot 4

21 / 3507 / 15 Rev A - Floor Plans & Elevations Plot 6

21 / 3507 / 16 - Floor Plans & Elevations Plot 7

21 / 3507 / 17 Rev B - Street Scenes / Site Sections

21 / 3507 / 18 Rev A - Site Sections

Arboricultural Impact Assessment and Arboricultural Method Statement by Patrick Stileman dated 13 March 2023

Transport Note by Icen Projects dated January 2022

Supplementary Bat Report by AA Environmental Ltd dated June 2022

Technical Note: Ecology by AA Environmental Ltd (Report Ref. 213157)

Planning Statement by HGH Consulting dated March 2023

Heritage Statement by HCUK Group dated March 2023

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

Informatives:

1. **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.
2. **Waste Management Informative:** Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
3. **Air Quality Informative:** As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

4. Invasive and Injurious Weeds - Informative: Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>.
5. 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
6. Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
7. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user.

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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

8. Material samples: Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.
9. All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
10. Construction noise informative: Works audible at the site boundary should not exceed the following times: Monday to Friday 07:30 to 17:30 hrs, Saturday 08:00 to 13:00 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.
11. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>The site has had a number of application with regards to this area and the changed to housing. As previously noted it contains</p> <p>The existing property (originally called Harvieston) would appear to date from the early 20th century (1901-1908) and appears Edwardian in character. It is a substantial two storey brick building with service wing to the rear. It has large hipped tiled roofs, hanging tiles to the bays, substantial overhangs and high quality detailing. Internally it has many fine features still in place. It has large landscaped grounds, which lead down to Aylesbury rd. It would appear to have either been built by or first occupied by Mr James Brown MB CM. which would appear that this means he was a bachelor of medicine and a master of surgery. He is noted as being a resident at the house in 1908 and a town councillor in 2016. His son died at the battle of the Somme and is recorded on the war memorial in the town centre.</p>

There is however a discussion with regards to its architectural merits.

We continue to believe that the property is imposing and of a high quality Edwardian villa with fine architectural features. It sits within the surviving grounds to the frontage. Given the architectural quality of the design and materials although unlikely to be statutory listed the brickwork is of a fine bonded red orange brick with detailing to the window headers. Two main bays to the frontage below a hipped tiled roof. Hung tile details on these reflect the general character of the conservation area. The windows to the façade are 6/6 sashes although we do note that the central conservatory is not ideal within this composition. To the main entrance there are art deco fittings to the door and a substantial doorcase. In addition there is a two storey rear wing. The building itself is more unusual in Tring in that at that point in time development of the town was greatly influenced by the Rothschild's. As such it is somewhat unusual being a large villa in a large plot where the majority of villas are semi detached and in smaller plots. Indeed the only similar scale of house to plot within Tring is East Lodge part of the former Tring Park estate and therefore of a different status. We would also disagree with some of the statements for example there is no semblance of a garden where as when visiting one can clearly appreciate the lower terraced lawn area surrounded by trees and steps up to the dwelling in a similar fashion to many gardens of the period. Given it has not been maintained as a garden for some time it is still clearly visible.

Therefore whilst we recognise the issues raised with consideration of the building as a non designated heritage asset we do not believe that it would be wrong to consider the building to have some merit to be considered one in this case. The trees around the site are of importance to the setting and the wider conservation area. These are covered by a preservation order.

The design proposals of the new dwellings have now addressed our previous concerns. They sit comfortably within the site and the gable and upper floor elements would look appropriate in relation to Aylesbury road. As such we believe that the proposals would not harm the setting of the conservation area. Advice should be taken with regards to the trees in relation to the tree officers and the long term impact of these with regards to the new housing.

Therefore we believe that the proposals would sit comfortably within the context. The materials should be conditioned to ensure that these are appropriate and in keeping with the character of the area.

The officer should balance the loss of the non designated heritage asset with the planning merits of the proposals giving the relevant

	<p>weighting as per the guidance in the framework. Ideally the building should be recorded before demolition and a copy submitted to the Hertfordshire HER. Materials where possible should be salvaged and recycled.</p> <p>Recommendation: The officer should consider the case in light of the above comments. External materials, hard and soft landscaping subject to approval.</p>
Tring Town Council	<p>The Council withdraws its previous comment and now recommends REFUSAL OF this application on the grounds of overdevelopment and on grounds of safety as there are no pathways for pedestrians to the main road. No development should take place until a satisfactory pathway has been constructed.</p>
Trees & Woodlands	<p>Trees within the proposed development area are protected by TPO544. Individual trees such as trees 1 and 2 (both Beech) and other trees categorised within groups are included within the TPO. Trees 1 and 2 have been identified as being of sufficient quality to warrant individual protection whereas the remaining are grouped as they offer combined amenity value.</p> <p>According to the application a number of trees will require removal to facilitate the proposal. I consider the trees to have limited amenity value and the applicant has submitted a comprehensive planting scheme mitigating these removals. Furthermore, a detailed scheme to protect remaining trees has been submitted which affords appropriate protection in accordance with current best practice.</p> <p>Consequently, I have no concerns about proposals in relation to trees in respect of the demolition and construction phases, as long as proposed tree protection measures are installed and maintained as stated.</p>
Hertfordshire Highways (HCC)	<p>Proposal</p> <p>Demolition of existing buildings. Construction of 7 new houses with associated parking and landscaping</p> <p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Construction Management Plan / Statement</p>

No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- j. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

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:

AN 1) 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The application is for the demolition of existing buildings. Construction of 7 new houses with associated parking and landscaping at Convent Of St Francis De Sales Preparatory School, Aylesbury Road, Tring. Aylesbury Road is a 30 mph classified B secondary distributor route that is highway maintainable at public expense. The site is currently occupied by a boarding house.

Vehicle Access.

The development will use the existing access from Aylesbury Road to St Francis Close. St Francis Close is a private route serving a new development and is not yet part of the adopted highway maintainable network. 5 of the new dwellings will have a new private road network joining St Francis Close whereas two of the new dwellings will be located directly onto St Francis Close. Each new dwelling will have a access from the private route network to a Hardstanding to accommodate parked vehicles. Although, the adjacent route is not highway maintainable at public expense, I would recommend that all accesses be built to standards stipulated in HCC Highways design guide. The existing access onto Aylesbury road is deemed to be

	<p>adequate to accommodate seven additional dwellings in relation to the other dwellings serviced by St Francis Close. The new private route has a turning head to accommodate the turning of large vehicles.</p> <p>Drainage</p> <p>The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle access</p> <p>The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and condition.</p>
<p>Environmental And Community Protection (DBC) <u>Part 1</u></p>	<p><u>Original comments:</u></p> <p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application is for a change of land use to a more sensitive receptor and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p>

(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 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 an Intrusive Site Investigation 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 to protect human health and the surrounding environment 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

	<p>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.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p>
<p>Environmental And Community Protection (DBC) <u>Part 2</u></p>	<p><u>Amended comments:</u></p> <p>Following receipt of the above consultation, please find the below conditions this department feels should be applied to the above planning application which mirror the comments made under application 22/00456/FUL.</p> <p>1. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works</p> <p>REASON: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity of local properties in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).</p> <p>Informative: The Statement required to discharge the Demolition and Construction Management Plan condition of this consent is expected to cover the following matters:</p> <ul style="list-style-type: none"> o the parking and turning of vehicles of site operatives and visitors; o loading and unloading of plant and materials; o storage of plant and materials used in constructing the

development;

- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- o details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

- o wheel washing facilities;

- o measures to control the emission of dust and dirt during demolition and construction;

- o a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.

- o design of construction access

- o hours of demolition and construction work

- o control of noise and/or vibration

- o measures to control overspill of light from security lighting

2. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 07.30 to 17.30 hrs, Saturday 08.00 to 13.00 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).

Informative:

It should be noted that the Local Authority, in considering compliance with the noise scheme condition has regard to both internal and external amenity space noise levels. Applications may be refused where the external noise levels or internal noise levels with open windows do not meet the standards required. Whilst there is some flexibility to the standards outlined in BS8233:2014 this can only be applied where planning policy supports the need for the development.

The applicant shall have regard to the suitability of the type of residential accommodation in the proposed location and its design and layout before consideration of glazing and ventilation specifications.

The scheme can be informed by measurement and/or prediction using noise modelling provided that the model used has been verified. Only an appropriately qualified acoustic consultant will be able to carry out an assessment of the noise. The Institute of Acoustics website gives

contact details of acoustic consultants - www.ioa.org.uk.

Furthermore, I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

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.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

	<p>Air Quality Informative.</p> <p>As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.</p> <p>As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative</p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</p>
Thames Water	Thank you for consulting Thames Water on this planning application.

	<p>Having reviewed the details, we have no comments to make at this time.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted</p>
Crime Prevention Design Advisor	I would encourage the applicant to build the development to the police preferred minimum security standard Secured by Design .From a crime prevention perspective I have no concerns regarding the site layout.
Natural England	<p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)</p> <p>WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy. <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
47	13	1	10	0

Neighbour Responses

Address	Comments
Herts and Middx Wildlife	Objection: There is no in principle objection to this application but at

<p>Trust, Grebe House St Michaels Street St Albans AL3 4SN</p>	<p>present it is lacking sufficient ecological information to demonstrate that it will result in a biodiversity net gain - as required by NPPF. The submission of a biodiversity metric is required to demonstrate a biodiversity net gain.</p> <p>The NPPF states:</p> <p>'174. Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>d) minimising impacts on and providing net gains for biodiversity</p> <p>The submitted ecological survey does not quantify the Biodiversity Net Gain of the development, so is not compliant with NPPF. This application should not be decided until a NE biodiversity metric has been submitted which demonstrates a net gain of 10%.</p> <p>The bat survey is acceptable and the provision of integrated bat boxes is acceptable. Swift boxes should also be included and secured by the following condition:</p> <p>'Development shall not proceed until the make, model and location of 7 integrated swift boxes has been submitted and approved by the LPA.'</p> <p>To conserve and enhance biodiversity.</p>
<p>10 Gordon Villas Aylesbury Road Tring Hertfordshire HP23 4DJ</p>	<p>1/ The development does not have a safe access for pedestrians from the site to the main road, although there should have been one provided by the developer in the St Francis close development W.E.Black has failed to provide it and prevaricates on its provision.</p> <p>2/ The site limits shown in red are incorrect as they are using the site limits on two sides that were for the St Francis development. This in the main is to hide the fact that the developer is working with the St Francis developer W.E Black who appears to have sold some communal land from the St Francis development to the developer which cannot be correct as this land belongs to all of the residents in the St Francis development and should have been handed over to the tenants association on completion, therefore this development shows land being used which is not part of the land needed, I have spoken to a number of residents who confirm this and were unaware of what W.E.Black is doing.</p> <p>3/ W.E.Black during the development of the st Francis development had a listed tree felled illegally and as part of the reparation apart from the fine submitted a landscaping plan in 20/00097/DRC and is now seeking to remove the land again surely an illegal act.</p> <p>4/ the new plan seeks to move parking spaces on the st Francis development nothing to do with the new development and should be on a separate planning proposal if agreed by the residents.</p> <p>5/ the development seeks permission for 2.5 story houses, but in the st Francis development when proposed the 2.5 story were rejected and only 2 story agreed, what has changed. Also when the Gordon Villas</p>

	<p>development was proposed Dacorum put a maximum height on the roof lines because of consideration on the aspect coming up Gordon Villas, the proposal shows roof lines considerably heighten making a mockery of the limits place on the Gordon villas development.</p> <p>6/ My house is number 10 Gordon villas and looking at the plans although there are limited windows in the flank wall of plot 7 in reality the resident of the house will be able to look directly into and down into my bedrooms and ground floor causing a complete loss of privacy .</p> <p>7/ although there should be some sort of development on the land now that Dacorum has had to agree the demolition of the existing house due to them not answering in the due time it would be better that it was limited to 5 houses of 2 story only, and if the land issue from taking common land from the St FRancis development it would only be possible to build 5 houses.</p> <p>8/ before any determination is made the issue of the footpath to the main road should be resolved, particularly that it is noted that W.E. Black is involved in the new development.</p>
<p>65 Longfield Road Tring Hertfordshire HP23 4DF</p>	<p>This application contains inaccuracies. The site can indeed be seen from a public road, viz. St Francis Close. The planning statement online starts at p24. Photos at Fig 13 appear to have been taken intentionally from spots where the building is not visible, whereas it is plainly visible from the allotments and nearby footpaths.</p> <p>As with earlier applications, I am strongly opposed to the needless demolition of an attractive house which exemplifies a certain time and context within Tring's history. I have ascertained that consent was granted by Tring UDC for a house in Aylesbury Road for Dr. Brown on 7th May 1901. It is my belief that it was designed by Tring architect Frederic W. Elliman, whose family previously owned the land, and that Lord Rothschild quite possibly facilitated its construction. That is entirely adequate for the house to be deemed a Non-statutory heritage asset.</p> <p>4.14 argues that large detached houses from the mid C19 onwards were commonplace. This may be so nationally, but in Tring the overwhelming majority of such houses have been demolished and Harvieston is one of only a very few remaining. No-one is arguing that it has a high heritage value in a national context (4.20); if it had, it would be listed. If it is demolished, it would be of no heritage value whatever. It would also result in the destruction of large volumes of embodied carbon, not to mention the production of large volumes of carbon in the demolition activity and that of building and manufacturing materials for the replacement structures. No argument has been advanced for not retaining and converting the existing attractive house into apartments, which is wholly feasible.</p> <p>There continues to be no footway out of the existing St Francis Close development, which is intolerable in an age when walking needs to be encouraged and car use discouraged. That on its own should constitute sufficient grounds for refusal of further development. As large 'market' houses, the proposed dwellings would not serve to address any</p>

	<p>housing need in Tring, which consists entirely in smaller, affordable or social housing. They would serve merely to entrench the current inequitable position where housing is only affordable to people moving to Tring from areas where house prices are higher still.</p>
<p>High Drive 9 Gordon Villas Aylesbury Road Tring Hertfordshire HP23 4DJ</p>	<p>This is just another variation of previous applications.</p> <p>Some of the objections, have now been addressed. Those outstanding, I assume will be carried forward.</p> <p>I repeat some of my previous comments, having edited out anything no longer relevant.</p> <p>The main variation is that DBC failed to respond to the demolition application within the appropriate time.</p> <p>The developer therefore claims that they can proceed with its demolition.</p> <p>I am not in the legal world to know whether this important historic building can be demolished.</p> <p>To me it seems odd that the failure of one person at DBC, that the rest of us will be ignored.</p> <p>Human beings do make mistakes.</p> <p>For example 21/01485/FUL was refused. There it stated for the ex Convent building “loss of asset makes a contribution”</p> <p>This refusal was helped by so many people objecting to this loss. Those comments still remain.</p> <p>DBC’s error of overlooking timing should not override so many people's objection, and also DBC’s previous decision.</p> <p>The application 4/03167/17/MFA</p> <p>My understanding is that the footpath as submitted by the architect Mr Macleod as shown on his drawing 6/6/17 has never been carried out.</p> <p>This winding route through the triangle near the main road, is designed to overcome the excessive slope of the project road itself.</p> <p>This work should be completed irrespective of the current planning application.</p> <p>23/00813/FUL should not be passed until the above work is complete.</p> <p>Naturally this path needs to connect with a satisfactory path system.</p> <p>My previous comments for the meeting of 2021 July 5 are still applicable.</p>

	<p>My personal most important point, is the retaining of the trees, that provide some screening from our adjacent house, High Drive, 9 Gordon Villas. Aylesbury Rd HP23 4DJ</p> <p>If any professional claims the trees are not safe, then I would like to seek a second opinion, from an independent professional.(Before any are cut down) I do have my report from when I was building my house, from Patrick Stileman the same person who has produced the current report.</p>
<p>32 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>I wholeheartedly agree with other comments in that this new version of the proposal is much improved compared to the last.</p> <p>The only aspect I have a problem with is the inadequate parking. The existing St Francis Close visitor bays are too few and relocating 2 bays to the far corner of the Close is awkward for residents. Additionally, the 7 new houses will have no visitor parking whatsoever, meaning that there will continue to be a battle for bays, but it will actually be a lot worse!</p> <p>On top of that there will be many more vehicles as a result of the construction work. Where will everyone park? It is not safe or viable to park on any road section of the Close (especially on the road at the head).</p> <p>For these reasons I object to the proposal in its current form - purely based on inadequate parking provision. If this issue was addressed, I would support the application.</p>
<p>6 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>The original planning application submitted by the developers included the provision of a footpath to enable pedestrian access to the 34 properties in St Francis Close. WE Black reneged on this so all residents are forced to use the step winding road that accesses the close. There is no signage to indicate that the road is shared acces and Dacorum has not enforced a breach of the original planning application.</p> <p>The new development proposal, which, if approved, would result in more vehicle and pedestrian traffic is, frankly, a recipe for a serious accident. The proposal increases the safety risks for existing and new residents of the close.</p> <p>There is no indication giving how, if approval is received, the developers would, during construction, enable safe access. Elderly residents, mothers with young children, dog walkers sharing the same road with heavy construction traffic sounds like a recipe for disaster</p> <p>The protected trees in the woodland area next to the proposed development have already been severely impacted by the original development. WE Black deposited large amounts of rubble which has affected the health of a number of trees which we, as residents, now have to manage.</p> <p>Plot 1 of the new development is too close to the existing properties in the Close. The proposals for parking are inadequate. The existing visitor parking provisions is not sufficient and the new development, if</p>

	<p>approved, would lead to increased parking on the rising curved access road.</p> <p>Only the other week, I was nearly hit by a speeding delivery van anxious to make its next drop no doubt, as I walked up the steeply curved road with my dog.</p> <p>If the Council is really serious about reducing car usage and encouraging people to walk or cycle instead, approving this development would suggest otherwise.</p>
<p>5 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>I have no objection to the development other than on road safety grounds. The existing access road, St Francis Close, is used by both pedestrians and motor vehicles, as the footpath promised by the original developer of the 34 houses in St Francis Close, WE Black, has not been constructed.</p> <p>Parents with babies and push chairs, parents taking children to and from school, seniors including those in their 70ies and 80ies, as well as cyclists and motorists share this steep winding road. When approached from the Cemetary side of Western Road there is a blind bend leading into St Francis Close, yet the speed limit is still 30 mph.</p> <p>Heavy construction traffic will be using the road and sharing it with pedestrians. Additionally the road will become muddy making it a further hazard to pedestrians.</p>
<p>33 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>This version is much improved on previous submissions in that it has reduced the height of the houses facing the existing development and provides better parking facilities for the additional 7 houses.</p> <p>However the proposal is unsafe for existing residents. If these were addressed I would support the application.</p> <p>REMOVAL OF EXISTING PARKING: This proposal will lead to increased on-street parking on a dangerous bend / junction, caused by the relocation of 2 parking berths to a remote corner of the development. The developers could retain at least one of the sacrificed slots with just a little thought, and then add the 2 remote berths to alleviate the existing unsafe on-road parking.</p> <p>CONSTRUCTION TRAFFIC: The proposal does not protect residents from construction traffic. This could be addressed by a pre-commencement condition requiring a Construction Management Plan Protection Plan to be signed off by the existing residents (e.g. by the directors of the residents maintenance company, "St Francis Close Tring (Management) Ltd"). It needs to protect existing residents, both pedestrians and vehicles, from heavy construction traffic using the steep, curved and narrow entry road from the Aylesbury Road, which has no pathway. This issue could represent a significant risk to life during development:</p> <p>(1) Pedestrian safety could be significantly improved by the addition of a simple straight pathway to run down the side of Plot 3 to the Aylesbury Rd, with a painted crossing point at the top of the hill. Obviously it would need to be in place before any construction work</p>

	<p>commences. Without it pedestrians will have to compete with the construction traffic all the way down the hill (and at the unsighted junction).</p> <p>(2) The inevitable mud deposits will bring a huge risk of pedestrian slips, trips & falls, and of cars sliding into crashes. Weekly road cleaning may alleviate.</p> <p>(3) Vehicle safety could be addressed by the use of access controls (e.g. banksmen).</p> <p>(4) Upon completion of the development the existing access road will inevitably require repair by the developer.</p> <p>TREE PROTECTION: The existing trees, which are already subject to a Tree Preservation Order, will need to be protected from any use as a storage area and from all construction traffic. This issue could be addressed by a pre-commencement condition requiring a Tree Protection Protection Plan to be discussed and signed off by the existing residents (e.g. by the directors of the residents maintenance company, "St Francis Close Tring (Management) Ltd"). The wooded area already suffers from compacted builders rubble from the previous phase and the two beautiful Beech trees, with their shallow root systems, are especially vulnerable as they are extremely close to the construction site entrance road and Plot 3. The developer should specifically guarantee the protection of these two large trees, with their root systems fully protected prior to any construction work by being penned off.</p>
<p>16 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>I strongly oppose to this development starting before a permanent footpath is put in place for the safety of residents and visitors.</p> <p>This Close could be classed as a single track road as it is on a steep gradient that winds round with significant blind spots. Which Construction traffic, deliveries, site visitors and workers parking their vehicles, it will impede on us being able to exit and return to our homes.</p> <p>This enclave of 35 homes is made up of young families and older residents who enjoy the freedom of walking and cycling in the area, it will be made impossible for any pushchairs, wheelchairs, cycling, walking and even driving a car to to be able to navigate the river of slippery mud and muck that would be inevitable covering our road service.</p> <p>I believe that it would be a very serious accident waiting to happen.</p> <p>My main objection is that no development on this site should absolutely not be passed until a footpath has been completely put in place that is fit for purpose, as promised by WE Black on completion of the existing 35 homes.</p>
<p>15 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>This latest version of the proposed development is much improved and the applicant seems to have taken onboard the councils previous reasons for refusal. In principal I would support this application subject to the following issues being addressed:</p> <p>1. The proposal does not allow for adequate parking for the 7 new houses. The existing development of St Francis Close has a few visitor</p>

	<p>parking spaces, whereas the new houses have none. This will put additional strain on those parking spaces for the existing development, which are already proving inadequate.</p> <p>2. Footpath Access - The original development of St Francis Close had a planning requirement, which has not been enforced by Dacorum, for a pedestrian footpath from Aylesbury road up to the top of St Francis Close. This is already dangerous due to traffic and pedestrians sharing the same access and impossible to access the development on foot for the disabled and those with mobility issues. This new development will exacerbate this situation and create further danger by adding demolition and construction traffic to the mix, raising significantly the likelihood of accidents occurring. We believe that a new footpath being installed for the residents of St Francis Close, as the original planning application contained, as a prerequisite to starting any demolition or building work is essential for public safety and accessibility.</p> <p>3. Trees - The site has a number of trees subject to TPO. The residents management company have recently conducted a detailed tree survey due to the apparent poor condition of several of these trees. It is apparent from this that when the original development was under construction, the developer, W E Black, dumped significant quantities of rubble and debris around these trees, which has contributed to their significant damage. Additionally, this area has become a haven for wildlife in an increasingly urban area and any disturbance from this proposed development needs to be avoided in order to maintain this status. We believe that a planning requirement should be that this area is completely protected from access by the builders, no rubbish of any kind should be deposited there, even on a temporary basis, in order to prevent further damage to these trees.</p> <p>In conclusion; this proposal seems reasonable and worthy of support, if the genuine risk to both life, trees, wildlife and accessibility can be avoided by taking a robust approach to planning and enforcement as described above. Allowing development to take place without for instance, the footpath being built first to protect residents from the substantial increase in dangerous traffic, would be negligent as it is clear that enforcement after developments are finished is impossible.</p>
<p>12 Gilders Sawbridgeworth Sawbridgeworth CM21 0EF</p>	<p>This proposal would benefit from the inclusion of integrated Swift Bricks as well as provisions for Bats. The RSPB's Swift Mapper website - www.swfitmapper.org.uk - has records of Swifts nesting in Tring including nearby on Western Road and Miswell Lane, as well as further screaming parties (indicating breeding is very likely) on Longfield Road, Buckingham Road and Icknield Way.</p> <p>Integrated Swift boxes are also used by House Sparrows, Starlings and House Martins, which along with Swifts are all red-listed species of conservation concern. Such a provision would amount to a real ecological enhancement for this site and would be in accordance with para 18.21 of the LPA's Core Strategy.</p> <p>I would suggest one integrated Swift Brick per dwelling (although they could be grouped together rather than one on each) on north or east facing elevations</p>