

ITEM NUMBER: 5c

24/02334/ROC	Variation of Condition 2 (Approved Plans) attached to planning permission 23/01583/FUL (Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping)	
Site Address:	Land Rear Of 38-40 Windmill Way Tring Hertfordshire HP23 4EH	
Applicant/Agent:	Mr S Blaxley	Mr Greg Basmadjian
Case Officer:	Elspeth Palmer	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	Contrary view of Tring Town Council.	

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

- 2.1 The application is to vary condition 2 (approved plans) placed on an existing approval for a new dwelling granted at Development Management Committee 30th May, 2024 under 23/01583/FUL. In the consideration of this application all other conditions need to be assessed regarding their future relevance, as well as new conditions being added as appropriate and necessary.
- 2.2 The application site is located in a residential area of Tring where the proposed development is acceptable in principle in accordance with Policies CS1 and CS4 of the Core Strategy.
- 2.3 The proposed development resulting from the alterations is considered to be acceptable in terms of its siting, design, bulk, scale and use of materials and would not detract from the appearance of the street in which it is located. This would be in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.4 The proposals would not result in any detriment to the amenities of neighbouring property or the adjacent protected trees in accordance with Policy CS12 of the Core Strategy, Saved Policy 99 of the Local Plan 1919-2022 and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.5 The proposals do not raise any highway safety concerns in accordance with Policies CS8 and CS12 of the Core Strategy, the Car Parking Standards SPD (2020) and Place and Movement Planning and Design Guidance for Hertfordshire (2024).

3. SITE DESCRIPTION

- 3.1 The application site lies to the west of Christchurch Road and to the rear of Nos. 38 and 40 Windmill Way within a designated residential area of Tring. The site would have a frontage onto Christchurch Road to the east and has an existing access and dropped kerb.
- 3.2 The site is currently a construction site as work has begun on the previous approval. The site is fully fenced for construction security purposes.
- 3.3 On the eastern side of the site is a wedge of amenity land. Corridors of amenity land are a common feature found on both sides of Christchurch Road and form part of the character of the area.
- 3.4 Just outside of the site and running along the southern boundary is a public footpath leading behind to Osmington Place and behind the properties that front Windmill Way. The

amenity land to the south of the footpath has several significant Beech Trees which have an extensive crown spread which extends well over the south-eastern part of the site.

4. PROPOSAL

- 4.1 The application seeks planning permission for the variation of condition 2 (Approved Plans) attached to planning permission 23/01583/FUL for “*demolition of existing single storey garage building, construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.*”

Condition 2 (Approved Plans) states:

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

**Site Location Plan 100 Rev F
Proposed Site Plan 400 Rev H
Proposed Ground Floor and First Floor Plans 402 Rev F
Proposed Basement and Roof Plans 403 Rev F
Proposed Elevations 404 Rev F**

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

4.2 Proposed Amendments

The following information was submitted with this application:

- Covering letter;
- Amended proposed site plan 600 E;
- Amended proposed elevations 604 D;
- Amended proposed floor plans 602 C;
- Amended proposed basement and roof plan 603 C;
- Proposed cycle store 610 C;
- Proposed refuse store 611 C;
- Comparison of approved and proposed basement plan 612;
- Proposed landscaping plan 601 E; and
- Materials schedule Rev C

4.3 The covering letter submitted with the application states that the application is to achieve the following:

1. Amendment to the basement area to the side (southeast) to allow for storage and plant room (i.e. air source heat pump, exchangers and a sump pump to achieve two-tier waterproofing in the basement).
2. Amendment of the basement area to the rear (southwest) to allow for a basement patio area, allowing natural light and ventilation to the habitable space in the basement. This will require a 1100mm safety balustrade at ground floor level.
3. The ground floor building width (across the front elevation) has been increased by 50mm due to an increase in cavity construction (325mm to 350mm) to provide better insulation in line with Building Regulations.

4. The depth of the ground floor footprint has been increased by 25mm due to increase in cavity construction (325mm to 350mm) to provide better insulation in line with Building Regulations.
5. The rear single-storey ground floor aspect has been squared off, infilling an area of 2.3m² with the recommendation of the Structural Engineer, to simplify the retaining wall design of the basement below.
6. The internal ground floor arrangement has been amended to allow for a larger entrance hallway to accommodate family needs e.g. pushchairs (no effect on external footprint / appearance).
7. A reduction of glazing to the rear ground floor elevation, and repositioning of 3no doors to the side, has allowed for a larger kitchen area to suit family needs, as well as reducing glazed area with recommendation from the energy consultant. The 2no flat rooflights to the single-storey rear projection have also been removed.
8. Removal of picket fence from the boundary wall between the dwelling and amenity land – there is to only be a 300mm high brick wall (brickwork to match house) to maintain the openness found across other dwellings along Christchurch Rd.
9. The car parking arrangement has been retained as per the approved, with tandem parking acceptable under Chapter 7 Section 4.3 of 'Place & Movement Planning and Design Guidance for Hertfordshire Part 3'.
10. Hard landscaping has been included on the site plan to allow for paths leading to the front door, utility door, rear patio doors, and the bicycle store to the north boundary. There is also a refuse store on the southern side of the dwelling close to the vehicular access.
11. The introduction of PV Panels to the rear roof plane.

- 4.4 As part of the current application details on matters including materials, landscaping and refuse storage for domestic refuse/recyclable materials and collection arrangements have been submitted. Subject to these details being acceptable, there will be no need to ask again for these details in a condition. Rather the wording of the condition would need to be amended to ensure compliance with these details.
- 4.5 There is no increase in ridge height – the approved plans show a ridge height of 7.21 metres and the proposed ridge height is 7.21 metres – this has been checked electronically by the case officer.
- 4.6 Since the submission of this application and the subsequent re-consultation there have been several minor amendments made to the plans to improve the scheme. These changes include:
- Relocation of the bin store away from the rear boundary with Nos. 38 and 40 Windmill Way and closer to the vehicular access;
 - Dimensions of parking spaces now shown to comply with the new HCC standards; and
 - More details provided regarding the proposed planting beds.
 - Amended elevations to show the ridge height the same as previously approved ie. 7.21 metres high.

As these amendments were minor improvements/clarifications it was not considered necessary to reconsult.

BACKGROUND

4.7 The previous application on this site 23/01583/FUL for “demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping” application was brought to the Development Management Committee meeting on the 30th May, 2024 and members resolved 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.

5. PLANNING HISTORY

Planning Applications (If Any):

21/00857/OUT - Outline planning. Demolition of the existing detached, double garage and construction of a pair of semi detached dwellings with private gardens and off street parking.
WITHDRAWN - 30th April 2021

21/03021/OUT - Outline Planning: Demolition of existing detached garage and construction of a chalet bungalow.
GRANTED - 18th November 2021

22/02278/FUL - Demolition of existing single storey garage building. Construction of 2no. detached three-bedroom family dwellings with associated car parking / landscaping.
WITHDRAWN - 31st August 2022

23/00295/FUL - Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.
WITHDRAWN - 22nd February 2023

23/00693/FUL - Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.
REFUSED - 18th May 2023

23/01583/FUL - Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.
GRANTED - 7th August 2024

24/02081/DRC - Details required by Conditions 10 (Waste) and 12 (Sustainability) attached to planning permission 23/01583/FUL (Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping)
GRANTED - 11th December 2024

6. CONSTRAINTS

CIL Zone: CIL2

Pressure: MP – Gas main buffer zone

Parish: Tring CP

RAF Halton and Chenies Zone: Green (15.2m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
RAF Halton and Chenies Zone: Red (10.7m)
Residential Area (Town/Village): Residential Area in Town Village (Tring)
Residential Character Area: TCA5
Parking Standards: New Zone 3
Town: Tring

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2024)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS18 – Mix of Housing
CS26 – Green Infrastructure
CS28 Carbon Emission Reduction
CS29 - Sustainable Design and Construction
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Saved Policies of Dacorum Borough Local Plan

10 – Optimising the use of urban land
21 – Density of residential development
51 – Development and Transport Impacts
54 – Highway Design
99 – Preservation of Trees, Hedgerows and Woodlands

Saved Appendix 3

Supplementary Planning Guidance/Documents:

Place and Movement Planning and Design Guidance for Hertfordshire (2024)

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)
Accessibility Zones for the Application of Car Parking Standards (2020)
Planning Obligations (2011)
Dacorum's Area Based Policies Supplementary Planning Guidance (SPG) (2004), TCA5:
Christchurch Road and Dundale Road.

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The scope of the requested amendments and their impact on the following:

- design of the proposed dwelling;
- character and appearance of the street scene;
- residential amenity of neighbouring properties;
- adjacent amenity land;
- adjacent trees; and
- highway safety and car parking.

Principle of Development

- 9.2 Policy CS1 of the Dacorum Core Strategy states that market towns, such as Tring, will accommodate new development for housing, employment and other uses.
- 9.3 Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.
- 9.4 Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy.
- 9.5 Saved DBC Local Plan Policy 10 seeks to optimise the use of available land within urban areas.
- 9.6 The principle of a new dwelling in this location is therefore acceptable and has been established through the granting of outline planning permission in 2018 and again in 2021 (21/03021/OUT) and the more recent 23/01583/FUL application. Alterations to this approval are therefore also acceptable in principle.

Quality of Design / Impact on Visual Amenity

- 9.7 Paragraph 135 (b) of the Framework states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policies CS11 and CS12 of the Core Strategy states that development should preserve attractive streetscapes and plant trees/shrubs to help assimilate development.
- 9.8 The proposed external changes include:
- Enlargement of the basement area to the rear to allow for a basement patio area.
 - The ground floor building width (across the front elevation) has been increased by 50mm.
 - The depth of the ground floor footprint has been increased by 25mm.
 - The rear single-storey ground floor aspect has been squared off, infilling an area of 2.3m².
 - A reduction of glazing.
 - Removal of picket fence from the boundary wall between the dwelling and amenity land

- Hard landscaping has been included on the site plan to allow for paths leading to the front door, utility door, rear patio doors, and the bicycle store to the north boundary. There is also a refuse store on the southern side of the dwelling close to the vehicular access.
 - The introduction of PV Panels to the rear roof plane.
- 9.9 It is acknowledged that the sunken patio is a material alteration but as it is below ground and to the rear its visual impact is very limited. The removal of the picket fence from above the boundary wall is an improvement to the scheme and will enhance the openness to the frontage and the adjacent amenity land. It will also allow views into the landscaped area to the front and side of the dwelling which is also an improvement to the overall appearance of the site as well as its biodiversity.
- 9.10 The introduction of solar panels are also considered to be an improvement to the scheme which will make the proposed development more energy efficient.
- 9.11 A materials schedule has been submitted providing details on the external materials for the proposed dwelling including bricks, weatherboarding, roof tiles and windows. These materials are acceptable as they are in character with the surrounding street scene especially with reference to those dwellings of a similar design.
- 9.12 The proposed alterations are considered relatively modest and do not change the overall design, scale or bulk of the new dwelling. As such, there would be no adverse effects on visual amenity, complying with the aforementioned policies.

Impact on Residential Amenity

- 9.13 The NPPF paragraph 135 outlines the importance of planning decisions in securing high standards of amenity for existing and future occupiers of land and buildings. NPPF paragraph 135, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposals should be designed to reduce any impact on future and neighbouring properties outlook, loss of light and privacy.
- 9.14 The scale and quantum of development (outlined in the previous section) is not changing significantly from the original FUL application. There are no additional windows to be added to the scheme so no loss of privacy for neighbours. All the windows facing Nos. 38 and 40 Windmill Way are conditioned to be non-opening and obscure glazed so despite the small increase in size of the width of the dwelling there would be no change to the privacy of these neighbours.
- 9.15 Based on the above it is considered that there will be no detrimental impact on residential amenity including significant loss of sunlight and daylight, visual intrusion or loss of privacy for adjacent neighbours.

Amenity Space

- 9.16 Saved Appendix 3 of the Dacorum Borough Local Plan seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. It also notes that a reduced rear garden depth may be acceptable in some cases, in particular, for small starter homes or development that backs onto, or is sited within close proximity of open land, public open space or other amenity land.

- 9.17 The application includes a basement patio to the rear of the dwelling. A patio adjacent to the dwelling but at ground level would be included within the amenity space of a dwelling and I see no reason to consider a basement patio area any differently. The patio will be open to the elements and provide an area for residents to sit outside or hang laundry i.e. enjoy similar activities to those enjoyed within the garden area itself.
- 9.18 I acknowledge that advice provided at pre-application stage (before the previous application) indicated that the sunken patio could not be included when considering private amenity space provision. However, even if the sunken patio is removed from the calculations, it is considered that the development provides sufficient private amenity space. As a result of the proposed development, the new dwelling (which has a stepped rear footprint) would have a minimum garden depth of approx. 9 metres (including the patio) which is below the standard of 11.5 metres stated in Saved Appendix 3. The garden width however is more than 23 metres and there is some garden land adjacent to the house and under the Beech trees.
- 9.19 On balance, it is considered that the size and shape of the garden including, or excluding, the basement patio would still result in an area that is functional, and the overall garden area is an acceptable size to accommodate the dwelling and not dissimilar in area to others in the locality.

Amenity Land – Grass Verge

- 9.20 The area of amenity land to the front of the site has been included within the red line. This land is amenity land (within the applicant's ownership) and forms part of an important corridor of similar pieces of land along Christchurch Road which add to the verdant character of this part of Christchurch Road. This land is to remain as open land.
- 9.21 The most recent proposed site plan 600 E shows a low brick wall between the amenity land and the front garden of the proposed dwelling. This will ensure that the frontage remains open but not allow the front garden to extend into the amenity land. A condition will be added to any approval given stating that the bricks used for this wall will need to match the bricks used for the dwelling.
- 9.22 None of the details protecting this area of amenity land are proposed to be changed by this application.

Impact on Highway Safety and Parking

Highway Safety

- 9.23 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon, inter alia:
- the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
 - the environmental and safety implications of the traffic generated by the development.
- 9.24 Policy CS12 of the Dacorum Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

- 9.25 The application proposes the retention of the previously approved existing access and dropped kerb.
- 9.26 Hertfordshire Highways stated that subject to the inclusion of several informatives, they do not wish to restrict the grant of planning permission.

Parking

- 9.27 Policy CS8 of the Dacorum Core Strategy states that new development should provide sufficient, safe and convenient parking based on car parking standards, while Policy CS12 of the Dacorum Core Strategy states that development should provide sufficient parking and sufficient space for servicing. Whilst Policy CS12 makes clear that sufficient parking should be provided on site, Policy CS11 makes clear that development should avoid 'large areas dominated by car parking'.
- 9.28 The Parking Standards Supplementary Planning Document was formally adopted on 18th November 2020 and advocates the use of a 'parking standard' (rather than a maximum or minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.

- 9.29 Section 6 of the Parking Standards Supplementary Planning Document states that:

The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are 'standards' - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.

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Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B.

- 9.30 The application site is located within Accessibility Zone 3 wherein the expectation is that the following parking provision would be achieved:

4 bedrooms	Allocated	3.0
	Unallocated	2.4

- 9.31 The proposed site layout indicates that 3 parking spaces with the requisite dimensions (2.7m x 5m) are to be provided.
- 9.32 These dimensions are in compliance with the HCC Place and Movement Design Guidance regarding parking spaces.
- 9.33 Para 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.
- 9.34 Based on the information given it is considered that the parking provision meets the standards outlined in the Parking SPD and Place and Movement Planning and Design Guidance for Hertfordshire (2024) therefore the proposed new dwelling would not have an adverse impact on parking and highway safety in the surrounding road networks.

- 9.35 The proposal therefore complies with the Parking Standards SPD, Place and Movement Planning and Design Guidance for Hertfordshire (2024) and Policy CS8 and CS12 of the Core Strategy 2013.

Other Material Planning Considerations

Sustainability

- 9.36 CS29: Sustainable Design and Construction states that for specified types of development applicants should provide a Sustainability Statement. A new sustainable development checklist will be required for this application as the amendments to the scheme result in the need for a further assessment.
- 9.37 CS28 Carbon Emission Reduction and CS29 Sustainable Design and Construction both encourage energy efficiency and renewable energy to be incorporated into new development.
- 9.38 The current application includes solar panels on the rear roof slope of the new dwelling. The solar panels will not be visible in the street scene so will not have a detrimental impact on the character and appearance of the street scene. The panels will provide for more energy efficiency and renewable energies within the site.

Contaminated Land

- 9.39 The Contaminated Land Officer advised for the previous application that the development will not result in a change of land use and there is no former land use on or immediately adjacent to the application site that would be expected to result in ground contamination. As such the proposed development is not expected to introduce any new pathways of exposure to contamination and in any event the historical land use of the site as residential since it was first developed suggests that contamination would not be expected.
- 9.40 As such, it is considered that a contaminated land 'discovery' planning condition and several informatives will be sufficient, if planning permission is to be granted. This provides for unexpected contamination originating from the application site or the migration of contamination from neighbouring sites, to be dealt with in an appropriate way.

It is recommended that the previous informatives be added to any approval granted.

Environmental Health

- 9.41 Environmental Health were consulted on the previous application and had no objections with regard to noise, odour or air quality but recommended that several informatives be added to any approval.
- 9.42 It is recommended that the previous informatives be added to any approval granted.

Waste and Water

- 9.43 Thames Water had no comments to make on the proposal.

Impact on Trees and Landscaping

- 9.44 Due to the location of at least 4 significant Beech Trees (covered by a TPO) to the south of the site adjacent to the public footpath Trees and Woodlands were consulted on the previous application. The Trees and Woodlands Officer responded by stating that the details of mitigation - submitted with the application - to lessen the detrimental impact of the development on these trees is in accordance with current best practice and will afford appropriate protection for the trees.
- 9.45 The Trees and Woodlands Officer was consulted on the current scheme to enlarge the basement area and was satisfied that the enlarged basement would not affect/encroach into the Root Protection Area of the Beech Trees.
- 9.46 The proposed site plan for the current application has not changed the parking area which is still well clear from underneath the crown spread of the trees. It was considered in the previous application that cars parking under the trees would be subject to bombardment by debris and bird droppings which would have led to pressure for constant and potentially disfiguring, tree pruning to the detriment of trees deemed worthy of protection.
- 9.47 The condition regarding compliance with submitted details regarding tree root protection will be maintained.
- 9.48 The Trees and Woodlands Officer was also satisfied with the species chosen for the planting beds as they represent a mixture of plants which will provide an uplift in biodiversity on the site.

Refuse / Waste Collection

- 9.49 24/02081/DRC for discharge of details required by Conditions 10 (Waste) and 12 (Sustainability) attached to planning permission 23/01583/FUL was granted on 11th December 2024.
- 9.50 Proposed Refuse Storage Plan 611 Rev C has been submitted to show the type of storage for domestic refuse/recyclable materials proposed for the site which was granted under the previous DRC application. The Proposed Site Plan shows a new location for the bin stores on the southern side of the house and near to the vehicular access to the site.
- 9.51 The condition regarding refuse storage will need to be amended to state that Development must be carried out in accordance with the details submitted – see conditions section for more details.

Neighbour comments

- 9.52 The following concerns were raised by neighbours:
- Brings the development close to adjoining properties
 - Development too high
 - Loss of privacy
 - Loss of light
 - More open space needed on development
 - Residential amenity
 - Out of keeping - inappropriate design
 - Strain on existing community facilities
 - Its visual intrusion and impact on the outlook at 40 Windmill Way; and
 - The negative effect that having a building so close to us will have on our privacy
 - Such a large building on a small site is overdevelopment

- Overdevelopment due to the addition of storage area and plant in larger basement, addition of basement patio taking space from garden, change in size, shape and position of parking area and less garden and landscaping
- More overbearing
- Increase in size and bulk above ground – approved dwelling was already too large
- Conflict with local plan
- General dislike of the proposal
- Dangerous corner
- Extra noise
- Will affect local ecology
- Inadequate access
- Inadequate parking provision
- Increase danger of flooding
- Increase in traffic
- Increase in pollution
- Information missing from the plans
- Not enough information given on application
- More open space needed on the development - would a sunken conservatory really be the best use of amenity space, given the already limited garden depth?
- Being built contrary to approved plans
- The massive hole planned for the basement tv/games room with open views;

These points have been addressed within the body of this report.

Comments from the Town Council

- 9.53 The Planning Committee recommended REFUSAL of this application on grounds of overdevelopment and the reduction of the garden to an inappropriate size. Additionally, the Committee expressed concerns regarding the destruction of the entire back fence bordering the neighbour's property. This has compromised the safety and security of the neighbouring property. To ensure a complete understanding of the current situation, the Committee urges the planning case officer to revisit the site.
- 9.54 The material planning considerations raised by the Town Council are addressed within the body of this report. Destruction of fencing is not a material planning consideration; it is a civil matter that should be resolved by the owners of the land.

Community Infrastructure Levy (CIL)

- 9.55 Policy CS35 of the Core Strategy 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 was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

Chiltern Beechwood Special Area of Conservation (CBSAC)

- 9.56 Following a letter from Natural England on the 14th March and publication of the Footprint Ecology Report, the Council was unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme had been undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

- 9.57 The Council has worked with Natural England and other relevant partners to agree a mitigation strategy which enables the Council to carry out their legal duties and grant residential development in the Borough. The mitigation strategy requires financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.
- 9.58 The provision of a new dwelling would cause additional recreational pressure to the CBSAC, but mitigation has already been secured via a legal agreement as part of the previous FUL application.

Biodiversity Net Gain (BNG)

- 9.59 The Environment Act 2021 has made it a mandatory requirement for all major development to achieve at least 10% biodiversity net-gain on all large domestic, commercial and mixed-use sites from February 2024 and for smaller sites from April 2024. The minimum 10% gain required will be calculated using the Biodiversity Metric and a subsequent approval of a biodiversity gain plan secured by condition.
- 9.60 The biodiversity habitat will need to be secured for at least 30 years via planning obligations or conservation covenants. Biodiversity net gain can be delivered on-site, off-site or via a new statutory biodiversity credits scheme, in that order of preference.
- 9.61 Biodiversity Net Gain does not apply to section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.
- 9.62 The application for the original permission 23/01583/FUL was made on 31st January 2024 so is exempt from BNG.
- 9.63 However the applicant has provided some biodiversity enhancement to the site with the inclusion of planting beds with mixed species – this is shown on the proposed landscaping plan and there will be a condition to ensure that the planting takes place and is retained.

Over development

- 9.64 Based on the approved dwelling being increased in size in the following ways:
- The ground floor building width (across the front elevation) has been increased by 50mm due to an increase in cavity construction (325mm to 350mm) to provide better insulation in line with Building Regulations.
 - The depth of the ground floor footprint has been increased by 25mm due to increase in cavity construction (325mm to 350mm) to provide better insulation in line with Building Regulations.
 - The rear single-storey ground floor aspect has been squared off, infilling an area of 2.3m² with the recommendation of the Structural Engineer, to simplify the retaining wall design of the basement below.
 - Enlargement of basement and introduction of a below ground patio.

It is not considered that these increases would result in overdevelopment of the site.

CONDITIONS

9.65 Since this application constitutes a new grant of planning permission, it is appropriate to consider the conditions previously imposed and whether it is necessary to impose them again.

Conditions placed on 23/01583/FUL included:

Condition 1 - Time

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.

This condition will be deleted as works have begun.

Condition 2 - Approved Plans

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

Site Location Plan 100 Rev F

Proposed Site Plan 400 Rev H

Proposed Ground Floor and First Floor Plans 402 Rev F

Proposed Basement and Roof Plans 403 Rev F

Proposed Elevations 404 Rev F

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

This condition will be amended to reflect the amended plans submitted.

Condition 3 - Materials

No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

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

A materials schedule was submitted with this application to discharge the above condition. The materials are considered to ensure a satisfactory appearance to the development and safeguard the visual character of the area.

This condition will be amended to read:

The development hereby permitted shall be carried out in accordance with the details submitted within the Materials Schedule ref: WW/2024/Materials - Materials Schedule Rev C.

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).

Condition 4 – Removal of the Garage

The garage shall be demolished and the materials arising from demolition removed from the site (or the arising materials re-used or retained in a position on site as agreed by the Local Planning Authority in writing and thereafter retained) prior to the implementation of the development hereby permitted.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of protecting the neighbouring properties amenities in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013).

Reason: To accord with the approved plans and for the avoidance of doubt.

This condition will remain.

Condition 5 – Discovery Condition

Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.

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 and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

This condition will remain.

Condition 6 – PD Amenity Land

Notwithstanding the details shown on the approved plans the amenity land to the front of the site (marked as grass and between the "low brick wall/picket fence" and the footpath) is to be kept permanently open and free from all domestic paraphernalia and not to be used as residential garden or as a means of parking or access to the highway.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the amenity land to the front of the site which forms part of an open green corridor along Christchurch Road and provides residential and visual amenity for the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (2023).

This condition will remain but be amended to remove the reference to the picket fence and update the NPPF reference.

Condition 7 – Windows

The window at first floor level and ground floor level in the north-west elevation of the development hereby permitted shall be non-opening and permanently fitted with obscured glass with a minimum of privacy level three up to 1.7 metres from the internal floor height.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 135 (f) of the National Planning Policy Framework (2023).

The windows in this elevation have not changed so the condition will remain with an updated NPPF reference.

Condition 8 – Landscaping

Notwithstanding the details shown on the approved plans no construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure with specific reference to the boundary treatment between the house and the amenity land;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**

The planting must be carried out within one planting season of completing the development. Any tree or shrub which forms part of the approved landscaping scheme which within a period of 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).

A Landscaping Plan has been submitted with the application so the wording of this condition will need to be changed to reflect the plan submitted.

The development hereby permitted shall be carried out in accordance with the details submitted within the Proposed Landscaping Plan 600E.

The planting must be carried out within one planting season of completing the development. Any tree or shrub which forms part of the approved landscaping scheme which within a period of 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).

Condition 9 – Tree Report

The construction works shall be carried out at all times in accordance with the approved details and recommendations made in the Tree Survey and Arboricultural Impact Assessment dated 10th March 2023 by GHA Trees.

Reason: In order to ensure that damage does not occur to the trees and their root systems covered by a Tree Preservation Order and other trees and hedges within and near the site 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 180 of the National Planning Policy Framework (2023).

This condition will remain but be amended to update the NPPF reference.

Condition 10 – Waste

Prior to the occupation of development hereby permitted, details of refuse storage for domestic refuse/recyclable materials and collection arrangements shall be submitted and approved in writing by the Local Planning Authority. Thereafter, all refuse and recyclable materials associated with the development shall be stored within this dedicated refuse storage area as approved. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent highway obstruction in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).

24/02081/DRC for discharge of details required by Conditions 10 (Waste) and 12 (Sustainability) attached to planning permission 23/01583/FUL was granted on 11th December 2024.

Proposed Refuse Storage Plan 611 Rev C has been submitted to show the type of storage for domestic refuse/recyclable materials proposed for the site which was granted under the previous DRC application. The Proposed Site Plan shows a new location for the bin stores on the southern side of the house and near to the vehicular access to the site.

This condition will be amended to read:

Prior to the first occupation of the development hereby permitted the details approved in Proposed Refuse Storage Plan 611 Rev C and the Proposed Site Plan 600 E shall be carried out in full. The approved storage refuse details shall thereafter be maintained.

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent highway obstruction in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).

Condition 11 – PD Spread of development

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 Class A, B, D, E and F

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity for the locality in accordance with

Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (2023) to ensure there are no porch projections into the amenity land or hardstanding areas beneath the protected trees which may affect their root system.

This condition will remain but be amended to update the NPPF reference.

Condition 12 – Sustainability

No construction of the superstructure shall take place until a sustainability checklist providing details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 159 and 162 of the National Planning Policy Framework (2023).

This condition will remain, but the NPPF reference will be updated.

Additional conditions are suggested:

Condition 13 – Ancillary use of basement

The basement hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as “land rear of 38-40 Windmill Way, Tring” and shall not be independently occupied.

Reason: For the avoidance of doubt and to ensure that the use of the development remains ancillary to the use of the main dwellinghouse without allowing the intensification of residential accommodation within the site in accordance with CS 11 and CS 12 of Dacorum Borough Core Strategy (2013).

Condition 14 – bricks to be used in low front wall

The materials to be used in the construction of the low front wall between the house and the amenity land of the development hereby permitted shall match the existing building in terms of size, colour and texture.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

All previous informatives will be added to any approval given.

10. CONCLUSION

- 10.1 To conclude, the amended plans do not significantly alter the overall quantum, scale, size, design or form of the development previously approved. As such, there would be no harm to the character and appearance of the building and wider street scene, nor would there be any significant harm to residential amenity or significant trees. Furthermore, no significant impacts are identified with regard to highway or pedestrian safety.
- 10.2 Given this is an application to vary conditions placed on the original permission and would grant a new planning permission, all conditions, have been reviewed and amended or

reimposed as appropriate. No time condition is needed as the agent has advised that the works have already commenced.

- 10.3 The proposed scheme would comply with Policy CS8 CS11, CS12, Saved Policy 51, Saved Policy 99, Saved Appendix 3 of the Local Plan, The Parking Standards SPD, Place and Movement Planning and Design Guidance for Hertfordshire (2024) and Adopted Area Based policies guidance SPG and NPPF Paragraph 135.

11. RECOMMENDATION

11.1 That planning permission be GRANTED subject to conditions.

Condition(s) and Reason(s):

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

**Amended proposed site plan 600 E;
Amended proposed elevations 604 D;
Amended proposed floor plans 602 C;
Amended proposed basement and roof plan 603 C;
Proposed cycle store 610 C;
Proposed refuse store 611 C;
Proposed landscaping plan 601 E; and
Materials schedule Rev C**

Tree Survey and Arboricultural Impact Assessment dated 10th March 2023 by GHA Trees.

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

2. **The development hereby permitted shall be carried out in accordance with the details submitted within the Materials Schedule ref: WW/2024/Materials - Materials Schedule Rev C.**

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).

3. **The garage shall be demolished and the materials arising from demolition removed from the site (or the arising materials re-used or retained in a position on site as agreed by the Local Planning Authority in writing and thereafter retained) prior to the implementation of the development hereby permitted.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of protecting the neighbouring properties amenities in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013).

Reason: To accord with the approved plans and for the avoidance of doubt.

4. **Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily**

suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved. 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 and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

5. **Notwithstanding the details shown on the approved plans the amenity land to the front of the site (marked as grass and between the "low brick wall" and the footpath) is to be kept permanently open and free from all domestic paraphernalia and not to be used as residential garden or as a means of parking or access to the highway.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the amenity land to the front of the site which forms part of an open green corridor along Christchurch Road and provides residential and visual amenity for the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (2024).

6. **The windows at first floor level and ground floor level in the north-west elevation of the development hereby permitted shall be non-opening and permanently fitted with obscured glass with a minimum of privacy level three up to 1.7 metres from the internal floor height.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 135 (f) of the National Planning Policy Framework (2024).

7. **The development hereby permitted shall be carried out in accordance with the details submitted within the Proposed Landscaping Plan 600E.**

The planting must be carried out within one planting season of first occupation of the dwelling hereby permitted. 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).

8. **The construction works shall be carried out at all times in accordance with the approved details and recommendations made in the Tree Survey and Arboricultural Impact Assessment dated 10th March 2023 by GHA Trees.**

Reason: In order to ensure that damage does not occur to the trees and their root systems covered by a Tree Preservation Order and other trees and hedges within and near the site 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 193 of the National Planning Policy Framework (2023).

9. **Prior to the first occupation of the development hereby permitted the details approved in Proposed Refuse Storage Plan 611 Rev C and the Proposed Site Plan 600 E shall be carried out in full. The approved storage refuse details shall thereafter be maintained.**

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent highway obstruction in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).

10. **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 Class A, B, D, E and F

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity for the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (2024) to ensure there are no porch projections into the amenity land or hardstanding areas beneath the protected trees which may affect their root system.

11. **The basement hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as "land rear of 38-40 Windmill Way, Tring" and shall not be independently occupied.**

Reason: For the avoidance of doubt and to ensure that the use of the development remains ancillary to the use of the main dwellinghouse without allowing the intensification of residential accommodation within the site in accordance with CS 11 and CS 12 of Dacorum Borough Core Strategy (2013).

12. **The materials to be used in the construction of the low front brick wall between the house and the amenity land of the development hereby permitted shall match the bricks used on the new dwelling in terms of size, colour and texture.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

13. **No construction of the superstructure shall take place until a sustainability checklist providing details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable

Development Advice Note (2016) and Paragraphs 164 and 166 of the National Planning Policy Framework (2024).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. 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.
3. 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.
4. 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.
5. The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx>
or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

6. The proposed new driveway 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 new driveway would need to be collected and disposed of on site.
7. 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.

8. 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.
9. 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.
10. 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 112) "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.

11. 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>
12. Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different

The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

The above conditions are considered to be in line with paragraphs 196,197 of the NPPF 2024.

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Ecology	We have previously responded to this application (or another associated with it) and as there are no material changes that would warrant amended comments in this case, our previous advice still stands.
Hertfordshire Highways (HCC) ORIGINAL COMMENTS	Recommendation 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. Comments

	<p>The work related to the application comprises of the demolition of existing single storey garage building and construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping at Land to the rear Of 38-40 Windmill Way, Tring. Windmill Way is an unclassified local access route, or P2/M1 according to the Place and Movement Network, which is subject to a20mph speed limit and is highway maintainable at public expense.</p> <p>Amended proposed plans have been submitted as part of the Variation of Conditions application.</p> <p>The amendments to the proposal relate to the size of the basement, windows and driveway shape.</p> <p>The alterations to the dwelling do not impact upon the highway, and the alteration to the driveway improves the parking arrangement as one of the parking spaces is no longer blocked in and is a suitable size to ensure vehicles do not overhang onto the highway, as shown on drawing number 600. The amended site plan also provides a bin and cycle store, both would be considered acceptable.</p> <p>Therefore, the amended plans are considered to be acceptable and sufficient to enable the variation of condition 2.</p>
<p>Hertfordshire Highways (HCC) FURTHER COMMENTS</p>	<p>Recommendation: 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.</p> <p>Comments</p> <p>The work related to the application comprises of the demolition of existing single storey garage building and construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping at Land to the rear of 38-40 Windmill Way, Tring. Windmill Way is an unclassified local access route, or P2/M1 according to the Place and Movement Network, which is subject to a 20mph speed limit and is highway maintainable at public expense.</p> <p>Amended proposed plans have been submitted as part of the Variation of Conditions application.</p> <p>The amendments to the proposal relate to the size of the basement and internal layout. No alterations have been proposed to the layout of the driveway like there was in the previous Variation of Conditions, therefore there is no highway impact.</p> <p>Therefore, the amended plans are considered to be acceptable and sufficient to enable the variation of condition 2.</p>
<p>Tring Town Council</p>	<p>The Planning Committee recommended REFUSAL of this application on grounds of overdevelopment and the reduction of the garden to an inappropriate size. Additionally, the Committee expressed concerns regarding the destruction of the entire back fence bordering the neighbour's property. This has compromised the safety and security of the neighbouring property. To ensure a complete understanding of the</p>

	current situation, the Committee urges the planning case officer to revisit the site.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
109	8	0	8	0

Neighbour Responses

Address	Comments
10A Windmill Way Tring Hertfordshire HP23 4HQ	<p>I object to this Variation of Condition attached to a previous Planning Permission on the basis of it being a completely inappropriate design, relative to the surrounding neighbourhood. The overall application has been error-strewn, and this latest variation seems to be another stealthy step which results in further inappropriateness.</p> <p>I object to this Variation of Condition attached to a previous Planning Permission on the basis of it being a completely inappropriate design, relative to the surrounding neighbourhood. The overall application has been error-strewn, and this latest variation seems to be another stealthy step which results in further inappropriateness.</p>
1 Windmill Way Tring Hertfordshire HP23 4HQ	<p>This proposed development has been through the planning process on numerous occasions, with aspects that have been considered and resulting in it being previously declined.</p> <p>This latest proposal, has included a larger rear aspect and a far larger basement, which includes a sunken conservatory.</p> <p>The proposed amendments make the building larger in many aspects. This will have a negative impact on the neighbouring properties, bring the property closer to the existing homes and being more overbearing, therefore impacting on the quality of life and privacy of those residents.</p> <p>The increase in the size of the property continues to be overdevelopment of the site.</p> <p>I am concerned that the planning authorisations appear to constantly eroded, with persistent alterations being made, many of which have been included in previously declined applications. Further to this, there appears clear lack of respect for the previous decision made, as the building work that has already been completed on the site does not reflect those that have been granted. They appear to being built to fit in</p>

	<p>with the new plans that have been submitted as part of this application. This strikes me as showing a complete disregard to the decisions made by the authorising body and a manipulation of the planning system.</p>
<p>14 Osmington Place Tring Hertfordshire HP23 4EG</p>	<p>Would the DBC Planning Department deal with the facts as detailed in the earlier comments of local residents:- the Development is now in contravention of the Permission Granted. I urge Council representatives to re-visit the site.</p>
<p>17 Osmington Place Tring Hertfordshire HP23 4EG</p>	<p>I still object to this property being built from the original plans that were submitted, however that fell on deaf ears. Apart from the fact the area is a dangerous corner, even more nowadays with construction traffic taking over the area but now I see that the new plans have increased in height from the original accepted plans, unfortunately. Also I've noticed that the sunken area for the basement, which is huge, will also have a glass covered patio area which really makes me feel my privacy will be compromised from where my house is located and gives concern about extra noise in this quiet area. I strongly object to this new proposal and am concerned that the building plans will be changed many more times to achieve whatever is wanted by the builder. I hope Tring council will consider the nearby neighbourhood.</p> <p>I object to the over sized house, the height of the building and the proposed massive hole planned for the basement tv/games room with open views, ridiculous size. I note the fencing to help with privacy somewhat however that doesn't stop any noise from that basement area near to my property or the privacy from the over looking top floor windows, possibly high trees could help however I still feel that the original plan for a bungalow would be more suitable with a conservatory and larger garden area with two parking spaces makes much better sense, In my personal opinion.</p>
<p>38 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>This application is yet another revision to this development that is leading to a drip-fed approval of a scheme that if submitted independently, should not be acceptable. The Scheme now overlooks 2 properties gardens and a child's bedroom. It is now too close to adjacent gardens and will likely block light. The scheme is also already being built prior to approval.</p>
<p>40 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>We would like to object to this change of conditions, for the reasons set out below.</p> <p>This change to the proposal does nothing to improve the plan in terms of:</p> <ol style="list-style-type: none"> 1) Its visual intrusion and impact on our outlook at 40 Windmill Way; and 2) The negative effect that having a building so close to us will have on our privacy; and 3) The fact that such a large building on a small site is overdevelopment. <p>We draw to your attention to the fact that in the new elevations (drawing 604) the size of the building *appears* to have increased by ~4% in all dimensions. For example, scaling off the drawings, the ridge height has increased from 7.2m (drawing 404) to 7.5m (drawing 604).</p>

We ask you to check this and establish whether this is intentional -- it is not mentioned on the application form, and the site plans do not seem to show this change. If it is intentional then we object strongly to this increase in size, as this will only exacerbate points (1) & (3) above - the building is already too large and it would be unacceptable to increase the scale further.

We also object to the widening of the rear projection - this will increase the bulk above ground, and bring built form closer to the boundary with Nos 38 & 40 Windmill Way. It seems entirely unnecessary.

Re the basement elements, these will not materially affect us, but they might impact future residents: Would a sunken conservatory really be the best use of amenity space, given the already limited garden depth?

As one final point, the site plan (601) shows blue dashed lines which are marked up as fences. We want to make it clear that these are NOT the position of any existing fences. It may be that they are purely meant as annotation, but given the previous confusion that has arisen over fence positions, we would like this clarified.

On balance we feel that these changes represent a deterioration of the scheme, and the increase in scale, if intentional, is utterly unacceptable. We ask you to look at whether the issues given above can be resolved, and reject the proposal if they cannot.

We would like to object to this change of conditions, for the reasons set out below.

This change to the proposal does nothing to improve the plan in terms of:

- 1) Its visual intrusion and impact on our outlook at 40 Windmill Way; and
- 2) The negative effect that having a building so close to us will have on our privacy; and
- 3) The fact that such a large building on a small site is overdevelopment.

The most recent revision of the elevations (drawing 604) still shows a ~4% upscale from the previously approved drawings. We ask the case officer to reject this. We object strongly to any increase in scale: the building as granted is already too large.

We also object to the widening of the rear projection - this will increase the footprint and bulk above ground, on a proposal that was already overdevelopment. It will also bring built form closer to the boundary with Nos 38 & 40 Windmill Way, which is unacceptable.

Re the basement element, we do not feel this would serve the residential amenity of future residents. We echo the concerns raised by Planning Officer James Gardner in his pre-application advice (22/03240/PRDW):

"I am not convinced that the basement patio would be a particularly effective way of providing amenity space given the inevitable shading from the nearby trees; rather, it would unacceptably prejudice the use

	<p>of the above ground space. Indeed, the depth of the garden beyond the patio would be reduced to a mere 5m, limiting the number and type of activities to which the garden could reasonably be put to use. It is recommended that the basement patio be reconsidered."</p> <p>The applicant has already dug and lined the basement, in contravention of planning permission, but given the negative impacts raised by Mr Gardner, we do not feel that the basement should now be permitted just because it has already been unlawfully constructed.</p> <p>Due to overdevelopment, the parking arrangements are inadequate. Newly proposed fencing creates a side passage on the South of the house, but also restricts one of the cars to a cramped bay. The floor plans show that this passage is also the location of a bifold door. This is a terrible design: what use is a bifold that opens up into a utility passage? Even worse, the folded component of the door will completely block the side passage when the doors are open. This is symptomatic of overdevelopment -- too many features crammed into too small a space leading to dysfunction.</p> <p>We also object to the location of the bins. They are located next to our boundary, and we have concerns about smells and vermin. This is not even a sensible location for the bins: to get them to the roadside you will have to wheel them right around the house, past the front projection & porch area, squeezing past the 'low brick wall' and any parked cars, whilst wheeling them over gravel. Future residents will quickly abandon the proposed location -- again, another symptom of poor design.</p> <p>This latest iteration represents yet another attempt to "salami slice" ever larger proposals on the back of existing permission. It is time for the Planning Department to stop making concessions, and say enough is enough. Please reject this proposal for all the reasons given above.</p>
<p>34 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>Overdevelopment due to:</p> <ul style="list-style-type: none"> - addition of storage area and plant in larger basement. - addition of basement patio taking space from garden. - change in size, shape and position of parking area. - less garden and landscaping. <p>Further to our objections dated 26 Nov 2024, which still apply, please also consider the following concerns.</p> <p>These variations include a substantial increase in the width of the basement and also an added basement patio which brings the proposed property even closer to its immediate neighbours.</p> <p>Building began in August 2024 before these variations/amendments were applied for (Oct 2024 & Jan 2025) and continued soon after the temporary stop notice was issued.</p> <p>It now appears that the foundations and walls of the proposed basement area have already been built.</p> <p>Please refuse this application for the reasons of overdevelopment and loss of privacy.</p>

	<p>Further to our objections dated 26 Nov 2024, which still apply, please also consider the following concerns.</p> <p>These variations include a substantial increase in the width of the basement and also an added basement patio which brings the proposed property even closer to its immediate neighbours.</p> <p>Building began in August 2024 before these variations/amendments were applied for (Oct 2024 & Jan 2025) and continued soon after the temporary stop notice was issued.</p> <p>It now appears that the foundations and walls of the proposed basement area have already been built.</p> <p>Please refuse this application for the reasons of overdevelopment and loss of privacy.</p>
<p>32 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>I am writing to formally object to the 24/02334/ROC for Land Rear Of 38-40 Windmill Way Tring Hertfordshire HP23 4EH due to the developer's failure to adhere to the approved drawings. This deviation undermines the integrity of the planning process and raises serious concerns about why the developer believes such non-compliance could go unnoticed or unchallenged.</p> <p>The latest proposal includes a significantly larger rear aspect and a far larger basement, which incorporates a sunken conservatory. These amendments not only increase the size of the building but also have a direct and negative impact on neighbouring properties. Specifically:</p> <ul style="list-style-type: none"> - The increased dimensions bring the property closer to existing homes, creating a more overbearing presence and diminishing residents' quality of life and privacy. - The excessive enlargement represents overdevelopment of the site, exceeding the scope of what was initially deemed acceptable. <p>The approved drawings serve as a cornerstone of the planning process, ensuring that developments align with local policies and community expectations. The substantial changes proposed by the developer disregard these agreements, eroding trust in the planning system and setting a concerning precedent for future developments.</p> <p>If developers are permitted to disregard approved plans without consequence, the planning framework risks becoming ineffective. I urge the planning authority to enforce the original conditions and require the developer to rectify these unauthorised alterations promptly. Failing to address these breaches could have long-term implications for the community and the credibility of the planning process.</p> <p>Thank you for considering this objection.</p> <p>I am writing again to formally object to this application, referencing documents issued on 23/01/2025. Significant deviations exist between applications 23/01583/FUL and 24/02334/ROC, including the addition of two rooms (storage and plant rooms) and a basement patio.</p> <p>Upon visiting the site, I was alarmed to find that substantial work, including foundation excavation and concrete construction, had already been carried out without planning permission-blattantly violating regulations.</p> <p>The revised application disregards the approved plans, undermining trust in the planning process and setting a dangerous precedent. If such</p>

unauthorised changes go unchallenged, the planning system risks becoming ineffective. The site's current neglected and unsafe state further compounds these concerns, posing a danger to the public.

I urge the planning authority to enforce the original conditions, halt unauthorised work, and require rectification. Failure to act will erode community confidence in the planning framework.

Thank you for your consideration of this objection.