

**4/00069/16/FUL - CONSTRUCTION OF SIX FOUR BED DWELLINGS.
LAND REAR OF 27-33 GROVE ROAD, TRING.
APPLICANT: BRAYBEECH HOMES LTD.**

[Case Officer - Ross Herbert]

Summary

The application is recommended for approval.

The proposed development of 6 dwellings would introduce backland development along this part of Grove Road. This development allows for the comprehensive development of a backland site with satisfactory access onto the highway. The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy policy CS17. The proposed road layout within this development would not hinder a more comprehensive scheme to optimise the use of urban land. Despite local opposition to this scheme due to the distances between the proposed houses and existing houses the proposal would not result in significant harm to the residential amenities of neighbouring properties or be detrimental to matters of highways safety. The scheme is therefore in accordance with Core Strategy policies CS8, CS12 and CS13, and Appendices 3 and 5 of the DBLP.

Site Description

The site is located on the south-western side of Grove Road, within the residential area of New Mill West (TCA 13), which forms part of the urban area of Tring. The site comprises of part of the rear gardens of No's 27 - 33 Grove Gardens.

This section of Grove Road is characterised by a variety in the age and style of the housing stock, with open land on the opposite side of the road. Nos.29-36 comprise of 1960's semi-detached housing, though there are both Victorian terraces and 1990's cul-de-sacs nearby (New Mill Terrace and Grove Gardens respectively). No. 27 comprises of a detached early 20th century property. To the south-east of the site (adjacent to No.35 Grove Road) is the Scout Hut; a community facility, principally for the use of the Scouts and Girl Guides.

Levels fall from south-east to north-west across the site, and also fall to the west. The site contains semi-mature trees and hedges, with the most mature being located along the rear boundary of the site with the New Mill Terrace properties.

Proposal

The scheme proposes the construction of 4 x detached and 2 x semi-detached 4-bed dwellings on land to the rear of No's 27 - 33 Grove Road, within the rear gardens areas of these properties. The proposed dwellings would be accessed via a new access created between No.'s 27 and 29 Grove Road. The access would be created through the demolition of No. 29's side garage, in order to allow space for the new access road, which would utilise the existing crossover onto Grove Road. Although the proposed houses are two storeys, each would contain habitable accommodation in the roofspace.

The proposed scheme includes associated access, turning and manoeuvring facilities, along with the provision of private amenity space and hard and soft landscaping.

Referral to Committee

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

Planning History

4/02848/15/PRE CONSTRUCTION OF 4 OR 6 DWELLINGS (2 SCHEMES)

4/00705/05/OUT FOUR TERRACED DWELLINGS
Refused
31/05/2005

4/00153/05/OUT DEMOLITION OF GARAGE AND CONSTRUCTION OF THREE DWELLINGS
Refused
29/03/2005

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS19 - Affordable Housing
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21
Appendices 1, 2, 3, 4, 5,

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Area Based Policies (May 2004) - Residential Character Area (TCA 13 New Mill West)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Summary of Representations

Tring Town Council

Tring Town Council recommends refusal of the application for the following reasons.

1. The topography of the site

The proposed site is significantly higher than the dwellings along Wingrave Road (New Mill Terrace). So whilst the proposed dwellings may be in excess of 23m away (window to window) the relative heights mean that the proposed dwellings will dominate those below.

It is interesting that when New Mill Terrace was built sheds were provided at the end of the garden with a stipulation that these could not be increased in size because of the impact that would have on the properties. This historical reference highlights the sensitive of the site with regard to overlooking and overbearing to the detriment of residential amenity

2. The Ecology of the Site

The development of the site involves the removal of many trees. This will have a direct impact on the wildlife - residents report the presence of bats and newts, and badger paths cross the area.

It will also affect, with the building and parking, the run-off of water increasing the volume going down the slope to Wingrave Road – the natural run-off.

How the properties will be connected to the mains drainage given the slope of the site has to be addressed

3. Design

Grove Road is a development characterised by medium/large houses detached houses with a low density. Six dwellings represent over-development of the site that is out-of-keeping with the neighbourhood.

4. Car Parking

The Town Council would like assurances that at least the minimum requirement for car-parking spaces is met, notwithstanding the general acceptance that these standards are inadequate. Given the busy nature of Grove Road, it would be totally inappropriate for parking on the development to spill-out onto Grove Road.

Contaminated Land

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development

should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Thames Water

No objections - subject to standard water pressure informative.

Trees and Woodlands

I have looked at the BING MAPS birds eye view which in terms of seeing general tree cover is usually better than going on site.

I see there are a lot of trees in these back gardens, there individual merit may not be any better than '30/40 year old garden trees' and not part of the historic landscape however the joint impact looks significant.

A visit would be helpful to make a better judgement, are you going up there yourself or have you already made a visit? Give me a call if you want to consider matters further.

Further Comments

I met Simon Booth on site to discuss proposals and essentially have no issue with planned works.

The intended removal of trees doesn't include anything of good condition / TPO value so in BS5837 tree categorisation terms, there's nothing contentious. Some of the vegetation has a minor screening function which is addressed by replacement planting.

There is a loose belt of trees to the rear, some in the site, some outside. Together they will provide limited screening of the new development, although infilling with new specimens would be necessary. Simon agreed that this would occur, of probably a native / evergreen mix to give year-round cover.

Planting between existing Grove Road properties and these new dwellings would also occur, typically of an evergreen nature.

I'm comfortable with removal and planting proposals and would just need specific replacement tree info/ locations/ sizes/ numbers on a plan at a later stage.

Strategic Policy

Please refer to our comments on the pre-application schemes for either four or six homes (4/02848/15/PRE).

The site is located in a residential area, as shown on the Local Plan Proposals Map. Core Strategy Policy CS4 states that appropriate residential development is encouraged in residential areas.

The Council's Supplementary Planning Guidance on Development in Residential Areas is also relevant. The site is in character area TCA13 (New Mill West). The development principles for TCA13 should be taken into account. Generally, the

guidance discourages tandem forms of development, although it is recognised that Grove Road has been subject to such schemes in the past.

Core Strategy Policy CS19 (affordable housing) applies following the High Court's decision last year on the West Berkshire District Council and Reading Borough Council vs DCLG case. Given this judgment, this Council has ceased to apply the 'Affordable Housing Clarification Note' that was put in place earlier in 2015 as a result of a Ministerial Statement and associated changes to the Planning Practice Guidance (PPG). The PPG changes have now been revoked.

Policy CS19 states that, outside Hemel Hempstead, 35% of new dwellings should be affordable homes and a minimum of 75% of the affordable housing units provided should be for rent. Therefore, two affordable homes for rent should be provided on the site.

If the applicants claim this would make the scheme unviable or if they wish to provide a financial contribution in lieu of on-site provision of affordable housing, this should be discussed with the Council's Strategic Housing team. A viability study should be submitted by the applicants if they consider viability to be an issue.

We have some concerns over whether the 12 parking spaces propose are sufficient for this location, given the parking standards in Local Plan Appendix 5 and the location in Zone 4 (see the Supplementary Planning Guidance on Accessibility Zones). The Highway Authority's views should be sought.

Please let Strategic Planning know if you require any additional comments.

Herts Ecology

In respect of the above application I have the following comments:

1. We have no data on the application site, which comprise domestic gardens. I consider the ecological value of these will be at the site level within the urban context of Tring.
2. I note that a relatively large number of trees will be removed. Although extra tree planting is proposed, these will not replace the resource currently present, or possibly in the future as these trees are likely to be kept smaller given the proximity to the increased built development rather than larger in comparison to the current position now within and on the edges of larger gardens.
3. The ecological survey includes in the site description '*The mature trees found across the site include several mature Apple Malus sp. trees, Beech Fagus sylvatica, Ash Fraxinus excelsior, Hazel Corylus avellana, Holly Ilex aquifolium and Hawthorn Crataegus monogyna. Many trees and some ground around the borders of each garden are covered in Ivy Hedera helix.*' The site is also acknowledged as having some value for breeding birds. This character is the key local resource of ecological value which will be lost.
4. The ecology report states there is a likely absence of reptiles and amphibians from this site. Whilst these species can never necessarily be ruled out, I have no reason to consider that this view is unreliable in this situation. Nevertheless, I do not consider it

has 'negligible ecological value given the presence of fruit and other trees and the general variety of other habitats present. These will provide local interest in a variety of ways, from lower plant, blossom and fruiting and seeding interest as well as cover, which is also present as areas of rough grassland. Surveys in March will not enable a reliable assessment of any grassland interest but I have no reason to consider the grassland would be of any importance given the amenity use of the site for many years.

4. However, I do not consider the existing interest is sufficient to represent a constraint on the proposals, although the site will be degraded as a result irrespective of the gardens present as clearly there will be a loss to the built form and increase in general human activity. Compensation is proposed as providing nest boxes to replace lost nesting sites but these of course will not replace the net loss of trees and shrubs.

5. There does not seem to be any specific landscape / arboricultural appraisal / report – the described landscape document is simply a map. Consequently it is not possible to assess how many fruit trees or their sizes etc. are to be removed. However if the site includes several mature apples trees as suggested above which are to be lost, there should be some compensation for this. In my view this should be in the form of provision of a commuted sum to be paid to the LPA or other appropriate body to enable a number of fruit trees to be planted locally, probably on land within the public realm. This would go some way to the provision of more reasonable compensation for the loss of the tree habitat resource on the site. For the loss of several mature fruit trees I would suggest that a sum of £150 would be sufficient to provide at least five new trees to be planted in an appropriate location. This would provide some form of biodiversity offsetting / enhancement as consistent with the aims of the NPPF. Local schools have planted orchards some of which need replacement trees, so this could provide a suitable opportunity.

6. In respect of reptiles and amphibians, I advise that areas of longer grass or refugia should be removed carefully or progressively cut outside of the breeding or hibernation period, i.e. early spring or autumn. This would enable any animals present to disperse safely, and as such is a precautionary measure. It should be attached as an Informative to any approval.

7. In respect of breeding birds, as recommended by the Ecologists, the normal provisions would apply. Consequently an informative should be attached to any approval, to the effect that:

'No removal of vegetation within the bird breeding season (generally March – August inc.) unless it has been satisfactorily demonstrated that no nesting activity is taking place'.

8. The Bat Preliminary Roost Assessment considered the structures on site for bats. One building (B1) was considered as requiring an emergence survey between May – Sept. The description of this building (a garage) which is generally in good condition does not suggest any bats are likely to be present, although there is a limited possibility of bat use under lifted boards at the gable ends. I do not know why these were not inspected with an endoscope for any evidence. However the enclosed loft void could also not be accessed to assess the presence of any evidence, although the lack of gaps in the tiles and soffits is considered to reduce the likelihood of bat presence in this location.

9. Based on the evidence submitted I consider the likelihood for bats being present to be negligible, although this cannot be discounted given the circumstances and local habitat resource which could support bats. An activity survey is recommended but no mitigation is suggested. Consequently, without further details the LPA is not in a position to satisfy the three Habitat Regulations Tests if it needs to. The options now are:

- Amend the document (and planning proposal) to provide a worst Case Scenario (WCS) mitigation for bats. This is likely to require a similar roof space to be provided within the development. Further surveys as required should be secured by a Condition of Approval. Any EPS licence could then be applied for if necessary and I have no reason to believe that if mitigation is appropriate, this would not be issued; or
- Now that bats are active, undertake the presence / absence activity surveys ASAP to enable the LPA to determine the application with sufficient and appropriate knowledge of the potential bat presence at the site.

Given we are now in the bat survey season, WCS should be avoided as these unnecessarily increase the risk of application requirements being wrong. They are used only when activity surveys cannot be undertaken when bats are inactive.

10. On this basis, although I consider the potential for bats to be low to negligible, I acknowledge there is an unknown potential given the lack of access (although I don't know why this couldn't have been arranged given the building will be demolished anyway) and consequently I cannot advise that this application should be determined. This is a position which would be understood by the Ecological Consultants. Therefore this should now involve a straightforward survey to update the report and provide any further recommendations as necessary, which will enable the application to be processed accordingly.

11. Other than the issues I raise above, I do not consider there to be any ecological reasons which would represent a constraint on the proposals.

I trust these comments are of assistance,

Further Comments

Bat Worst Case Scenario

Thank you for the updated Worst Case Scenario report. Whilst I am of the opinion that this could have been better resolved by undertaking the presence / absence survey as advised given we are now in the survey season, I can confirm that the detailed report is sufficient to provide the LPA with appropriate information in the event that the presence / absence survey identifies bats using Building B1. Any positive evidence of use would require further surveys and recommendations as necessary. Whilst these may be different from the advice within the WCS report, the LPA is now in a position to determine the application in the event a maternity roost is present. To ensure the further surveys are undertaken as required, I also advise that they should be secured by a Condition of Approval.

I trust this information is of assistance.

Herts Property Services

Thank you for your email regarding the above mentioned planning application.

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and the scale of the development does not fall within any of the CIL Reg123 exclusions.

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

Strategic Housing

'I am happy to accept that this scheme is unable to provide an affordable housing contribution.

I have fully considered the RICS build cost, sales values and land value with the additional detail below. I therefore recommend that the scheme is financially unviable to provide an affordable housing commuted sum. I note CIL has been included in their appraisal.'

Hertfordshire County Council Highway Authority

Original Comments

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

Decision

Hertfordshire County Council (HCC), as Highway authority, objects to the principle of the development, due to lack of information. The following is required for HCC to provide appropriate consideration of the proposed development:

- As stated in the pre-application advice, site access arrangements should be designed to Roads in Hertfordshire: Highway Design Guide 3rd Edition. This means that the site access arrangements should adhere to the following:

- Site access arrangements are not considered acceptable in the current design. The site access should be a bell mouth with a minimum 4.8m width.

- If the site access is intended to be adopted, this should be specified within the DAS.

- Pedestrian facilities should be accommodated along one side of the site access road or provide details with regards to pedestrian access to the site.

- Details on the number of service vehicles that will access the site, the size of the vehicles and the likely times of use.

- As requested in the pre-application stage, Swept Path Assessments are required to demonstrate that refuse and servicing vehicles can access and egress the site in a forward gear.

- As requested in the pre-application stage, Visibility splays are required to demonstrate that vehicles egressing the site can safely enter to the highway without

impact the operation and safety.

- Stage 1 Road Safety Audit is required for the proposed site access.
- As requested at the Pre-Application stage, Design and Access Statement (DAS) is required for all planning applications that have an impact on the highway, as outlined in Roads in Hertfordshire: Design Guide (3rd Edition).

Description of the Proposal

The proposal is for a residential development comprising 6 x 4 bedroom dwellings (4 detached and two conjoined) with garages, parking and a new access road.

Site Description

The site is located off of Grove Road in Tring. Grove Road is an unclassified L2 local access road with a 30mph speed limit. The development site is located on vacant land to the rear of 27 ? 31 Grove Road. The development site is bordered by residential housing to the north/east and south and mixed residential/commercial to the west accessed from Wingrave Road.

Analysis

Policy Review

The application is not supported by a Design & Access Statement (DAS), as was requested as part of the pre-application advice. No evidence is provided to support that a policy review was undertaken for the following, at a minimum:

- National Planning Policy Framework (2012)
- Dacorum Borough Council Core Strategy (2013)
- Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031
- Dacorum Borough Local Plan 1991 ? 2001 (Sept 2013)

Transport Assessment

Due to the size, nature and location of the proposed development, a Transport Assessment (TA), or Transport Statement (TS), is not required as part of the planning application.

Trip Generation and Distribution

Due to the size, nature and location of the proposed development, a trip generation details, and therefore trip distribution details, were not required as the number of trips generated by the development are not expected to impact on the highway's overall safety or operation.

Impact on Highway Network

Junction Assessment

Due to the size, nature and location of the proposed development, junction assessments are not required as part of the planning application.

Highway Safety

A summary of collision data in the vicinity of the development site has not been provided as part of the planning application. However, a review of 5 years of HCC accident data does not show any collisions at the approximate location of the site access or along Grove Road. Due to the nature of the development, it is not expected that the development will impact on the overall safety of the highway.

Highway Layout

Site Access

The proposed development seeks to create a site access from Grove Road utilising an existing crossover for properties 27 and 29 Grove Road. The site access road will lead to the rear of 27 and 29 Grove Road to the proposed dwellings. A turning head will be provided at the end of the service road. The site access arrangements to 29 Grove Road appear to be retained.

Site access arrangements were to meet the requirements set out in Roads in Hertfordshire: Highways Design Guide 3rd Edition, per the pre-application advice. As the site access is to be used by a number of properties, Roads in Herts specifies that the access should be a bell mouth with 4.8m width. Furthermore, as requested in the pre-application advice, swept path assessments and visibility splays are required for the proposed site access arrangements. Swept path assessments are required to demonstrate that refuse and servicing vehicles can access and egress the site in a forward gear. Visibility splays are required to demonstrate that vehicles egressing the site can safely enter to the highway without impact the operation and safety.

Pedestrian Access

The proposed development has not provided evidence of consideration for pedestrian site access. The site access arrangements show black top and black top should not be used if the site access road is intended to be shared use by vehicles, cyclists and pedestrians.

Refuse and Service Delivery

The applicant will need to provide details on the number of refuse and service vehicles that will access the site, the size of the vehicles, and the likely times of use. Swept path assessments are required to demonstrate that the site can accommodate large service vehicles.

Road Safety Audit

A Stage 1 Road Safety Audit is required for the proposed new site access to support that the design is safe and will not impact on the highway's safety and/or operation.

Parking

The applicant has included proposed parking arrangements and provisions for the proposed development. Each dwelling will have parking for 2 cars. Appendix 5 of Dacorum Borough Local Plan 1991 ? 2001 (Sept 2013) sets out a maximum parking standard of 2 parking spaces per 4 bedroom dwelling. Therefore, the parking allocation is considered appropriate. However, it is ultimately the decision of the LPA to determine the suitability of car parking provisions.

Cycle Parking Provisions

The applicant has not provided cycle parking provision details; however, each dwelling will have a garage. This is considered appropriate. However, it is ultimately the decision of the LPA to determine the suitability of cycle parking provisions.

Accessibility

Public Transport

The site is serviced by bus stops located on Wingrave Road for both northbound and southbound destinations. The bus stops are located approximately 350 m from the site. The bus routes servicing the northbound bus stop include route 61 to Dunstable, 164 Leighton Buzzard and 387 New Mill. The bus routes serving the southbound bus stop include 61 to Aylesbury, 164 to Aylesbury and 387 to Beech Park, Aldbury and Tring.

The nearest railway station to the site is Tring railway station and it is approximately 1.7 miles from the site access. This is considered a walkable and/or cycleable distance.

Walking and Cycling

There are footways provided on the west side of Grove Road. Pedestrian crossing facilities with tactile paving are provided approximately 170m north of the proposed development site access and is considered a reasonable walking distance to accommodate pedestrians accessing the site. The pedestrian facilities link to Wingrave Road where the bus stops are located. The surrounding area is considered walkable with suitable connectivity.

There are no formal cycling facilities on Grove Road; however, Grove Road is considered cycle-able as it has a maximum speed limit of 30mph. Therefore, the area is considered cycle-able.

Travel Plan

Due to the nature of the proposed development, a Travel Plan will not be required.

Construction

A construction traffic management plan will be required to ensure construction vehicles will not have a detrimental impact on the highway network within the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety.

Planning Obligations / Community Infrastructure Levy (CIL)

Due to the nature of the development and the low impact to the highway network, no planning obligations will be sought by HCC.

Further Comments - following submission of additional information

I have reviewed the consultants' responses to issues we had raised, in addition to the drawings provided. My comments are as follows:

Improvements to bell-mouth, increase width of access to 4.8m, and pedestrian facilities:

It was not made clear at the application stage that the access was to be a shared surface. With the clarifications provided, the proposals are considered appropriate and these reasons for refusal can be removed.

Swept path analysis for refuse vehicles:

The swept path analysis provided for the turning head is considered acceptable. However, a swept path analysis for the access arrangements will be required. This can be obtained by way of a condition.

Visibility Splays:

The visibility splays are considered suitable for the purposes of the planning application. However, it is requested that the applicant provided a maintenance plan for the vegetation in the visibility splay to ensure that the trees do not impact visibility. This

can also be obtained by way of a condition.

Road Safety Audit Stage 1:

A Stage 1 Road Safety Audit is still required as they are making changes to the access, etc. This too can be obtained by condition.

I trust this is helpful. I can provide a formal response next week at the earliest. If you have any questions or comments, please do not hesitate to contact me.

Thank you.

Comments received from local residents:

22 New Mill Terrace - object on the grounds of: loss of light and overshadowing; overlooking and loss of privacy; highway safety; drainage.

23 New Mill Terrace - object on the grounds: impact on ecology; topography, inadequate garden size; inadequate parking; out of keeping.

24 New Mill Terrace - object on the grounds of: loss of light and overshadowing; overlooking and loss of privacy - the proposed site to the rear of our garden is already on raised ground so once a 2/3 storey house is there, our garden will be significantly overlooked; Noise and disturbance; visual intrusion; the impact of construction - noise and view; views from house windows; loss of property value; risk of trees being destroyed, killed or damaged from construction potentially impacting on view and privacy further; wildlife; drainage - already have problems in our driveway.

26 New Mill Terrace - object on the grounds of: loss of privacy; noise and disturbance; overbearing and out of character; does not respect townscape, density or character of area; overdevelopment; highway safety; does not provide affordable housing; screening trees could be removed at any time.

27 New Mill Terrace - object on grounds of: visual intrusion; loss of privacy; noise; additional traffic and impact on house value.

30 New Mill Terrace - object on grounds of: overlooking; loss of sunlight; light pollution; noise; parking; highway safety; loss of trees; additional run off; drainage.

57 Grove Gardens - objects on the grounds of: overlooking; dwellings too large and high; out of keeping; drainage issues; potential impact on wildlife; highway safety issues due to increased traffic.

66 Grove Gardens - objects on the grounds of: loss of privacy; overlooking; out of character; impact on environment; loss of drainage from soft landscaping; inadequate access; highway safety; loss of light; noise; just about profit and does not contribute to housing crisis.

85 Grove Gardens - Raises concerns - I live at 85 Grove Gardens, HP23 5PY, very close to the above site, and have only just become aware of the above application this morning.

My first observation is that there are a large number of mature trees on this site. I presume these would need to be felled and given that this is an area of very few fully developed trees, felling would be totally against current environmental trends. Secondly, my family have lived at this address for 28 years and every Summer our garden is visited by Bats. They can be seen every evening feeding over our gardens and the rear of The Grove Road Scout Hut. I have no idea where these Bats hibernate or roost so feel very strongly that the above mentioned trees be checked thoroughly beforehand. Likewise any outbuildings in the gardens to the rear of Nos 27 to 33 Grove Rd.

25 Grove Road - would like an assessment to be done from their rear garden as part of the assessment process.

19 Grove Road - Mr Filby objects on the basis of visual impact of development and inappropriate development for area. Objection: Just wanted to send you a formal email after our conversation last week to make sure our concerns to the development of Grove Road are added to the file.

I was disappointed to see that all the comments opposed to the development are still not showing on the Dacorum website and the against figure still sits at a very low number of 4 and I know there has been more than this. Is there any reason why this is happening?

Have been doing a little reading online and was disappointed to see that the development on Station road by the cricket ground by Braybeech homes and the second development on Station road by Tring train station are both going ahead despite very strong local objection. Can I draw you attention to a comment written by Stephanie Hawkins in the appeal decision for Station road Braybeech development

I have considered a concern that the grant of planning permission would set a precedent for this part of Tring. Notwithstanding that each application and appeal must be treated on its individual merits and that my attention has not been drawn to any particular sites, I note that the proposed layout would allow for the future development of the rear garden of 17 Station Road, should this be made available, and I accept that the grant of planning permission may make it difficult to resist development in principle of this land, as, if implemented, it would be the only undeveloped land to the rear of dwellings on this part of Station Road between Hawkswell Drive and the footpath to the side of No 14. However, I do not consider this alone justifies permission being withheld.

I find it very difficult for you to argue that by passing these developments against strong local opposition a precedent has already been set. Also with the knowledge that I shared with you regarding the fact 25,23 & 21 Grove road are all owned by the same family that have already been approached by a developer regarding the purchase of their land I can't help but that feel if the above planning is granted for Grove Road it will only be the start.

Attached you will find a image from the current outlook of the second bedroom of our first floor now and possible outlook with the new houses in place. As you can clearly see with no masking, we feel from our elevated position and angle of our property we have been completely ignored in the planning of this development and would like the chance for you to come and see for yourself how imposing these properties could be.

35 Grove Road - object on the grounds of: loss of privacy; loss of view; additional traffic; impact on ecology; drainage; impact on character.

Considerations

Policy and Principle

Paragraph 14 of the NPPF introduced the presumption in favour of sustainable development, and confirms that this should be seen as the 'golden thread' running through the framework for both plan making and decision taking. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The site is located within the residential area of Tring where Core Strategy policies CS1 and CS4 are relevant to this site. Policy CS1 seeks to guide new development to the towns and large villages, in order to protect the more rural areas of the borough. Policy CS4 states that appropriate residential development is encouraged in residential areas.

Therefore the proposed development of a small number of new houses in a residential area of Tring is acceptable in principle providing it also meets the following criteria: avoids harm to neighbouring properties; respects the general character and appearance of the street scene; provides adequate parking and amenity space; provides suitable access arrangements; and that it provides a comprehensive and efficient utilisation of the land.

Saved Policy 10 of the DBLP encourages the optimisation of urban land, and therefore provides support to Policy CS4 in encouraging residential development in urban areas. However, the need to optimise urban land needs to be balanced against the need to respect the character of the area.

The Council's Supplementary Planning Guidance on Development in Residential Areas is therefore also relevant. The site is located in the Residential Character Area TCA 13: New Mill West for this part of Grove Road. The development principles for TCA13 therefore need to be taken into account in the assessment of this proposal. New Mill West is described as an area "*including later development from the 1960s onwards*", but has a varied character including Victorian terraces, 1960's cul-de-sacs and more modern cul-de-sac development in the Grove Gardens area. The development principles for the area identify New Mill West as an area of limited opportunity for residential development, although infilling may be acceptable subject to the development principles. In this area there is scope for variation and innovation in terms of the design of housing, though small to moderate sized terraced dwellings not exceeding two storeys are encouraged. Furthermore, the existing layout structure of the area should be maintained, the general building line should normally be followed, and spacing within the close range (2 m or less) will be acceptable. Densities in the medium range 30 - 35 dph are encouraged.

Impact on the Character of the Area/Street Scene

Street Scene

In a general sense the proposed development, being backland development, would have very little impact on the Grove Road street scene as the new houses would be

set well to the rear of the frontage houses, more than 40 metres set back from the road. It would be possible to view the development from Grove Road, however such views would be limited to a small stretch of road directly in line with the proposed access road. The limited views which would exist from directly in line with the proposed access, would be partial views of the front elevations of units 4 and 5, and these units are considered to be in keeping with the varied character of dwellings in this area. The proposed development and the associated access road will have no significant adverse effect on the character or appearance of the Grove Road street scene.

Comprehensive Development

This proposal optimises the amount of development behind Nos. 27 and 33 Grove Road whilst demonstrating how the site could be extended to develop to the rear of the adjoining properties, should these sites become available in the future. As a result this scheme allows for the optimisation of development in line with policy requirements. As such it is considered that this scheme represents an efficient use of this backland site. It comprises of backland development as opposed to tandem development, which is discouraged by local policy. Furthermore it is recognised that Grove Road and Station Road in this part of the town have been subject to similar forms of development in the recent past, and they now form part of the urban grain and the character of the area.

The application site falls within the character area of New Mill West (TCA13). It is considered that this proposal would broadly meet the development principles for this area in that the proposed dwellings are medium-sized two-storey dwellings. It is accepted that the proposed dwellings are detached and semi-detached, as opposed to the terraced dwellings which the development principles encourage. However, given the varied types and sizes of dwellings in the immediate vicinity of the site, including detached, semi-detached and terraced dwellings, it is not considered that the proposed dwellings would be out of character in this area.

It is appreciated that as backland development the proposed development would establish a new building line and would also introduce a new layout structure to the area. However, the surrounding area is characterised by a varied pattern of development. Grove Gardens to the south is a cul-de-sac development that runs perpendicular to Grove Road and returns round to form the rear boundary of the site. To the north No's.1-5 Sinfield Place have rear gardens that would be very similar in size to that proposed for the proposed dwellings, as do the majority of the houses within Grove Gardens. Furthermore, it is noted that this development would not see the introduction of an isolated random house. Rather it would form a comprehensive development of 6 houses with the potential to increase this to both the north-west and south-east.

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

The proposed scheme generates a density of 29.41 dph (including the existing frontage properties No's 27 and 29 Grove Road. This is inkeeping with the density of surrounding development and is in line with the medium density range set out within the development principles for TCA 13 (30-35 dph), albeit it is actually slightly below this figure.

It should also be noted that similar backland development schemes have been granted in recent years in this area of Tring, and are being delivered by the same applicant. Three backland schemes of 2 dwellings each were granted under Applications Ref's 4/00242/09/FUL, 4/00643/11/FUL and 4/00542/13/FUL, relating to land to the rear of No's 100, 102 & 104, and 96 & 98 Grove Road respectively. These permissions now comprise of a comprehensive development of 6 houses with a T shaped access, similar to the proposed scheme. The 2013 application was granted at DCC.

More recently planning permission was granted at appeal on 19/09/2014 for the construction of 4 semi-detached houses on land to the rear of No's 14 & 15 Station Road, following refusal of Application Ref: 4/00024/14/FUL.

It is therefore considered that the proposed backland residential development to the rear of No's 27 - 33 Grove Road is acceptable in principle, and would also be in keeping with the character and appearance of the area. The proposals would have no significant impact on the character and appearance of the Grove Road street scene, and it is considered that the proposals would comply with Policies CS11 and CS12 of the Core Strategy.

Quantum/Density

The proposed quantum of 6 houses is considered acceptable for the application site. The scheme has been designed to provide a high quality residential development which meets the development principles for TCA13, as set out above. It has also been designed to meet the required spacing and separation distances required to ensure that the impact of the development on the amenity of neighbouring properties is minimised as far as possible (this will be explored in more detail later in the report). The density of 29.41 dph is in keeping with the density of surrounding development and is in line with the medium density range set out within the development principles for TCA 13 (30-35 dph), albeit it is actually slightly below this figure.

Both the quantum of development (6 houses) and the density of the scheme (29.41dph) are considered to be acceptable and in keeping with policy. The scheme would not represent an overdevelopment of the site.

Scale/Design

As stated above, It is considered that this proposal would broadly meet the development principles for this area in that the proposed dwellings are medium-sized two-storey dwellings. It is accepted that the proposed dwellings are detached and semi-detached, as opposed to the terraced dwellings which the development principles encourage. However, given the varied types and sizes of dwellings in the immediate vicinity of the site, including detached, semi-detached and terraced dwellings, it is not considered that the proposed dwellings would be out of character in this area. In this area there is scope for variation and innovation in terms of the design

of housing. The proposed dwellings are of a traditional design, with traditional proportions, materials, features and detailing.

Following pre-application advice, the applicants amended the scheme to reduce the bulk and massing of the proposed dwellings, as officers raised concerns in this area. Consequently the dwellings were reduced in height by 400mm. Further articulation and variation was also introduced in order to break up the bulk and massing of the dwellings and add visual interest, with front and rear projections, mono-pitch projections and bay windows being added, along with a variation in building lines, heights and a variety of materials. The dwellings would include bedrooms within the roof space. The modest dormers and rooflights proposed would be sympathetically sited and would serve to break up the bulk of the roofs of the dwellings. Utilising the roof space to provide the 4th bedroom has allowed the scale of the dwellings to be minimised, and is considered to represent an efficient use of space.

Brick lintel course, stone cills and traditional brick chimneys are proposed as part of the high quality traditional design approach adopted. In addition to these measures, the properties also have half-hipped roofs, which also reduce the bulk and massing. It is considered that these measures have significantly improved the scheme, with the bulk and massing of the dwellings now being more successfully broken up.

The site topography serves to provide a cascading street scene, with the eaves and ridge lines of the dwellings staggering across the site. This also helps to break up the bulk and massing the houses. This would reduce the impact of the proposed properties on the surrounding properties.

It is considered that the scale and design of the proposed dwellings is inkeeping with that of surrounding dwellings, with a variety of dwelling sizes and types in evidence in the surrounding roads and local area, as discussed previously. The proposed dwellings and the wider development are considered to represent a high quality, traditional development which would be inkeeping with the character and appearance of the surrounding area, in compliance with Core Strategy Policy CS12.

Impact on Neighbours

Careful consideration has been given to the impact that the proposed development would have on the adjoining neighbours, given the number of objections that have been received from local residents. Policy CS12 states that, with regards to the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy.

The proposed development has been carefully designed to avoid any significant impact on the neighbouring properties when considering potential loss of daylight, sunlight or privacy, or through visual intrusion. Given the fact that the proposals comprise of the redevelopment of a backland site, the need to pay careful attention to the layout and design of the scheme so as to avoid any significant impact on the surrounding properties has been particularly important in this application. This was stressed at pre-application stage, and has been taken on board by the applicants throughout the pre-app and application process.

The proposed site layout, along with the layout of the proposed dwellings themselves, have been designed to ensure that they can sit comfortably on the site, whilst

maintaining adequate spacing and separation distances to the surrounding properties. The layout of the scheme and the dwellings has been designed to minimise overlooking. Appendix 3 of the saved Dacorum Borough Local Plan contains guidance on layout and design for new developments. It requires a minimum distance of 23m be maintained between the main rear wall of the dwelling and the main wall of another. It also requires minimum garden depths of 11.5m to be achieved.

The proposed scheme has been designed with this guidance in mind, and the separation distances are shown on the Proposed Site Plan Drawing No. BBH/005/PL/01. The layout of the proposed dwellings is shown on the proposed Plans and Elevations Plans for the respective plots, Drawing No's BBH/005/PL/02, 03 and 04.

The front elevation to the proposed dwellings on plots 1 and 2 include windows to a bedroom and a bathroom at first floor level and roof lights to the bedroom within the roof space. When considering Plots 3 and 4 there are windows to two bedrooms at first floor level in the front elevation, along with a dormer window to the bedroom within the roof space. The front elevations to plots 5 and 6 include windows to two bedrooms at first floor level, together with roof lights to the bedroom within the roof space.

The layout to plots 1 and 2 in particular, differs to that of the other plots, in that a bathroom is located within the front gable projection. This allows for the insertion of an obscure glazed bathroom window to the front elevation of these units, where the separation distances to the rear elevation projection of No. 33 Grove Road are slightly below the required 23m guideline. This will help to protect the privacy of the residents of No. 33 accordingly.

The distances between the front elevations of the proposed dwellings and the rear elevations of the existing dwellings on Grove Road varies between 19.6m when considering the bathroom window in Plot 1 and the rear elevation of No. 33 Grove Road, to in excess of 26m between Plot 6 and No. 27 Grove Road. These separation distances are considered to be acceptable and would maintain an acceptable level of amenity for the existing and proposed dwellings.

This is also considered to be the case when considering the relationship between the rear elevations of the proposed dwellings and the existing properties within Grove Gardens and New Mill Terrace to the rear. Overall it is considered that adequate separation distances have been achieved from habitable room windows on the rear elevations of the proposed dwellings to windows in the Grove Gardens properties to the rear. As can be seen from the Site Layout Plan, there are only a few separation distances that are marginally below the guideline 23m figure. It should be noted, however, that these viewing angles are oblique, due to the orientation of the Grove Gardens properties, meaning that direct overlooking will not be possible. In circumstances such as these, it is usually acceptable to allow a slight reduction in the guideline separation figure, due to the lack of direct overlooking. It should also be noted that the separation distances set out on the Site Layout Plan refer to distances to non-habitable room windows at first floor level within Grove Gardens, serving either bathrooms (fitted with obscure glazing) or landings.

When considering the separation distances to the New Mill Terrace Properties to the rear of the site, it should be noted that these properties are located a significant distance to the rear of the site and, as such, the separation distances achieved would

be well in excess of the guideline 23m figure (over 40m away from the rear elevations of the proposed dwellings).

In addition to the separation distances assessed above, the existing and proposed screening and planting between the properties also needs to form part of the assessment when considering the impact of the proposed development on the amenity of the neighbouring properties. The proposed scheme seeks to retain the vast majority of the existing trees around the edge of the site, as well as a number of trees within the rear gardens of the Grove Road properties. Supplementary tree planting is also proposed as part of the scheme, to help mitigate against the loss of some trees, whilst simultaneously supplementing the retained tree screen to help provide effective screening of the proposed for the surrounding properties.

The Council's trees and woodlands officer has been consulted on the proposals and has assessed them on site with the applicants. After liaising with the trees and woodlands officer, the case officer asked the applicants to submit an amended landscaping/planting plan, which showed additional native planting around the boundaries of the site, to supplement the existing tree/hedge screen so as to provide more effective natural screening of the proposed development. It was felt that certain gaps existing in the original tree retention/planting plan, which additional native tree planting would help to fill in, increasing the effectiveness of the tree screen around the boundary of the site.

An amended plan was submitted following this advice, which shows the supplementary native tree planting required. A mixture of native and evergreen specimens will be planted along the south-western boundary of the site, on the boundary with the properties in Grove Gardens and New Mill Terrace, which will ensure year round screening. Evergreen planting will occur along the boundary with the Grove Road properties to ensure year round screening also. Whilst full details of will be requested by condition, officers are now broadly satisfied with the details provided.

The applicants have produced street scene drawings which include the existing and proposed landscaping (Drawing No. BBH/005/PL/07). These are drawn from the topographical survey. The rear elevation street scene provides a good indication of how effectively the boundary landscaping would screen the proposed dwellings from the Grove Gardens and New Mill Terrace properties. Which the upper parts of the proposed dwellings would be visible, the bulk of the dwellings would be effectively screened. The parts which would remain visible comprise primarily of the roof slopes which slope away from the neighbouring dwellings, and are sympathetically designed. Given this context, and the separation distances which would be achieved, it is considered that there would be no significant visual intrusion as a result of the proposed development.

Out of the six dwellings proposed, only Plots 5 and 6 contain any flank windows. Those at ground floor level would not result in any overlooking as views to the flank would be obscured by the proposed boundary treatment around the boundary of the site. Those at first floor would serve en-suite bathrooms and landings respectively, and so would not serve habitable rooms. There would therefore be no overlooking at a result of these flank windows. Obscured glazing for the bathroom windows will be conditioned.

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

Impact on Highway Safety

The Highway Authority initially raised objections to the proposals on the basis that there was insufficient information to adequately assess the scheme. Further information was requested and clarification sought. This resulted in additional information being submitted, which provided supplementary clarification and justification for the proposals when considering the proposed access arrangements. This included: clarification on the width of the access; clarification on the shared surface nature of the access road when considering pedestrian and cycle movements; clarification of achievable visibility splays; and swept path analysis to show that refuse vehicles will be able to turn on site and exit in forward gear. Furthermore, the applicants have agreed to carry out a Stage 1 Safety Audit of the proposed access arrangements, as requested by the Highway Authority. This will be conditioned, as agreed with the Highway Authority and the applicant.

Following the additional information submitted, as summarised above, the Highway Authority has provided further highways comments, withdrawing their initial objection. They now consider the access arrangements to be acceptable, but have requested that conditions be placed on any permission given in relation to: visibility splays; a further swept path analysis of the access as a supplement to that provided for the turning head; and the aforementioned Stage 1 Safety Audit. These conditions have been included in the recommendation accordingly.

Full follow-up comments from the Highway Authority are due to follow their initial response and these will be reported to Members as part of the Addendum for this item.

However, given the withdrawal of the Highways Authorities initial objection, and their acceptance of the proposals in their latest response, officers are satisfied that the proposals would provide a safe and efficient access to the proposed development which would result in no significant adverse impacts on highway safety or the free flow of traffic on the local highway network. The proposed access arrangements are considered to comply with Core Strategy Policy CS12.

Parking

Each of the proposed 4-bed houses would be provided with 3 off-street parking spaces. Each of the proposed dwellings would have an integral garage and 2 additional off-street spaces at the front.

The site is located within Accessibility Zone 4, where 75 - 100 % of the maximum parking standards will be expected. The Council's parking standards are set out in Appendix 5 of the saved Local Plan. These state that for 4-bed dwellings in zone 4, 3 off-street spaces will be required. The proposed parking provision therefore complies with the Council's parking standards.

It should also be noted that the site is situated in a sustainable, urban location within a residential area of Tring, with good access to public transport and within easy walking and cycling distance of the Town Centre and other local amenities.

Each property would have an internal garage which could provide cycle storage, in line with the parking standards for cycle parking.

The proposed parking arrangements are considered to be acceptable and would not lead to additional parking demand being displaced onto the local highway network.

Impact on Trees and Landscaping

The proposed scheme seeks to remove a number of trees from the central part of the site to facilitate the development, but seeks to retain the vast majority of the existing trees around the edge of the site. Supplementary tree planting is also proposed as part of the scheme, to help mitigate against the loss of some trees, whilst simultaneously supplementing the retained tree screen to help provide effective screening of the proposed for the surrounding properties.

The Council's trees and woodlands officer has been consulted on the proposals and has assessed them on site with the applicants. After liaising with the trees and woodlands officer, the case officer asked the applicants to submit an amended landscaping/planting plan, which showed additional native planting around the boundaries of the site, to supplement the existing tree/hedge screen so as to provide more effective natural screening of the proposed development. It was felt that certain gaps existing in the original tree retention/planting plan, which additional native tree planting would help to fill in, increasing the effectiveness of the tree screen around the boundary of the site.

An amended plan was submitted following this advice, which shows the supplementary native tree planting required. A mixture of native and evergreen specimens will be planted along the south-western boundary of the site, on the boundary with the properties in Grove Gardens and New Mill Terrace, which will ensure year round screening. Evergreen planting will occur along the boundary with the Grove Road properties to ensure year round screening also. Whilst full details of will be requested by condition, officers are now broadly satisfied with the details provided. None of the trees on site are protected or worthy of protection. The trees and woodlands officer has confirmed that he is satisfied with the tree removal, retention and amended planting plans. Full details to be agreed by condition.

Ecology

An Ecological Survey has been undertaken at the site and submitted in support of the application. Following the submission of further bat mitigation information which confirms a 'worse case scenario' bat mitigation strategy, Hertfordshire Ecology have confirmed that they are satisfied that the proposed development will not have an adverse impact on protected species, subject to conditions relating to further bat survey work taking place, along with standard informatives for nesting birds and reptiles. Nesting boxes will be installed at the site to provide compensation for the loss of some existing trees.

Sustainability

The applicants have recently submitted a CPLAN Sustainability Statement to support the application, which at the time of writing the report is currently being booked in for review. Having initially reviewed the statement, it appears to demonstrate that the proposed development will be a high quality sustainable development, with good levels of energy efficiency. Further details will be provided as part of the addendum. The proposals look to be in compliance with the criteria set out within Core Strategy Policy CS29.

Other Material Planning Considerations

Affordable Housing/Viability

Paragraph 173 of the NPPF confirms that:

'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'

Ensuring that development proposals are viable and deliverable is a key consideration in the assessment of planning applications.

No affordable housing is proposed as part of the scheme as the applicant's state this it would be unviable to do so. The applicants have provided a viability assessment to support the application. This provides robust evidence to show that the scheme would not support the provision of affordable housing on site, or indeed the provision of a commuted sum for on site affordable housing, as this would render the development financially unviable.

The Council's Strategic Housing Team has reviewed the viability assessment and has provided the following comments, following additional clarification being provided by the viability consultant:

'I am happy to accept that this scheme is unable to provide an affordable housing contribution.

I have fully considered the RICS build cost, sales values and land value with the additional detail below. I therefore recommend that the scheme is financially unviable to provide an affordable housing commuted sum. I note CIL has been included in their appraisal.'

The Group Manager Strategic Housing is satisfied with the viability assessment and supporting information provided, and accepts that the proposed scheme is unable to support an affordable housing contribution in this instance.

Contaminated Land

The Council's contaminated land officer has advised that the site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. She has therefore recommended that the standard contamination condition be applied to this development should permission be granted. The standard conditions have been added to this recommendation accordingly which will ensure that there are no associated risks due to contamination.

Drainage

The proposed development would utilise SUDS drainage techniques and full details will be required by condition. The SUDS drainage, which will be an integral part of the scheme, will help to ensure that the scheme incorporates sustainable drainage solutions, which will help to alleviate any risk off surface water discharge from the development to the New Mill Terrace Properties to the rear; an issue which has been raised by local residents. Of course, the scheme will also have to comply with the Building Regulations.

Conclusions

The proposed scheme is acceptable for approval. This development allows for the comprehensive development of a backland site with satisfactory access onto the highway. The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy policy CS17. The proposed road layout within this development would not hinder a more comprehensive scheme to optimise the use of urban land. Despite local opposition to this scheme due to the distances between the proposed houses and existing houses the proposal would not result in significant harm to the residential amenities of neighbouring properties or be detrimental to matters of highways safety. The scheme is therefore in accordance with Core Strategy policies CS8, CS12 and CS13, and Appendices 3 and 5 of the DBLP.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

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

- 2 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development.

3 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

All hard and soft landscape works shall be carried out in accordance with the approved details. The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

4 The plans and particulars submitted in accordance with condition 3 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

5 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place in the next planting season.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

6 Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 7 All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

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

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 8 The development hereby permitted shall be carried out in accordance**

with the following approved plans/documents:

SITE LOCATION PLAN
K1315-T SITE SURVEY
BBH/005/PL/01
BBH/005/PL/02
BBH/005/PL/03
BBH/005/PL/04
BBH/005/PL/05
BBH/005/PL/06
BBH/005/PL/07
DESIGN AND ACCESS STATEMENT
ECOLOGICAL ASSESSMENT
MITIGATION AND ENHANCEMENT PLAN

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

Article 35 Statement

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.