

**4/01801/16/FUL - CONSTRUCTION OF FIVE DETACHED DWELLINGS (AMENDED SCHEME).**

**LAND REAR OF 27-33, GROVE ROAD, TRING.**

**APPLICANT: BRAYBEECH HOMES LTD.**

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[Case Officer - Ross Herbert]

## **Summary**

The application is recommended for approval.

The amended proposal of 5 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 has been amended following the previous refusal at DCC to reflect comments of the members, the Town Council and local residents, and the amendments made have resulted in an improved development which would have less of an impact on the character of the areas and the amenity of neighbouring properties. 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 Road.

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 proposals have been amended since the refusal of the previous application 4/00069/16/FUL at DCC, with the amended scheme taking into account the concerns raised by the members of the committee, along with those expressed by local residents and the Town Council. A summary of the amendments to the scheme is set out below:

- a reduction of the number of dwellings proposed from 6 to 5, with an associated reduction in the density, as well as the overall scale and massing of the development;
- increased spacing between the proposed dwellings and the site boundaries in order to improve spaciousness and address member's concerns in relation to a cramped appearance;
- reduced depth of the dwellings;
- larger gardens;
- improved separation distances to surrounding neighbouring properties;
- improved spacing to the side boundaries of the site, allowing for screening planting to take place, improving privacy for neighbouring properties;
- resiting of the utility rooms within the proposed dwellings in order to reduce the depth of the houses;
- the reduction in depth has enabled a lowering of the ridge height by 200mm, reducing bulk and massing;
- the dwellings have been lowered into the site to make more efficient use of the site's topography and to enable a further reduction in the impact of the proposed built form on the neighbouring properties. As a result ridge levels are between 170mm and 770mm lower than in the previously refused scheme;
- increased spacing to the front of the properties and their parking areas, allowing more space for additional landscaping and improved vehicle manoeuvrability
- internal garages have been increased in size to make them more accessible and practical for parking of cars;
- all dormer windows and rooflights have been removed from the rear of the proposed dwellings, to provide additional protection to the privacy of the neighbouring properties to the rear of the site.

The amended scheme proposes the construction of 5 x detached 4-bed dwellings on land to the rear of No's 27 - 33 Grove Road, within the rear gardens areas of these properties. This sees a reduction of 1 dwelling when compared to the previous scheme 4/00069/16/FUL which was refused at DCC. 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 storey, 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)

4/00069/16/FUL CONSTRUCTION OF SIX FOUR BED DWELLINGS  
Refused  
03/06/2016

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 NPPG

### 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 considered that the amendments failed to address the issues raised in the prior application and **recommends refusal of the application** [The points raised in objection to application 4/00069/16/FUL still apply].

Whilst the number of houses has been reduced by one, the replacement houses are bigger and the 'envelope' of the new dwellings has not been reduced. The sense of overdevelopment remains.

The rear of the dwellings remain just as close to the properties behind. The proposed dwellings may be in excess of 23m away (window to window) from those behind but the relative heights mean that the proposed dwellings will dominate those below despite the modest reduction in the ridge height (which appears to have been achieved by a reduction in the ground level rather than the bulk of the house).

The concern with regard to the ecology of the site remains and the Town Council would look for independent impact assessments. The bat study included is compromised by the timing of the study (March) when bats are relatively inactive.

The development of the site will affect, with the building and parking, the water run-off and increase 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.

Whilst current parking standards may be met, it is widely recognised that they are inadequate in modern circumstances. The net effect of the change from 6 x three bedroom houses to 5 x four bedroom houses will make the actual parking situation worse.

#### Contaminated land officer

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](http://www.dacorum.gov.uk/default.aspx?page=2247)).

#### Strategic Housing

Strategic Housing comments are as follows in response to the proposal below:

The proposal will be exempt from any affordable housing contribution as less than 10 units are to be developed.

#### Highway Authority

#### Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the

following conditions:

Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

## CONDITIONS

1. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.

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

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

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

3. Prior to first occupation a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

4. No part of the development shall begin until the means of access has been constructed in accordance with the approved drawing and constructed in accordance with " Roads in Hertfordshire A Guide for New developments".

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

5. Before first occupation or use of the development the access roads and parking areas as shown on the approved plan(s) shall be provided and maintained thereafter.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

6. Contractors parking. On site parking shall be provided for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site in accordance with details to be agreed in writing with the Local Planning Authority before the commencement of site works. The parking area shall remain until building and clearance work have been completed.

Reason: To ensure that no obstruction to the public highway occurs during the

construction period.

7. Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of:

- Phasing for the development of the site, including all highway works; o Methods for accessing the site, including construction vehicle numbers and routing;
- Location and details of wheel washing facilities; and
- Associated parking areas and storage of materials clear of the public highway.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

8. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

Reason: In the interest of highway safety and free and safe flow of traffic.

9. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

## INFORMATIVES

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway

Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

#### COMMENTS

The above application is for the construction of 5 new dwellings with new access road. This estate comprises 5 x 4-bed detached houses with a new shared drive between 27 and 29 Grove Road to provide access to the site.

#### PARKING

The proposal is that each new property will have one integral garage and one off-street parking space hard standings in front of the property, with one visitor space, giving a total of 11 spaces. The existing garage for no 27 will be demolished, reducing parking by one space, however, the front drive is to be extended for both existing properties.

#### ACCESS

A new shared surface driveway is to be constructed, between numbers 27 and 29 Grove Road, requiring the demolition of the side extension to number 27, to create a 4.1m wide access to the site. Drawing BBH 005 PL08 indicates that visibility splays of 2.4m x 43m would be achievable for the development.

The Swept Path analysis in Drawing BBH 005 PL08 indicates that vehicles will be able to turn on site so as to leave and enter in forward gear.

Grove Road is an unclassified local access road, subject to a 30mph speed limit.

#### EMERGENCY FIRE ACCESS AND REFUSE COLLECTION

The swept path analysis diagrams in the Design and Access Statement does not include large vehicles such as refuse lorries or fire engines. The fire services department would need to be consulted for their comments regarding the accessibility of the proposed dwellings by fire service vehicles.

#### TRIP GENERATION

No significant number of additional trips will be result from this proposal being implemented. Therefore, the capacity of the road network in the vicinity of the site is not a major issue.

#### CONCLUSION

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the conditions and informative notes above.

## Thames Water

### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

### Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

## Herts and Middlesex Wildlife Trust

The submitted preliminary bat roost assessment clearly states that another bat survey (emergence survey) is required to determine if bats are present. This must be conducted before a decision can be reached - in accordance with the submitted report. ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision. Therefore this application should not be determined until the stated survey has been completed and approved.

## 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 does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

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

### Conservation and Design

No comments.

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

#### 22 New Mill Terrace

Yet again we have not received any notification of the above planning application revision from dwellings to five. As stated in my previous email we object to any further development to the rear of 27-33 Grove Road, Tring.

- 1) Parking is an enormous problem in the area. Residents from Grove Road are already parking in Wingrave Road where the residents have no off road parking and no choice but to park on the road.
- 2) With the additional developments in the surrounding villages traffic congestion is still an issue. The local council have introduced speed monitors in all but the worst roads, Wingrave Road, New Mill Terrace and Brook Street. Many complaints have been made by local residents. This development will cause roadway safety issues as their point of access to Grove Road will be a) near an infant/junior school b) near the scout hut and c) near a blind bend in Grove Road.
- 3) The area supports a wide range of wildlife consisting of badgers, birds and bats. The bats are present in the area. We can confirm this by photo since we had one fly in through a back window last year.
- 4) New Mill Terrace which the proposed dwellings will overlook are as Dacorum should be well aware are on the flood plain. The development under construction further along Brook Street is already having flooding issues with the waste water being discharged into the road. Every time we experience heavy rain we are particularly concerned since our property has a well in the cellar which has on previous occasions flooded ruining our belongings. With increased land coverage by buildings, parking and road areas 'run off water' will increase adding to the already existing drainage problems. I notice that a vehicle is deployed after heavy rainfall to remove the surface water on the road at present so this situation will only worsen.

- 5) I consider any development infilling this area to be over development. It is not in keeping with the existing properties. Dacorum probably has no issue with this when you look at such eye sores as the 'Benidorm' developments in Brook Street and the overbearing nature of the new properties built on the old garage site on Grove Road. These properties tower over existing properties.
- 6) The impact these dwellings will have being effectively three storeys high will be extremely overbearing upon New Mill Terrace below. It will be like having a block of flats in your garden overlooking the house. There will be a reduction of sunlight and an increase in noise from the vehicles from these properties. Generally these days most residents have at least two vehicles for each dwelling.

Our neighbour at No 23 New Mill Terrace is currently trying to sell her property and a prospective purchaser is proposing to build a 'granny annex' within the garden area there. Can anyone just build anywhere these days? Or maybe it also has something to do with this development. Who knows! There were rumours that a councillor was involved in this particular development surely that would be a conflict of interests! I do hope you will accept this email as another objection to the above planning application even though it is out of time. I do think Dacorum should contact all residents who had previously lodged a complaint whether they feel it would in their opinion have any impact on them or not!

#### 24 New Mill Terrace

Following on from the revised plans of the 5 detached dwellings to the Land rear of 27-33, Grove Road our concerns remain the same and we have the below objections:

- 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 3 story house is there (plot 5 particularly), 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

I refer to the above amended application, to which I strongly object to. This is the 4th time that a proposal has been made to develop the land between New Mill Terrace & Grove Road. It has been refused 3 times.

It is still an over development of the site, and would cause significant harm to the character of the area, being a cramped & contrived form of development, which makes the Proposal contrary to Core Strategy policies CS11 and CS12, Tring Character Area

(TCA) of the Saved Local Plan and the NPPF.

The development will be visual from our house, the Proposed Houses are 3 storeys high with rooms in the top floor they are above the tree line. Although one property has been removed from the original Plan, the height of the houses have only been reduced by a minimal amount, they are over 17 metres higher than us which make them more imposing than on the level.

Footprint of each house has increased, despite the removal of one house, the footprint remains similar to the Refused Application.

The proposal exits across a pavement onto Grove Road, meaning a minimum of 10 cars, multiple times daily, makes it extremely dangerous for pedestrians, with many School children attending both Grove Road & Tring School using Grove Road on their journey to and from school.

Four bedroom houses are not providing affordable housing for the residents of Tring, which is so badly needed in the area.

For the residents of No 35 Grove Road, the proposal is even worse than the last one as they now have 2 windows to the side of the Proposed House overlooking their garden & rear of the house.

The developer, in the new Plans, Plot 5, has conveniently used the furthest away point from the rear of the house to the rear boundary, looking at the drawings the house is still the same distance from the rear boundary as in the previous proposal.

There have been numerous sightings of bats within the proposed development - an up to date report should be provided as March is not a particularly active month for them.

I would ask the Council to continue to support the residents and refuse this application

#### 27 New Mill Terrace

Object to the development on grove road for all the same reasons as before, privacy, drainage and they will look down on us at new mill terrace- being extremely overbearing.

#### 28 New Mill Terrace

The revised plans do not address previous concerns that have been submitted namely: Privacy, water run off, affect on property value, not in keeping with area.

#### 29 New Mill Terrace

This is the third time of having to submit our objections to development at the above site as it has been refused twice previously. The revised plans do not in our opinion satisfy the reasons for previous refusals of this development. They are still contrary to the core strategy policies CS11 and CS12, Tring Character Area (TCA) 13 of the Saved Local Plan, and the NPPF.

The following is a summary of our objections

- Loss of privacy to New Mill Terrace properties at rear of site due to the elevated position.

- Development will set precedent for further development of the gardens in Grove Road. The gardens next to the site have already been surveyed for future development.
- It has been reported that there are trees outside the boundary of the site that will create screening to our properties. This is incorrect as there are no trees at the end of our garden, they are on the land of the proposed site. There are no protection orders on any of the trees currently acting as a screen so they could be cut down at any time exposing the development. It is not clear which trees will remain and which will be removed.
- Not in keeping with our properties. New Mill Terrace are period properties the development is not in keeping with these.
- The properties will still create an overbearing impact as they are still three story buildings.
- Provision has only been made for 10 vehicles. The property owners will have 3 or 4 cars per household ie 15 20 vehicles. Also if one is parked in the garage, the one on the driveway will have to be moved to allow the one in the garage to get out. Where are the other vehicles going to park?
- There is no proposal for social housing. This is a profit only motivated project.
- There will be an adverse effect on the wildlife. The reports submitted have been obtained by the builder and the points contained within have not been fully addressed. Ross Herbert assured me at a site visit that Dacorum would initiate their own reports. That has not happened.
- Arbtech Report Appendix 4 Legislation and Planning Policy related to bats states the laws relevant and this development will contravene the laws. The report recommends an emergence survey between may and September. This has not been done. I have a video evidence showing the Bat activity on the site that proves the laws will be broken.
- Drainage, both natural and waste issues have not been resolved.

### 30 New Mill Terrace

Objects.

### 1 Sinfield Place

I see we are back to this again..... and again it looks like not much has changed!! I have added my comments to the Dacorum borough website but the fact that today is the last day for submitting and there is only 1 objection to this devoplment I thought it would be best to send it direct to you as well.

Why is it showing a single objection?? Pretty sure you have had more than that.....

I would like to object to the planning and my main points are

The privacy, switched the issue slightly from the rear of the house and moved them to affect us more. Just because 21, 23, 25 Grove Road don't object because they stand to gain financially does not make it okay. The top Windows on plot 5 will now over look, 21,23,25 Grove Road, 1 & 2 Sinfield place with zero shielding from any trees!

The size of the development still looks the same foot print so all the drainage issues and over bearing properties still apply.

And for me the strongest reason and one of the reasons that the council members at Dacorum rejected on is that this will be phase one of a two or three phase development with the owners of 21,23 & 25 Grove Road already confirming that they are looking to develop on their land if planning is granted.

### 3 Sinfield Place

I am writing to you with regards to the above referenced planning application for 5 detached houses to the rear of 27-33 Grove Road.

As the owner of a house less than 100 yards down the road from this development (3 Sinfield Place, Grove Road) I wanted to register my objections to this development based on the following points;

- Loss of a value adding view from my master bedroom; our houses enjoy a fortunate vantage point due to the local geography which gives us a view and an aspect which is largely green and filled with some impressive trees (see attached photo). This will be lost and replaced with a view largely compromising of what must be some quite tall houses.
- Creation of a precedent for 'in-filling' of garden space for development purposes. If approved this scheme could impact other homes in the area in the years to come, for instance the houses directly to the rear of my property on Sinfield Place all enjoy long garden space which could become a future development opportunity if all of those home owners can be persuaded to sell chunks of their gardens.
- A large part of moving to Tring, and this house in particular, is to live in an environment which is not over-developed and crowded. Schemes such as this threaten the ambience and character of the town and make it less attractive overall to people looking for a pleasant commuter town, damaging more property value in the long term than these houses create.
- Linked to the above I expect that there will also be an impact to the privacy of my garden: it appears from the plans that there are some velux windows on number 5's roof will look out over our garden.
- Disruption caused during development: an extensive clearing operation will be required before the building even work begins, the project in total will probably take at least 18-24mths to complete causing considerable noise and works traffic disruption for the duration.

Many thanks in advance for ensuring that these points are taken into consideration when reviewing this planning application.

### 35 Grove Road

I would like to confirm that I still objects with the above plans on all of the points previously raised.

I live at 35 Grove Road right next door to the proposed development.

Although the new plans are showing one less house and previously proposed the impact of the plot one house closest to me has actually worsened !

I am suffering greater overlooking and loss of privacy as the visual intrusion into the rear of my property is now even greater due to a new revised window in the roof of the second floor on the front elevation and an additional first floor window to the side elevation, further overlooking my two rear bedrooms my living room and dining room and garden.

I still have the impact of overshadowing causing loss of light to the rear of my house and garden from the proposed plot one house.

There still appears to be no extra screening showing between my property and the new development.

I still have concerns about the amount of extra traffic crossing the pavement of Grove Road I feel the impact would now be even greater as the proposed houses have been amended to 4 bedrooms rather than 3 bedrooms bringing more vehicles making it more dangerous for the large amount of school children that walk to and from school everyday along this stretch of Grove Road.

Overall the development will still cover the same area which it covered before and although there is one less house the fact that they have now changed from 3 bedrooms to 4 bedrooms will surely increase traffic generation causing further highway issues and noise and disturbance. In my opinion the detrimental impact on the houses surrounding this development have worsened.

I still feel there would be an adverse impact on the nature of the area especially where Bats are concerned. I strongly feel that further bat surveys are needed as they were previously carried out in March when activity in bats is very low, from early June we have bats fly around my garden and number 33 back garden every evening at dusk.

I feel the size of this development and the new plots now proposed are still on over development of the site.

There is still no affordable housing being proposed.

## **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 inkeeping 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 25.73 dph (including the existing frontage properties No's 27 and 29 Grove Road). This is down from 29.41 dph in the previous scheme. This density 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 5 houses is considered acceptable for the application site. The number of houses has been reduced from 6 to 5 when compared to the previously refused scheme. 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 25.73 dph 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.

Both the quantum of development (5 houses) and the density of the scheme (25.73 dph) are considered to be acceptable and inkeeping 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 in this amended scheme are 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. 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.

When compared to the previous scheme, this latest scheme has been further amended to reflect the concerns expressed by members, the Town Council and local residents. These amendments include:

- a reduction of the number of dwellings proposed from 6 to 5, with an associated reduction in the density, as well as the overall scale and massing of the development;
- increased spacing between the proposed dwellings and the site boundaries in order to improve spaciousness and address member's concerns in relation to a cramped appearance;
- reduced depth of the dwellings;
- improved separation distances to surrounding neighbouring properties;
- improved spacing to the side boundaries of the site, allowing for screening planting to take place, improving privacy for neighbouring properties;
- resiting of the utility rooms within the proposed dwellings in order to reduce the depth of the houses;
- the reduction in depth has enabled a lowering of the ridge height by 200mm, reducing bulk and massing;
- the dwellings have been lowered into the site to make more efficient use of the site's topography and to enable a further reduction in the impact of the proposed built form on the neighbouring properties. As a result ridge levels are between 170mm and 770mm lower than in the previously refused scheme;
- all dormer windows and rooflights have been removed from the rear of the proposed dwellings, to provide additional protection to the privacy of the neighbouring properties to the rear of the site.

The reduction in the bulk, scale and height of the proposed dwellings, along with the reduction in numbers and the removal of the rear dormer windows, all serve to reduce the scale of the proposed dwellings and their associated impact on the character of the area and the amenity of the neighbouring properties. These amendments, when taken together with the amendments made to the previous scheme, are considered to represent an improvement to the overall development, which is considered to be acceptable in policy terms.

It is considered that the scale and design of the proposed dwellings in this amended scheme 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 have 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. This latest scheme has also been further amended to reflect the concerns expressed by members, the Town Council and local residents as part of the previous planning application. The applicants have given serious consideration to the concerns raised and have sought to address these concerns through a raft of additional amendments to the overall scheme. These amendments include:

- a reduction of the number of dwellings proposed from 6 to 5, with an associated reduction in the density, as well as the overall scale and massing of the development;
- increased spacing between the proposed dwellings and the site boundaries in order to improve spaciousness and address member's concerns in relation to a cramped appearance;
- reduced depth of the dwellings;
- improved separation distances to surrounding neighbouring properties;
- improved spacing to the side boundaries of the site, allowing for screening planting to take place, improving privacy for neighbouring properties;
- resiting of the utility rooms within the proposed dwellings in order to reduce the depth of the houses;
- the reduction in depth has enabled a lowering of the ridge height by 200mm, reducing bulk and massing;
- the dwellings have been lowered into the site to make more efficient use of the site's topography and to enable a further reduction in the impact of the proposed built form on the neighbouring properties. As a result ridge levels are between 170mm and 770mm lower than in the previously refused scheme;
- all dormer windows and rooflights have been removed from the rear of the proposed dwellings, to provide additional protection to the privacy of the neighbouring properties to the rear of the site.

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 (although distances less than this can be considered to be acceptable where the viewing angles are oblique). 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/08. 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/09, 10 and 11.

The layout of the dwellings has been amended when compared to the previous scheme to reflect concerns raised by members, the Town Council and local residents in relation to privacy. As a result, whilst the front elevations still contain dormers and rooflights, the dormers and rooflights on the rear elevations have been completely removed to further reduce the perception of loss of privacy. Given that adequate separation distances are still achieved in this amended scheme, this measure is considered to represent a significant concession by the applicants, and illustrates how they are seeking to address the concerns expressed under the previous scheme.

The amended scheme has improved separation distances between the proposed dwellings and neighbouring properties when compared to the previous scheme. This is despite the previous scheme already providing separation distances which complied with policy guidance. Separation distances from the front elevations of the proposed dwellings to the rear elevations of the dwellings fronting Grove Road are now between 23.2m and 25.3m. There is only one distance which is slightly below the 23m guideline, which is the plot 1 bedroom 3 window to the bedroom window at No. 33 Grove Road. This window will be permanently fitted with obscure glazing to prevent there being any overlooking or loss of privacy in this instance.

These improved separation distances will achieve adequate relationships between the proposed dwellings and the Grove Road dwellings when considering potential loss of privacy. 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.

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/12). 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.

When considering 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 bathrooms, and so would not serve habitable rooms. There would therefore be no overlooking at a result of the 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

Given the resolution of all outstanding highway issues as part of the previous application, and the highway authority's 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 scheme has been amended to improve parking arrangements in the following ways:

- increased spacing to the front of the properties and their parking areas, allowing more space for additional landscaping and improved vehicle manoeuvrability;
- internal garages have been increased in size to make them more accessible and practical for parking of cars;

These amendments have been made to reflect comments by members at the previous committee, and it is considered that they have improved the scheme when considering the proposed parking facilities.

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. All outstanding issues were resolved as part of the previous scheme. A mixture of evergreen and native planting will occur along the boundaries with the Grove Road, Grove Gardens and New Mill Terrace 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.

This amended scheme has also included additional planting along the flanks of the development, in order to address concerns raised by local residents as part of the previous application. The additional planting is considered to improve what was

already a satisfactory landscaping plan.

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.

Whilst an objection has been received this time around from Herts and Middlesex Wildlife Trust, who did not comment previously, the issue they have raised in relation to bats has already been satisfactorily resolved through previous negotiation with Herts Ecology. There is consequently no reason to object to the scheme on ecology grounds.

### 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.

On 11<sup>th</sup> May 2016 the Court of Appeal judgment relating to the appeal lodged by the Government to the West Berkshire decision was issued (*R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government* [2016] EWCA Civ 441.). This decision upheld all four appeal grounds brought by the Government, and reversed the earlier decision to quash the policy. The PPG has also been amended to reinstate the relevant paragraphs previously deleted.

In the light of the Court of Appeal decision, the Council has reinstated its Affordable Housing Clarification Note. The content of this note remains unchanged from the March 2015 version, with the exception of a few minor changes to update the background content. As such, small scale housing developments of less than 10 units will not have to provide any affordable housing.

No affordable housing is proposed as part of the scheme as the applicant's state this it would be unviable to do so. Notwithstanding the High Court decision summarised above, the applicants have provided a viability assessment to support the application. They have submitted the viability assessment, which was produced as part of the previous application, to further support their case. 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.

Given the High Court decision confirming that small scale housing schemes of less than 10 units will no longer need to provide affordable housing, and the robust evidence submitted showing that to do so would render the scheme unviable regardless, the lack of affordable housing as part of the latest proposals is considered acceptable when considering both national and local planning policy and guidance.

#### 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 of surface water discharge from the development to the New Mill Terrace Properties to the rear; an issue which has been raised by local residents. Of course, the scheme will also have to comply with the Building Regulations.

### **Conclusions**

The proposed amended scheme is acceptable for approval. This development allows for the comprehensive development of a backland site with satisfactory access onto the highway. The scheme has been amended following the previous refusal at DCC to reflect comments of the members, the Town Council and local residents, and the amendments made have resulted in an improved development which would have less of an impact on the character of the areas and the amenity of neighbouring properties.

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 **The details to be submitted for the approval in writing of the local planning authority in accordance with Condition 3 above shall include a scheme indicating all of the proposed means of enclosure within and around the site whether by means of walls, fences or hedges. The approved means of enclosure round the external boundaries of the site shall be constructed, erected or planted prior to the commencement of other construction work on site and the approved means of enclosure within the site shall be constructed, erected or planted at the same time as the buildings to which it relates are constructed.**

Reason: To ensure a satisfactory appearance to the development; to safeguard the visual character of the immediate area; and to safeguard the residential amenities of the neighbouring properties.

- 6 **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.

- 7** 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.

- 8** All remediation or protection measures identified in the Remediation Statement referred to in Condition 7 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](http://www.dacorum.gov.uk)**

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, D, E  
Part 2 Classes A, B and C.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation.**

Reason: In the interests of highway safety.

- 11 The lower section of the bathroom windows at first floor level in the north-western elevations of Plots 1, 2, 3 and 4; the bathroom window at first floor level in the south-eastern elevation of Plot 5; the bedroom window at first floor level in the south-eastern elevation of Plot 1; along with the other windows shown with their lower sections fitted with obscured glazing on Drawing Numbers BBH/005/PL/09, 10 and 11 respectively hereby permitted shall be permanently fitted with obscured glass.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings.

- 12 The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

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

- 13 **Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:**
- a. **Construction vehicle numbers, type, routing;**
  - b. **Traffic management requirements;**
  - c. **Construction and storage compounds (including areas designated for car parking);**
  - d. **Siting and details of wheel washing facilities;**
  - e. **Cleaning of site entrances, site tracks and the adjacent public highway;**
  - f. **Timing of construction activities to avoid school pick up/drop off times;**
  - g. **Provision of sufficient on-site parking prior to commencement of construction activities;**
  - h. **Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 14 **Prior to first occupation a visibility splay shall be provided in full accordance with the details indicated on the approved plan BBH/005/PL/08/SITE PLAN. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety.

- 15 **Before first occupation or use of the development the access roads and parking areas as shown on the approved plans shall be provided and maintained thereafter.**

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

- 16 **Prior to the commencement of development, the further bat survey work identified in the Arbtech Worse Case Scenario Bat Mitigation Strategy shall be undertaken and the reports submitted to the Local Planning Authority for approval. The development hereby permitted shall be undertaken in accordance with the mitigation and recommendations identified within the Arbtech Ecology Assessment and the Worse Case Scenario Bat Mitigation Strategy.**

Reason: In the interests of the protection of protected species and biodiversity

17 **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.

INFORMATIVES

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-  
<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:  
<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by

telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.