

**4/00029/16/MFA - DEMOLITION OF ALL EXISTING BUILDINGS. CONSTRUCTION OF 32 RESIDENTIAL DWELLINGS, ALTERATIONS TO THE EXISTING VEHICULAR ACCESS ONTO AYLESBURY ROAD, LANDSCAPING AND THE INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE.**

**CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL.**

**APPLICANT: Mountleigh Development Holdings Ltd.**

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[Case Officer - Joan Reid]

### **Summary**

The application is recommended for approval. The amended proposal of 32 dwellings would provide a comprehensive development of new dwellings within a sustainable residential location in Tring. This development allows for the redevelopment of previously developed land with satisfactory access onto the highway. The scheme has been amended following the concerns over tree removal and impact on neighbouring properties and these amendments made have resulted in an improved layout, density and scale of 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 of high quality that helps meet the need for new housing, as set out in Core Strategy policy CS17. The site is not required for educational or other community uses. The loss of the playing pitches at the site is considered acceptable, notwithstanding the objection of Sport England and National and local policies which seek their retention, given that the pitches themselves are small, in private ownership and appear surplus to requirements. It is considered the need for new housing and provision of significant affordable housing in this case outweighs the harm identified by a loss in private outdoor sports provision resulting from this development. The scheme is therefore in accordance with Core Strategy policies CS4, CS8, CS11, CS12, CS13, CS17, CS18, CS19 and CS23 and Appendices 3 and 5 of the DBLP.

### **Site Description**

The application site comprises the Convent of St Francis De Sales Preparatory School, located to the north of Aylesbury Road within the residential area of Tring. The site comprises a number of school buildings and sports fields which are currently vacant since the closure of the School in 2014. The site is located at a height above the Aylesbury Road and is accessed by a single path road, with a second pedestrian access of Longfield Road. There are a number of mature trees on the site including a bank of trees to the west of the site which are subject to a TPO. The site is generally bounded on all sides by residential dwellings, comprising a mix of detached two storey and bungalows. St Joseph's Care Home is located immediately south of the site and the old Convent does not part form of the redevelopment proposals as it is occupied by Tring School for boarding pupils. The site is designated as residential use in the adopted Local Plan.

### **Proposal**

The application seeks planning permission for redevelopment of the site to comprise 32 dwellings together with landscaping, open space and car parking. The dwellings mix comprises 20 market houses and 12 affordable units which are split into semi-detached and terrace properties. The scheme proposes 12 x two bedroom, 18 x three bedroom, 2 x four bedroom houses. Each of the dwellings has provision for private gardens and car parking. Access to the site is taken off the Aylesbury Road as existing and widening and improvements to the access are proposed.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of

Tring Town Council.

## **Planning History**

None

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
NPPG

### Adopted Core Strategy

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS19 - Affordable Housing  
CS23 - Social Infrastructure  
CS25 - Landscape Character  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 99  
Appendices 3, 5 and 7

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area TCA1 Aylesbury Road  
Affordable Housing (Jan 2013)

## **Summary of Representations**

### Tring Town Council - Amended Scheme

Tring Town Council remains opposed to the development on two counts.

1. Firstly, with regard to the principle of development on the former school site, it is felt that the application fails to satisfy Policy CS23 ["Existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred"].

Hertfordshire County Councils assertion that there is sufficient latent capacity in Tring Schools

to meet demand to 2031 has a caveat that it is conditional on detached playing fields being identified and secured. The provision of funds through the Community Infrastructure Levy or a Section 106 agreement, whilst welcomed, falls short of the practicalities of identifying and securing a plausible site necessary to ensure the facilities are actually provided. There is concern that whilst capacity may exist, this is in schools in the east of town – a situation that will be exacerbated by LA5.

A development of just residential houses does not qualify as 'an alternative social or community service or facility'.

2. In terms of the development proposed there are issues, mainly of a technical nature, relating to boundary issues that still need to be address to mitigate the impact on neighbouring properties (such as overlooking/loss of privacy and/or overshadowing). The Town Council hopes that these can be resolved in a manner similar to the way in which the amendments dealt with several of the issues raised against the original application.

These issues are:

- a. Replace plots H1 & H2 with a single dwelling. There was concern initially that a single dwelling would cause a loss of amenity through overlooking and this could be avoided by a pair of semi-detached houses. In practice the proposed solution makes the situation worse and had an additional dis-benefit by aggravating the parking problems in Longfield Road
- b. Plots H22 & H23. Clarify the measures to be taken vis a vis Cherry Gardens to reduce overlooking, to ensure effective screening, and to manage that screening.
- c. Amenity Areas. Clarify the on-going management and maintenance of these areas
- d. Drainage. The potential repercussions of the development on the natural drainage need to be identified and mitigated as appropriate. Residents of Abstacle Hill report the area is prone to water streams. Building on the porous macadam tennis courts will make matters worse.
- e. Ecology. The Council is concerned that a viable habitat is secured e.g. root protection areas of the retained trees are respected. Whilst the developer has met the requirements for the provision of car parking spaces, it is widely accepted that the requirements do not reflect present day car ownership. Therefore there will be pressure within the site to park on verges, etc. A form of protection of the grass areas around trees to prevent this happening should be included in the proposal

#### Tring Town Council - Original submission

Tring Town Council has several reservations with regard to the proposed development of this site. As a consequence it recommends refusal of the application.

1. The topography of the site- It is not readily apparent how the land rises steeply from the Aylesbury Road/Western Road in the south and from Miswell Lane in the east. The site effectively sits close to the ridge with commanding views down the valley and to the Chilterns A.O.N.B opposite. The land then rises gradually towards the Icknield Way to the north.

With the exception of the dwellings facing Longfield Road, the developer has proposed buildings, that whilst not strictly three storey town houses, are tall at 9.75m high to get living accommodation in the roof space.

In the site layout the developer has made every effort to comply with the normal requirement of a distance 23m from habitable windows to habitable windows to avoid overlooking, however the topography and height of the proposed buildings require this should be increased.

There are particular points where issues of *overlooking/loss of privacy and/or overshadowing* are of concern:

- Cherry Gardens
- 29 & 31 Cobbetts Ride
- High Drive, Aylesbury Road

2. The Ecology of the Site - The bat survey identifies the site as one where bats roost and therefore a European licence is required. The Council is concerned that a viable habitat is also secured, especially given the removal of the vast majority of (larger) trees. The removal breaks an uninterrupted 'wildlife corridor'. The Town Council would like the assertion that trees subject to TPOs are diseased to be independently verified.

The Council would like assurances that the root protection areas of the retained trees are respected. Whilst the developer has met the requirements for the provision of car parking spaces, it is widely accepted that the requirements do not reflect present day car ownership. Therefore there will be pressure within the site to park on verges, etc. A form of protection of the grass areas around trees to prevent this happening should be included in the proposal.

The potential repercussions of the development on the natural drainage need to be identified and mitigated as appropriate. Residents of Abstacle Hill report the area is prone to water streams. Building on the porous macadam tennis courts will make matters worse.

3. Traffic - The widening of the access road is welcomed as this will prevent vehicles waiting to turn out of the site 'backing-up' on an exceptional busy principle route into the town. The Town Council is surprised that Herts County Council, the Highways Authority, have not specified widening of the road to incorporate a dedicated lane for vehicles to turn right.

The Town Council would like to emphasize how busy Western Road/Aylesbury Road is, so whilst the visibility splays are good the sheer volume of traffic will make access onto and from the development difficult. This will only get worse with the completion of 200 houses in Local Area (development) 5 which is taking place just along from the site.

4. Design - The development principles of Tring Character Areas 1 (Aylesbury Road) & 2 (Miswell Lane) have relevance. Those for TCA1 are given below:

- Type: detached and semi-detached dwellings are appropriate and encouraged
- Height: should not exceed two storeys
- Size: moderate to large sized dwellings are appropriate. The scale and bulk on new development should be sympathetic to that of existing buildings (with the exception of the larger structures at the Convent)
- Density: should be compatible with the character within the existing density range (i.e. within the very low range <15 dwellings/ha)

The development principles for TCA2 are similar except the size should be small to medium. The statement for 'Type' is telling:

- Type: a variety of dwelling types are acceptable, but should relate well in terms of type, design, scale, bulk and layout of nearby adjacent development

The construction of 9.75m high dwellings is not compatible with these development principles. A reduction in the height of the buildings would go a long way to mitigate the concerns about overlooking, etc. and being out-of-keeping with adjacent properties.

5. Protection of Existing Social Infrastructure - Policy CS23 states that "Existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an

alternative social or community service or facility is preferred".

When closure of the school was announced, it was stated that it was no longer viable. Has this been subject to scrutiny?

The Town Council is suspicious of Hertfordshire County Council (HCC)'s education representations to Dacorum Borough Council's Core Strategy and Site Allocation Document which stated that there is sufficient latent school capacity in Tring to provide for housing growth to 2031. HCC did state, however, the expansion potential of the existing schools (at both primary and secondary) is dependent on detached playing fields being identified and secured.

The Town Council welcomes the developer's stated position of being willing to provide funds to offset the loss of the playing field and tennis courts and hopes that the 'niceties' of whether it is through the Community Infrastructure Levy or a Section 106 agreement does not inhibit this.

#### Strategic Planning - Amended plans

Please refer to our policy comments of 10 March 2016 on this application.

I note that the number of homes proposed has now been reduced from 37 to 32 in order to address concerns about loss of trees and impact on neighbours. Also, the number of affordable homes has been reduced from 14 to 12, but at 37.5% remains above the 35% requirement in Core Strategy Policy CS19.

With regard to affordable housing an important change of circumstances since 10 March is the Court of Appeal's judgment on the West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government case.

In the light of this judgment, we have obtained formal Officer Decision Sheet approval to begin to apply the Affordable Housing SPD Clarification Note again. The (slightly updated) Clarification Note is being formally reported to Cabinet on 26 July. The reinstatement of this Advice Note will be subject to the Cabinet ratification. However, due to the Court of Appeal judgment being a material planning consideration, the content of the Advice Note will be reflected in all planning decisions made on or after 11th May (i.e. since the date the judgment was issued). This is attached, together with the statement that is already back on our website.

Consequently, Vacant Building Credit applies to the St Francis de Sales site (see section 3 in the Clarification Note). I note from the application form that it is proposed to demolish 1,562 sq. metres of existing floor space on the site. This will reduce the affordable housing requirement we would normally seek to secure, and you would need to seek the advice of the Strategic Housing Team in order for them to calculate the revised affordable housing requirement. The clarification note sets out our interpretation as to how this is to be calculated.

#### Strategic Planning – Further Comments

NPPF paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless one of the bullet points in this paragraph are complied with.

Bullet 3 is not relevant in this case, as the proposed development on the site is not for alternative sports provision. Therefore, it is necessary to consider the current application against bullets 1 and 2:

Bullet 1

This bullet refers to whether an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.

Reference should be made to the Dacorum Playing Pitch Strategy & Action Plan 2015-2025, produced in June 2015 for the Council by consultants Knight, Kavanagh & Page (KKP):

<http://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/evidence-base/providing-homes-and-community-services>

Pages 61-67 in this document provide a 'Tring summary and action plan'. The report refers to the Francis House Preparatory School (i.e. the St Francis site) as site 128 on page 66. Whilst the tennis courts on the site are mentioned, the football pitch is not. This implies that the pitch was not regarded as part of the existing supply of facilities by KKP, perhaps because the school had closed and the pitch may no longer have been marked out.

Some deficiencies in terms of pitch provision to meet current and future demand in Tring are identified in the KKP report:

- 4 youth football pitches
- 1 cricket pitch
- 4 senior rugby pitches
- 14 mini/midi pitches

However, it should be noted that the existing pitch at St Francis de Sales is too small to meet these shortfalls – it measures only about 50 metres by 35 metres.

The 'FA Guide to Pitch and Goalpost Dimensions' includes recommended pitch sizes for youth pitches and mini soccer. The existing pitch at St Francis de Sales is too small for youth football (age 11-18). It only meets the requirements for mini soccer (7 a side or 5 a side for children aged 10 or under), but there is no requirement in Tring for additional provision of such pitches.

The site is far too small for cricket.

The Rugby Football Union provides guidance on rugby pitch sizes:

<http://www.tgms.co.uk/273--rugby-pitch-dimensions.htm>

After taking account of the need for a 5 metres safety margin around pitches, the following dimensions are required:

- Midi rugby (under 11-under 12): 80m x 53m
- Mini rugby (under 9-under 10): 80m x 45m
- Mini rugby (under 7-under 8): 80m x 40m

Therefore, site is too small to meet the identified needs in Tring for additional pitches.

Page 62 in the KKP report states that there is a shortfall in quality parks tennis courts and that Tring LTC is a priority site for the LTA, requiring additional court space. Further information on Tring Tennis Club can be found on page 67 of the report.

The report indicates on page 62 that there is adequate netball court provision.

Conclusion: none of the shortfalls identified in Tring are capable of being met at the St Francis de Sales site. Therefore, it is considered that the loss of the sports facilities at the site is acceptable in relation to bullet 1 in NPPF paragraph 74.

## Bullet 2

Under this bullet, it is necessary to consider whether the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

Page 63 in the KKP report examines the potential for new sites in the Tring area and refers to two potential locations, namely, the LA5 Icknield Way (west Tring) site and the possible detached playing fields for Tring School at Dunsley Farm. The submitted Site Allocations Plan includes proposals for these sites:

- LA5: key development principle 13 in Policy LA5 reads as follows:

“Provide a mix of parkland and informal open space in the western fields and consider the inclusion of pitches for outdoor sports on part of this land.”

- Dunsley Farm: Proposal L/4 in the schedule of leisure proposals and sites refers to this site (2.7 ha.). The proposal is for detached playing fields for Tring School, should they be required as a result of the school’s expansion. The planning requirements for L/4 state that:

“These playing pitches will be also made available for community use.”

Another potential location for additional sports facilities is Local Plan site L4 (Miswell Lane, Tring) - see the schedule of leisure and tourism potential sites. The proposal for this site is for an extension of the existing leisure space. A recent planning application (4/01472/16/MFA), partly for housing and partly for an extension to the recreation ground, was refused because the application was contrary to the L4 proposal.

Other possible locations for new sports facilities in the Tring area may be examined in the forthcoming single Local Plan. In particular, the land on the east side of the town is fairly flat and may have potential to accommodate further sports uses.

Conclusion: the existing sports facilities at the St Francis site were purely for the school’s use. Whilst there are no proposals to replace these facilities, it is clear that there is ample scope in the Tring area to provide additional facilities to meet the town’s current and future needs. Therefore, it would not be appropriate to refuse the current application on the basis of bullet 2 in NPPF paragraph 74.

### Strategic Planning - Original Submission

#### **1. Principle of residential development**

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 TCA1 (Aylesbury Road). The policy statement for TCA1 indicates that redevelopment of the school site will be permitted.

Saved Local Plan Policy 69 (education) states that the loss of existing education facilities will not be supported unless the new use is temporary or the site is no longer appropriate for or needed for education use. In this case, the proposed new use is not temporary.

Core Strategy Policy CS23 (social infrastructure) includes the following guidance:

“Existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re- use of a building for an alternative social or community service or facility is preferred.”

This builds on paragraph 74 of the NPPF that states that: “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The loss of education use from the site is addressed in paragraphs 5.17-5.20 of the Planning Statement accompanying the application. The planning statement explains that the former school closed in 2014 as it was unviable. It also refers to an email from the County Council (Appendix 2 to the Planning Statement). This email indicates that there is latent school capacity in Tring to meet forecast needs to 2031 and that a site is being sought for detached playing fields. A site for detached educational playing fields at Dunsley Farm on the east side of the town has now been defined in the submitted Dacorum Site Allocations document.

We are not aware of any non-educational social infrastructure needs in Tring which could reasonably be met on the application site.

Paragraphs 5.21-5.24 in the Planning Statement refer to Sport England’s objections to the loss of the grass playing field and tennis/netball courts on the site. These objections could be overcome by providing replacement facilities or through a financial contribution towards the provision or enhancement of community playing fields in the Tring area. However, as the Council has introduced a Community Infrastructure Levy, it is not clear what legal mechanism can be used to secure such measures. Discussions aimed at resolving this problem are continuing, however the infrastructure officer has concerns that by charging CIL for use on outdoor sports pitches (as set out in the Regulation 123 list) and entering into a S106 to secure a contribution for replacement playing pitches this would amount to double charging contrary to Regulations 122-124 of the CIL Regulations 2010 (as amended). Sport England are not satisfied that CIL contributions will be used specifically for the purpose of providing replacement pitches as this cannot be guaranteed through the CIL governance process nor would it be desirable to do so. The last paragraph in Local Plan Policy 69 states that educational playing fields on open land should remain in open use. However, this does not apply to the application site, as it is not classified as open land on the Local Plan Proposals Map.

The proposed loss of leisure facilities does not meet any of the criteria in saved Local Plan Policy 75 (retention of leisure space). However, this policy does not make any reference to educational leisure uses. It is considered that it would be more appropriate to reach a conclusion on the acceptability of the loss of the leisure uses on the basis of Policy 69, rather than Policy 75.

Given the above, it is concluded that residential use of the site is acceptable in principle in terms of the Council’s planning policies.

## **2. Other policy issues**

The size and type of dwellings proposed appear acceptable in respect of the development



principles for character area TCA1, saved Local Plan Policy 18 (the size of new dwellings) and Core Strategy Policy CS18 (mix of housing). We particularly welcome the retention of the trees in the southern part of the site next to Aylesbury Road. The proposed density is higher than the density of less than 15 dwellings per hectare specified in the TCA1 development principles, but we consider that some flexibility should be allowed on dwelling numbers. In considering whether the proposed density is acceptable, the guidance in Local Plan Appendix 3 (layout and design of residential areas) should also be taken into account.

The illustrative masterplan proposes 14 affordable homes out of a total of 37. This is welcomed as at 38% it exceeds the 35% affordable housing target in Core Strategy Policy CS19. We are also pleased that 75% of the affordable homes are proposed to be rented properties, in line with Policy CS19. The detailed approach towards affordable housing provision should be discussed with the Council's Strategic Housing team.

Several individual trees and some groups of trees on the site are protected by a tree preservation order. We note that an arboricultural survey has been undertaken, most of the existing trees will be retained and some new planting undertaken. The views of the Council's Trees and Woodlands team should be sought.

The convent building located immediately to the south west of the site is a heritage asset and its setting should be protected. It also needs to be decided whether there are any buildings within the site that should be retained. Advice should be obtained from the Council's Conservation and Design officers.

The amount of public open space proposed is more than sufficient to comply with saved Local Plan Policy 76 (leisure space in new residential developments).

### Hertfordshire Highways

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:

#### Decision

Hertfordshire County Council's highway authority has no objection to the amended planning application (4/00029/16/MFA) for a reduced residential development C3 (down from 37 to 32), with an increased number of affordable housing at the former Francis House Preparatory School, Tring. Both pedestrian and vehicular access will be via the existing and new accesses off Aylesbury Road whilst the access from Longfield Road will be closed off to through traffic. This will all be subject to a legal S278 Agreement and the following conditions and informatives.

**S278 Agreement** Any works within the highway boundary, including alterations to the footway, site accesses and upgrading of street furniture etc, known as 'off site works' will need to be secured and approved via a legal S278 agreement with HCC.

**SHC 18:** Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) visibility splays measuring 43 x 2.4 metres shall be provided to each side of both the accesses off Aylesbury Road and Longfield Road and such splays 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.

The Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Where works are required within the public highway to facilitate an improved or amended

vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before any works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, and Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Description of the Proposal

The above application is for the demolition of the existing buildings and replaces them with a mix of C3 residential dwellings with parking (some on street in bays). The proposal will also see the closure of the existing access route through the site onto Longfield Road. The main vehicular access for the site will be via the main access onto Aylesbury Road.

#### Highways

**Aylesbury Road** This is a classified road - B4635/20, secondary distributor from the speed sign near Donkey Lane to Park Road and is maintained by HCC as the highway authority. This section of road is 450m long and approximately 7.5m wide outside the entrance to the site. The speed limit is 30mph, the road is lit and generally there is no observed on street parking during the day. There are neither traffic counts nor traffic calming measures for this section of road. The road is traffic sensitive i.e. no working between 07:30 to 09:30 and 16:30 to 18:30. There are no formal waiting restrictions outside the entrance to the site. Vehicular access to the development will be off this road via the existing steep drive. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

**Road Safety** Looking at the rolling 5year RTC data there has been 1 slight personal Injury Accident (PIA) recorded in this period. This was recorded on the 20th June 2012 as a slight injury incident. It appears to be a two car collision resulting in a rear end shunt to the car slowing down and turning into the access drive of the school. No further PIA's were recorded which could be down to the fact that the school has been shut for some time and/or that this section of highway is not an accident hotspot.

**Longfield Road** This is an unclassified local access road, L2 the 2U233/10, connecting Miswell lane to Aylesbury Road. It's 516m long and approximately 6.5m wide although this does vary considerably. It is a 30mph lit road with on street parking during the day and evening. There are no traffic counts for this road. The current access that serves the rear of the site will be closed off to through traffic although the simple vehicle crossover will be kept for the replacement dwellings providing a means of access to their off street parking spaces respectively.

This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

#### Road Safety

Looking at the rolling 5 year RTC data for PIA it shows that there have not been any recorded incidents along this stretch of road.

## Analysis

The applicant has submitted a Transport Statement, a Design and Access Statement. As part of a Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (March 2012); • Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031 • Roads in Hertfordshire Design Guide 3rd Edition • Dacorum Borough Local Plan, Appendix 5 Parking Provision

### Trip generation and distribution

#### Transport Statement (TS).

The TS has been written on behalf of the applicant by Peter Brett Associates - December 2015. The TS looks at the existing highway conditions and what impacts the proposed development would have on the highway in terms of safety, capacity, accessibility, servicing and sustainability.

With the above in mind, the TS details the transport issues that currently exist (section 3) and that which may come forward as part of this planning application (section 5). The TS also includes some plans of the site (now and proposed) and discusses what vehicular visibility splays will be achieved from the main access onto Aylesbury Road. There are also plans and data sheets from a recent survey and from the TRICS analysis process.

To establish the existing base line of trip generation for a site such as this, the TRICS data base has been interrogated and the appendices are attached at the back of the TS. (TRICS – trip rate information computer system). The process looks at similar sites in similar locations with the same planning use to help formulated a base line to work from. This existing base line is then compared to what the likely levels would be with the change of use from a school to residential. Having looked at the data provided and appendices at the back of the TS (Appx H) the highway authority is content with suggested sites used and the base line established. From this a two way peak hour vehicular trip rate can be established for both the former School use and by imputing similar C3 residential criteria into TRICS a comparison can be made on what if any increase or decrease in two way trips would be generated. This is shown in table 5.5. Interestingly, the highway pm peak and the Schools pm peak do not coincide resulting with a slight increase in two way trips onto the highway network between 17:00 and 18:00. However, as expected when you take away the Schools peak hour in the afternoon 13:00 to 16:00 the overall two trip movements in peak hours is down but overall there will be 16 more movements in the pm peak to and from Aylesbury Road. The conclusion to this desk top study is that the am peak hour two way trips will be significantly lower than the previous schools use but the pm ( highway) peak will attract an additional 16 movements which is less than three every minute. It follows that this level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of safety, free flow and capacity. This conclusion is based on the above mentioned TS, surveys conducted by Traffic Consultant and known RTC information.

### Impact on Highway Network.

The proposed development will only impact on the highway if the development fails to provide a safe means of access for both vehicular and other modes of transport and if there is insufficient off street parking space within the site. This includes visitor parking and servicing requirements too. The reuse of the existing access is acceptable to the highway authority. The applicant has stated in the TS and shown on the submitted plans that he can achieve the conditioned visibility splays for a 30mph road. The access drive and will be modified (subject to a legal Section 278 agreement for any off site works and the inclusion of a separate footpath within the site boundary) but will remain in private ownership due in part to the steep gradient that currently exists. Roads in Herts –Highway Design Guide, 3rd edition, section 4 Design Standards and Advice, section 1.8 Gradients, states that the minimum longitudinal gradient should be 1% and not exceed 5% (approximately 1:20.)

### Highway Layout

The only material change to the highway will be the closure of the vehicular access onto

Longfield Road to through traffic. The existing access from Aylesbury Road will continue to be the main vehicular access to the site and will require some modifications hence the above informative covering a legal Section 278 agreement but the drive its self would not be adopted by the highway authority. All accesses from a radii kerbed junction to a simple vehicle crossover will need to meet the requirements of Roads in Hertfordshire (RiH) and/or the Design Manual for Roads and Bridges (<http://www.dft.gov.uk/ha/standards/dmrb/>). As the level of traffic associated with the proposed development is less than 500 vehicle /day (157) and the existing pass by traffic volume has been surveyed at 6000, the need to create a turn right ghost island would not be required. This conforms to the guidance given on Junctions types in both Manual for Streets and DfT's DMRB Volume 6 Chapter 2.

The National Planning Policy Framework (NPPF), states that "developments should be located and designed where practical to: • Accommodate the efficient delivery of goods and supplies • Give priority to pedestrian and cycle movements, and have access to high-quality public transport facilities; • Create safe and secure layouts which minimise conflicts between traffic & cyclists or pedestrians, avoiding street clutter and where appropriate • Establishing home zones • Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and • Consider the needs of people with disabilities by all modes of transport."

#### Parking

Off street parking is a matter for the Local Planning Authority (LPA) to determine and, the applicant has provided details of the parking provision. The applicant discusses this in the TS and compares the proposals allocation against the existing permitted/former use and other sites with a similar number of residential units. Using DBC's parking standards (DBC Local plan and the SPG) to determine the level of parking this site should attract, the applicant has used this maximum based standard to come to the figures mentioned above. The site sits within the borough council's zone 4 for this assessment. In this case the applicant is now providing 64 parking spaces which is slightly down from the previous application but there are fewer units being constructed.

Roads in Hertfordshire highway design guide 3rd edition states that the dimension and location requirements for parking bays, driveways and turning areas shall be in accordance with the guidance in DfT Manual for Streets.

#### Accessibility

Forward Planning Officers (Passenger Transport Unit) have supplied details of bus services and bus infrastructure to identify gaps in the service. (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>)

Their comments are attached should contributions be sought from the LPA for bus stop improvements.

The nearest bus stops are located on Western Road approximately 150 metres from the site access. Therefore all dwellings are likely to fall within the recognised accessibility criteria of 400m. Neither stops have easy access kerbing and shelter provision. The existing east bound footway width may be insufficient to provide shelter provision.

Services are as follows: 50 Aylesbury to Ivinghoe 61 Aylesbury to Luton 164 Aylesbury to Leighton Buzzard 500 Aylesbury to Watford 501 Aylesbury to Watford

The site being located on the main bus corridor to/from Aylesbury with frequent services available.

RAIL Tring station is approximately 2.5 miles away. Trains are run by London Midland and journey time into London Euston is around 42 minutes with up to five trains per hour operating during the rush hour period.

OTHER COMMENTS Accessibility to bus services from this site is considered good. The nearest bus stops fall within the recognised accessibility criteria of 400m for all dwellings. Rail access is remote however good cycle parking facilities exist at the station.

Should this development go ahead, it is recommended that developer contributions be used

toward improving access to local buses with kerbing enhancements, bus cage and shelter provision (for the west bound stop). Kerbing enhancements cost approximately £8000 each and shelter provision is also around £8,000. Therefore to improve bus access facilities at this location a total cost of around £24,000 would be likely.

#### Servicing Arrangements

The TS looks at this in section 5. Refuse and recycling receptacle storage will be provided. Refuse collection will be via a kerbside collection regime within the site as will all other service providers. The applicant has submitted scaled plans showing the track runs (a swept path analysis) for the largest vehicle that would enter the site i.e. a refuse or removal lorry. Planning Obligations/ Community Infrastructure Levy (CIL)

If the LPA are minded to grant PP then any contributions for locally identified schemes may be sought. The bus stop improvements mentioned above being the most likely. However, off site works to both the accesses will be covered in the S278 agreement.

#### Conclusion

The assessment does not indicate any significant issues with this latest amended proposal to create 32 dwellings on the site of the former Francis House Preparatory School. The highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informative

#### Hertfordshire Infrastructure Team

The forecast need for school places in Tring can be met through expanding Tring Secondary School (including the provision of detached playing fields) and by expanding Dundale and Grove Road primary schools. An area of playing fields at the Hertfordshire County Council (HCC) owned Dunsley Farm has been defined in the Dacorum Site Allocation document (SA DPD).

Detached playing fields may be required following the future expansion of Tring Secondary School. For example, if it is deemed necessary for additional playing fields to ensure the school is compliant with playing field provision. It should however be noted that the school is an Academy and does not necessarily need to follow government guidance on the amount of playing field provision as set out in BB103. If the site is required for detached playing fields it will need to be of sufficient space and layout to meet the schools requirements. As outlined in emerging DBC Policy (SA DPD) it must also be made available for community use. In the event the site is required, the site will firstly be a facility for the school through which community use arrangements can be made available to the public.

It is assumed that development in Tring will be contributing to infrastructure through CIL and if required HCC will seek funding towards expanding local schools. If through the expansion of Tring Secondary School detached playing fields are required, funding will need to be secured to bring the site up to standard. HCC considers that delivering the playing fields would be part of an expansion project for the school and as such would be eligible for CIL funding. This is especially pertinent as the school will require expansion as a result of development coming forward in Tring. HCC maintains a close working relationship with DBC and discussions for future funding opportunities will evolve as development comes forward.

If detached playing fields are required then HCC considers that the site proposed for allocation in emerging policy (SA DPD) is a preferred location when considered against reasonable alternatives. The County Council does not require the playing field at St Francis De Sale School Site and does not object to the site's redevelopment.

#### Sport England

Summary: Objection is made to the planning application in its current form. However, potential

exists to resolve this objection if first, a mutually agreeable solution to a mechanism for securing replacement playing field provision can be identified and subsequently second, an acceptable off-site replacement playing field mitigation proposal can be identified, agreed and secured through any planning permission.

#### *Sport England – Statutory Role and Policy*

It is understood that the site forms part of, or constitutes a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (see link):[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

#### *The Proposal and Impact on Playing Field*

The proposal involves redeveloping the former Francis House Preparatory School site for 37 dwellings which would result in the loss of the entire school playing field which when in school use contained a mini football pitch and two tennis courts.

#### *Assessment against Sport England Policy/NPPF*

I have considered the proposals with regard to the specific exception criteria identified in the above policy and would make the following assessment:

Exception E1 – Not applicable. It has not been demonstrated that there is an excess of playing pitches in the catchment in terms of playing pitch provision. In this regard, Dacorum Borough Council's Outdoor Leisure Facility Study (September 2014) identified deficiencies in community playing pitch provision across the whole of the Borough including a need to provide additional junior football, cricket and rugby (senior and mini) pitches in Tring to meet current and/or future needs. The study also shows that existing tennis clubs in the Borough are generally operating at capacity. The study was developed by the Council into a playing pitch strategy and action plan in 2015 which includes aims and recommendations to protect existing sports facilities where they are needed for meeting current or future needs. Specifically in relation to pitches that were formerly playing pitches but are no longer used for formal or informal sports use (referred to as lapsed or disused pitches in the strategy), the strategy confirms that such pitches are not necessarily surplus to requirements. Sport England considers that the study and associated strategy is robust and therefore I am of the view that there is not an excess of community playing pitch provision in the Tring area (or Dacorum Borough as a whole). Primary (including preparatory) school playing fields are often used for meeting the community's needs for pitches and sites are sometimes maintained in community use after schools close. As set out in the playing pitch strategy, school sites which become redundant may offer potential for meeting community needs on a localised basis and that where such schools are closed their playing fields may be dedicated to community use to help address any unmet community needs. In particular, the strategy refers to closed school playing fields being considered in the first instance for becoming community playing fields for meeting the needs identified in the strategy before being considered for other uses.

Exception E2 – Not applicable. The proposed development is not ancillary to the principal use

of the site as a playing field;

Exception E3 – Not applicable. The area proposed for the development would result in the loss of whole playing field which when in school use was marked out for a mini football pitch (in winter) and possibly other pitches in summer. Space would exist on the playing field for accommodating a large mini soccer pitch in this area for instance that would meet the FA's recommended size for an under 9/10 (55x37m) pitch;

Exception E4 – Not applicable. No replacement playing field provision is currently proposed;

Exception E5 – Not applicable. The planning application does not propose any sports facilities.

On the basis of the above assessment, the proposal would not, in its current form, accord with any of the exceptions to Sport England's playing fields policy.

It is acknowledged that the Francis House Preparatory School closed in 2014, is not currently available for community use (and was not when the school was open) and is in private ownership. However, our playing fields policy is applied to developments affecting all playing fields regardless of when they were last in use. While the site may not be currently in use as a playing field, Sport England considers proposals for the development of such playing fields in the same way as playing fields that are in active use because development on them would permanently prevent such sites from being brought back into use. Even if the playing fields are no longer needed for educational use or are in private ownership this does not affect our position. Sport England's playing fields policy and the Government planning policy on playing fields (in paragraph 74 of the NPPF) does not distinguish between community and school playing fields, publicly and privately owned playing fields and whether playing fields are currently in use or not. As set out above, Dacorum Borough Council's Playing Pitch Strategy seeks to protect closed school sites due to their potential for meeting community needs. It should be emphasised that Sport England's role is to safeguard playing fields for meeting the needs of current and future users. While this playing field may not be in use at present, it may be required for meeting future playing pitch needs as demonstrated by the extent of the need for additional playing pitches in the Council's study. Furthermore, no evidence has been provided to satisfactorily demonstrate that attempts have been made to get the site into community sports use as advocated in the strategy e.g. marketing the playing fields to sports clubs on a freehold or leasehold basis. It is also understood that the football pitch on the playing field may not have been marked out frequently. Sport England would define a site as a playing field if a playing pitch has been delineated on it at any time regardless of how long the pitch had been delineated for and how frequent it was delineated. In practice, the majority of playing fields, especially school playing fields delineate playing pitches intermittently throughout the year depending on the sports seasons and/or the school terms and pitch numbers and sizes change over time in response to needs so this situation is considered to be the norm. While the pitch on the application site may have been delineated infrequently, it was delineated (as shown by aerial photographs from Google Earth, Bing, Get Mapping etc) and would therefore meet the definition of a playing field.

Paragraphs 5.21-5.24 of the Planning Statement set out the applicant's current position on the loss of the playing field/tennis courts. In summary, as set out in paragraph 5.24 the applicant is willing to compensate for the loss of the playing field and tennis/netball courts but has not explored the feasibility of replacement playing field provision options (to allow the proposal to accord with exception E4 of our policy) that were discussed with Sport England at pre-application stage. This is because if an acceptable replacement provision solution can be identified (e.g. financial contributions towards the provision or enhancement of community playing fields in the Tring area or direct re-provision of playing fields) a mechanism to secure an off-site solution through a potential planning permission has not yet been identified or agreed by Dacorum Borough Council. The situation has arisen because the conventional mechanism of using a planning obligation (usually a section 106 agreement) to secure a

financial contribution (or direct replacement provision) to deliver off-site mitigation is considered by the Council to be potentially non-compliant with the CIL Regulations 2010 (as amended) following the Council's adoption in 2015 of its community infrastructure levy and associated CIL Regulation 123 list which includes the provision of outdoor sports facilities. More specifically, it is considered by the Council that securing a financial contribution may be non-compliant due to regulation 123 stating that 'a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure' due to relevant infrastructure in the context of the Council's Regulation 123 list including outdoor sport. Sport England welcomes the applicant's willingness to compensate for the loss of the playing field and its commitment to help resolve the above issue and acknowledges that it would be inappropriate to spend resources on progressing a replacement solution until a delivery mechanism can be identified and agreed in principle. Despite pre-application discussions and correspondence about this matter between the Council, the applicant and Sport England a mutually agreeable solution has yet to be identified and agreed. However, Sport England remains committed to assisting the Council and the applicant to resolve this matter with a view to facilitating a replacement playing field solution that would accord with exception E4 of our policy. In this regard, Sport England has sought to assist with the development of a solution through providing legal advice to the Council under separate cover for their consideration.

### *Conclusion*

In light of the above, Sport England objects to the application in its current form because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF. Sport England also considers that without replacement playing field provision being made the proposals would be contrary to the Council's development plan policies in its Core Strategy (Policy CS23 – Social Infrastructure) and Local Plan (saved Policy 75 – Retention of Leisure Space). However, it is accepted that the current position has arisen due to the issue outlined above and that the applicant is committed in principle to progressing a solution that would accord with these policies. Sport England would therefore be willing to review this position if first, a mutually agreeable solution to a mechanism for securing replacement playing field provision can be identified and subsequently second, an acceptable off-site replacement playing field mitigation proposal can be identified, agreed and secured through any planning permission. It is advocated that discussions continue between all parties in this regard during the application determination process.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

### Ecology Comments

1. We have no existing ecological records from the site, although it is clear that the grounds, buildings and trees have potential for local wildlife and protected species.
2. An extended Phase 1 habitat Survey has been undertaken and did not identify any special habitats present on site other than the mature trees and small woodland present mainly around the edges of the site, and buildings which potential for bats. Birds recorded on site were those commonly found in gardens but a number of birds of prey encountered in the location generally, such as tawny owls, red kite and sparrowhawk. Other wildlife was considered but would in any event be typical of garden areas in this location, and may include species such as hedgehogs. I consider this survey to be an adequate reflection of the site.



3. The buildings and trees with bat potential were subject to emergence surveys following the inspection surveys which found evidence of some bat use. Pipistrelle sp. were shown to emerge from Building 4 and altogether it was considered that up to 3 species of bat were likely to be roosting at the site. Further surveys were recommended due to the impact on the bats from building demolition and licence requirements.

4. The small orchard was considered to have limited ecological significance, which from the size and number of trees I consider a reasonable assumption.

5. No particular concern was highlighted in respect of the species-poor amenity grassland which was found across the site although there is some very local interest in the Convent Garden grassland which supports black knapweed, burnet saxifrage, rough hawkbit etc.... although the management of this would not be possible to influence, it being a garden lawn.

6. The potential for other wildlife, such as hedgehog, was also raised. Although the surveys were undertaken in September 2014 which is not the optimum period being towards the end of the field season, I have no evidence to suggest that the overall findings are not a reasonable reflection of the biodiversity interest of the site.

7. Woodland and scattered trees are recommended for retention. A number of recommendations were made for the provision of bat and bird boxes.

8.1 Further bat surveys were undertaken in 2015. Together with those from 2014 these confirmed:

8.2 Building B2 supported occasional day roosts of low numbers of non-breeding individuals (common pipistrelle, soprano pipistrelle and brown long eared bat). Building B4 supported transitional roosts of common and soprano pipistrelle and also the potential for occasional day roosts. A tree was considered to be of low potential following further survey. An EPS licence is required for the demolition of the buildings B2 and B4.

8.3 Further recommendations for lighting were also provided to reduce its impact.

8.4 It is considered that if an appropriate EPS licence is obtained and the recommendations as outlined (including provision of bat boxes on trees and retention of a dark corridor into the site) are followed, the impact of the development on the bats will not result in the decline of favourable conservation status of the bat populations. I have no reason to object to this view. On this basis I consider that the third Habitat Regulations Test can be satisfied by DBC when determining the application.

9.1 The majority of the existing trees within the site will be retained as part of the development, although the row of Horse Chestnut trees at the centre of the site and a number of the Beech trees on the western side near to the Convent building will be felled to accommodate the new dwellings.

9.2 The D&A Statement and arboricultural report state that new trees will be planted on the site. However I consider tree replacement will not compensate for the large trees to be lost as a result of the development, as even if successfully established, I not believe there will be room for similar sized trees to mature. Most new trees seem to be around the edges of the site and/or along the end-of-garden boundaries.

9.3 Consequently I suggest planting of species such as hazel, field maple, spindle, holly and elder as closer, more dense back garden boundaries. These can be managed to retain a smaller size or coppiced every 12-15 years as necessary and still provide a good habitat and amenity resource within and through the site.

9.4 No planting details or a landscape plan appear to have been submitted. If not, I consider a landscape plan should be submitted as a Condition of approval to ensure that the nature of the site's existing ecological framework can be retained or replaced as far as possible and enhance the new built environment. In my view the current tree planting proposals as shown on the plans are insufficient to provide robust boundaries to compensate for the proposed mature tree losses within the site.

10. In respect of the additional information provided to DBC by local residents:

10.1 I note the local concern regarding **starlings** nesting in the roof of the hall. Starlings are a protected bird species, just as is any other wild bird not considered a pest species. Consequently, as has already been highlighted:

Starlings are protected under the Wildlife and Countryside Act 1981, which makes it illegal to intentionally kill, injure or take a starling, or to take, damage or destroy an active nest or its contents. Preventing the birds from gaining access to their nests may also be viewed as illegal by the courts. (Ref: RSPB).

Whilst they have declined significantly, they are afforded no extra protection in law other than this. Consequently, any works or developments affecting starling nests need to consider any potential offence being committed. In this respect, RSPB also advise:

It is therefore important to check for active nests before any repairs to roofs and soffits are carried out during the breeding season.

If demolition is to be undertaken within the breeding season, I consider the information and advice above should be attached as an Informative to any permission. If nests are discovered, works should cease until nesting has completed. The presence of nests per say would not preclude demolition of a building as long as the nests were no longer in use. Given that this issue has been raised by a local resident, there may be a need for an ecologist to confirm this with a check of the building if demolition were to be undertaken during the breeding season. Demolition outside of the breeding season should not cause an offence.

If starlings are confirmed as being present, then starling boxes should be provided as compensation for the loss of this local nesting site. Boxes can be attached to trees or buildings and should be at least 2.5 m high.

10.2 The birds list describes birds seen in and around an adjacent garden. It demonstrates the local value of the gardens and the St Francis House site generally. However several of these species would be present just flying over - or at best casual visitor such as grey heron, red kite, buzzard, reed bunting. Some others are of more interest – sparrow hawk, woodpeckers, house martin, redwing, and yellowhammer. Most of the remainder are typical garden birds found in the area and possibly resident locally – such as wren, unlock, robin, blackbird, song thrush, chaffinch, greenfinch, goldfinch, bullfinch, starling.

On this basis there is little to suggest that the bird community which is present is sufficient to represent a constraint on the development. Clearly as much of the existing habitat in the form of trees and woodland should be retained to enable the wildlife associated with these areas to remain if not undisturbed, but any species favouring open ground would naturally be affected. Whilst this is a loss to this site, in my view it is not a loss of sufficient importance - particularly when associated with the nature of the habitat to be lost - to otherwise significantly influence the development. However landscaping should seek to retain and enhance the natural aspect of the site as much as possible where appropriate.

11. On the basis of the above, I do not consider that the ecological issues highlighted on site

and locally represent a constraint to the development. However I consider that the development should require:

- An EPS licence – to include compensation measures for bats;
- Compensation measures for starlings;
- Landscaping details and enhanced boundary planting to compensate for the loss of Green Infrastructure currently within the site. #

#### Herts and Middlesex Wildlife Trust

The ecological assessment and bat survey are acceptable. The bat survey states that a European Protected Species Mitigation Licence will be required. In accordance with R (on the application of Simon Woolley) v Cheshire East Borough Council, a LPA must demonstrate that it has considered the 3 tests of the EPSML before reaching a planning decision involving European Protected Species. In this instance this means that the LPA must request answers to the 3 tests from the applicant and consider if these have been satisfied. If the LPA is satisfied with these answers it should then attach the following condition to ensure that the requirement for a licence is fulfilled and the development can proceed lawfully.

Condition: The following works shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve and enhance European Protected Species in accordance with the Conservation of Habitats and Species Regulations 2010.

The ecological report also recommends that a dark corridor is maintained particularly in the south of the site. In order to ensure that this is applied the following condition is advised:

Prior to occupation, a lighting design strategy for biodiversity as recommended in the submitted ecological report, shall be submitted to and approved in writing by the local planning authority.

The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for identified bat populations and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To protect bat movement corridors and compensatory roosting features as identified in the submitted ecological report.

#### Hertfordshire County Council - Minerals and Waste

I am writing in response to the above planning application insofar as it raises issues in connection with waste matters. Should the district council be mindful of permitting this application, a number of detailed matters should be given careful consideration.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its *National Planning Policy for Waste (October 2014)* which sets out the following:

*'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

- *the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- *new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- *the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the borough council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

### Thames Water

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

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.

Water Comments - 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.

#### Lead Local Flood Authority

In response to the information provided by JNP reference M41452-FRA001 dated December 2015 we can confirm that we the Lead Local Flood Authority have no objection on flood risk grounds. The proposed drainage strategy is based on infiltration for the northern part of the time and attenuation and discharge southern catchment. Infiltration tests have been carried out and results provided within the FRA.

We note the site was previously discharging surface and foul water to the public foul sewers in Aylesbury Road. We acknowledge that Thames Water have been contacted and have stated that 50% reduction from existing flows is required. However no formal confirmation has been submitted that Thames Water are satisfied with the surface water rates and volumes proposed. For plot 24-26 and access road the drainage strategy is proposing to connect into the Thames surface water sewer and restricting surface water run-off to 12l/s. Drawing 15054/102 has been provided with the drainage layout showing location of proposed SuDS scheme.

We therefore recommend the following conditions to the LPA should planning permission be granted.

#### LLFA position

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed in the Flood Risk Assessment carried out by JNP reference M41452-FRA001 dated December 2015 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

#### Fire Protection, Hertfordshire Fire and Rescue Service

We have examined the drawing and note that the provision for Hydrants and Access does not appear to be adequate to comply with BS9999:2008.

- The access road serving plots H10 2b – H16 2b and H17 2b – H23 2b is longer than twenty metres and does not include a turning circle.
- The nearest existing hydrant is over 120 metres away.

#### *Access and Facilities*

- Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.
- Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

#### *Water Supplies*

Water supplies should be provided in accordance with BS 9999. This authority would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.
- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances. Not less than 6m from the building or risk so that they remain usable during a fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.

#### Environmental Health - Noise

Environmental Health advises that any permission which the LPA give should include the following conditions:

Noise on Construction/Demolition Sites - The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

Construction of hours of working – plant & machinery - In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays.

Dust - Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider. The control of dust and emissions from construction and demolition Best Practice Guidance, Produced in partnership by the Greater London Authority and London Councils.

Asbestos - Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

Bonfires - Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted

#### Hertfordshire County Council - Infrastructure Provision

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as

set out within HCC's Planning Obligations Toolkit. 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.

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request (See full response for justification).

#### Dacorum Refuse Team

Our concerns are that this is a steep gradient into the school coming of Aylesbury Road so could present a danger coming down it in the winter as previously we drove up, serviced the school and out buildings then exited by Longfield road which now is being closed off to allow the build of two properties.

We would like to see major improvements to the gradient of the access road to illuminate any concerns we have with servicing these properties.

#### Further comments from the Refuse team following additional road works

In essence we do not have any other issues so long as the gradient is improved and the leaf fall addressed as confirmed in your additional drawings.

#### Hertfordshire County Council - Minerals and Waste

I am writing in response to the above planning application insofar as it raises issues in connection with waste matters. Should the district council be mindful of permitting this application, a number of detailed matters should be given careful consideration.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its *National Planning Policy for Waste (October 2014)* which sets out the following:

*'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

- *the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is*

*acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*

- *new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- *the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the borough council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

### Affordable Housing

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

To meet the affordable housing policy requirements, 35% of the dwellings should be agreed for affordable housing. We would specify that the tenure mix of the affordable housing provision is 75% affordable rented and 25% shared ownership, in line with our Affordable housing SPD. Clarification may be required regarding the 3 units proposed for intermediate housing as to whether these would constitute shared ownership / starter homes.

### Further comments

As part of the amended application, the proposal maintains consistency with our Affordable Housing SPD by providing 37.5% (12 units) for affordable housing.

### Chiltern Society

I know this area as I live in Tring. Although it is a suitable site for the construction of some houses, I object to this application on the grounds of over-development. The development would be too dense.

As some of the neighbouring houses in Longfield Road are bungalows, it is not feasible to have high dwellings looking down into their rooms.

There is not enough provision for parking on the site, which will mean vehicles trying to park in



Longfield Road and Western Road which are already crowded.

The volume of cars needing to exit on to Western Road from this substantial development of 37 houses, would overload Western Road where it has become impossible for two-way traffic already, because of so many parked cars.. This will be even more of a problem when LA5 is expedited along past the cemetery.

The maximum height of the houses should be two-storey.

Possibly a plan for about 20 houses would be more acceptable

#### Further comments from Chiltern Society

I don't believe the changes that have been made to this application are significant enough for me to change my opinion that it is still over-development.

Although it is a suitable site for some sort of re-development, we should not lose sight of the fact that it has been an educational establishment, and it should not lose that designation.

The volume of cars needing to exit on to Western Road from this substantial development of 32 houses, would overload Western Road where it has become impossible for two-way traffic already, because of so many parked cars. This will be even more of a problem when LA5 is expedited along past the cemetery.

I know that it is felt locally that this proposed development will not meet the requirements of the town of Tring, as far as the type of accommodation is concerned.

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

Summary of Comments - Full comments contained at Appendix A

#### **6, 7, 8 and 9 Cherry Gardens- Objects :**

- Loss of school
- Buildings are too high (not in keeping with area
- 2.5/3 Storey houses not in keeping with area (predominately bungalows)
- Overlooking and loss of privacy
- Security along the boundaries (currently mixed hedge)/maintenance of boundaries
- Concern over access
- Overdevelopment of site/cramped
- Concern over visual impact of garden sheds
- Concern over loss of school and tennis courts (could they used for public use?)
- Increase of traffic
- Concern that emergency services can't get through due to existing parking on High Street/Western Road
- Concern over drainage/surface water run off to Abstacle Hill and Cobbetts Ride
- Loss of overshadowing especially in Winter
- Visual intrusion
- Lack of parking provision
- Bathroom window of flank elevation overlooking into bedroom window of 9
- Inadequate Tring Town Council consultation
- Loss of trees
- Concern over drainage

### **29, 31, 33, 35, 59 Cobbetts Ride**

Concern over overlooking over plot 27 (now 24) (close to boundary and elevated position)  
Ridge height of proposal is higher than school hall and introduces windows  
Seeks clarification over 3m structure adjacent to plot 26 (now 23)  
Clarification over velux windows at plots 27 and 26 (now 24 and 23)  
Clarification that plots 26 and 27 (now 24 and 23) bathroom windows will be obscure glazed  
Keen to see detailed landscaping proposals to screen proposals  
Loss of school  
Over high density  
Lack of safe and adequate access (improvements should take account of TPO, Concern over winter weather)  
Concern over access for emergency and refuse vehicles  
Wish to comment on affordable housing level  
Amended plans have not taken into account objections  
Original design of Cobbetts Ride was to mitigate harm  
only favourable positive comments put into submission  
Tennis courts turned into public use  
bungalows should be for elderly people/retirement homes  
reduction of sunlight/overshadowing to 31,33,35 and 37 Cobbetts Ride  
Concern over significant loss of trees/drainage/noise mitigation  
reduction of value of properties /particularly with affordable homes  
Insufficient parking  
understand allocation of affordable homes  
Too much pressure on local infrastructure  
Houses would overlook/should be sunken into ground or single storey

### **1, 1A, 20, 25, 26, 31, 38, 40, 44, 46, 56, 58, Russell, Longfield Road**

- Impact of parking on Longfield Road for two new dwellings (only one space proposed)
- One space per two bedroom dwelling is insufficient, additional demand will need to met elsewhere
- Concern over construction noise and traffic
- Loss of Beech trees (provide backdrop to their garden)
- dwellings are too high overall
- Houses on Longfield road are too tall in context with neighbours
- Houses facing Longfield Road would be better as a single dwelling
- Over dense development
- Proposal with remove privacy for residents of Longfield Road
- Houses backing onto Longfield Road should be bungalows
- Concern over parking for two houses propose for Longfield Road (more cars parked on the road and when events are on at Scout Hall)
- Gardens of proposed dwellings are too small in relation to surrounding area
- Overshadowing and loss of light to gardens of Longfield Road properties

### **2 Abstacle Hill, 4 Chiltern Villas, 8 Gordon Villas, Scout Hut**

- Height of dwellings results in reduction of skyline
- out of keeping with surrounding area
- two bed bungalows would be better
- run off rainwater concerns
- Concern over access onto Aylesbury Road
- Worsen parking along Longfield Road
- Concern over demolition of asbesto buildings

- Amenity Area should be given to Scouts

## **Considerations**

### Policy and Principle

The site is situated within the identified residential area of Tring wherein the principle of the development is considered acceptable in accordance with policy CS4 of the adopted Core Strategy and subject to compliance with other plan policies. The adopted Core Strategy seeks to optimise the use of urban land and it is noted that the site is not designated as open land within the adopted plan, therefore the principle of development for residential units is considered acceptable subject to considerations below:

### Loss of School and Playing Pitches

The site is currently comprises St Francis de Sales Preparatory School which has been vacant since its closure in 2014. The site contains an area formerly set out as a football pitch and the provision of two tennis courts. Saved Local Plan Policy 69 (education) states that the loss of existing education facilities will not be supported unless the new use is temporary or the site is no longer appropriate for or needed for education use. In this case, the proposed new use is not temporary. Core Strategy Policy CS23 (social infrastructure) includes the following guidance:

"Existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred."

More weight should be given to Policy CS23 than to Local Plan Policy 69, as the Core Strategy is a more recent document.

Therefore in line with both policies above, it is necessary to consider a) whether alternative education provision has been made, or b) satisfactory evidence has been provided to prove that the facility is no longer viable. Beyond this again, consideration must be given to whether the re-use of the buildings for alternative social or community services is preferred before, accepting the principle of redevelopment to residential.

Turning to the first criteria (whether alternative education provision has been made), Hertfordshire County Council as the education authority have been consulted both at pre-application and application stage to understand whether the loss of the school would be detrimental to overall school infrastructure. It is noted that the school is private. Hertfordshire County Council Education Department consider that there is latent school capacity in Tring to meet forecast needs to 2031 and that a site is being sought for detached playing fields. Hertfordshire County Council indicate that the forecast need for school places in Tring can be met through expanding Tring Secondary School (which includes the detached playing fields) and by expanding both Dundale and Grove Road primary schools. A site for detached educational playing fields at Dunsley Farm (HCC owned) on the east site of Tring has been defined in the submitted Dacorum Site Allocations document. The HCC have also commented that should additional playing fields be deemed necessary which could be facilitated without the need for the site and the HCC could through CIL, seek funding towards expanding local schools. As such, the HCC Education team have made their comments clear that they do not object to the loss of the school, playing fields and redevelopment of the St Francis De Sale School Site.

In terms of the second criteria of policy CS23 above (satisfactory evidence has been provided to prove that the facility is now longer viable), given that the HCC have raised no objection to the loss of the School, arguably it could be considered that this second criteria is not necessary for the principle to be acceptable however given the evidence provided and for the purposes of clarity and completeness, this point will be considered. The agent has submitted information which sets out that the privately owned school was shut due to its financial status which had reached a point where the School was no longer considered as financially viable. It is recognised that the school had financial difficulties for some time including when it was owned by a French Order of Nuns before selling it to the current owners. This is evidenced by the requirement to sell off some parts of the site for redevelopment and the former convent house to AES Tring Park School Trust for use as a boarding house and indeed prior to this, parcels of land for residential development now known as Cobbetts Ride. This full information submitted is confidential however the background information is useful. In 2000, the Sisters contacted the current owners of the School to say that they were about to announce the closure of the school and would that be of interest to him. After an intensive two weeks of due diligence investigations, it was decided to acquire the school on a long leasehold basis to see if it was possible to return it to profitable trading. The investigations prior to that decision had evidenced that the school had incurred losses for at least the preceding ten years and had been kept afloat by loans from the Mother House in France and by the sale of various Tring property assets. Since then however, and with considerable effort, substantial pupil numbers were not able to be acquired and the school fell into further negative profit. The directors of the school formed the opinion that despite all efforts and an excellent product, there was a continuing lack of demand for the type of school in Tring. It is considered that reasonable information has been provided to prove that the educational facility was not longer viable and as such part b of policy CS23 has been met.

Finally, it is acknowledged that policy 23 of the Core Strategy sets out a preference for reuse of buildings for alternative social or community services or facilities before residential use. Strategic planning has been consulted on this point and they have made clear that they are not aware of any non-educational social infrastructure needs in Tring which could reasonably be met on the site. Given the planning balance, and the need for housing nationally, it is considered that the redevelopment of the site is considered acceptable in principle and adheres to the aims and objectives of policies CS23 of the Core Strategy and saved policy 69 of the local plan.

#### Sport England - Loss of playing pitches

Sport England has objected to the scheme on the basis of a loss of playing pitches and no alternative solution to be found to mitigate the loss. Sport England's standard policy is to oppose the granting of permission for any development that would lead to the loss of, or prejudice the use of all or part of a playing field, unless one of the exceptions apply (full details of these are set out in the comments from Sport England). The Council published its Playing Pitch Strategy and Action Plan in June 2015. The mini football pitch located on the site does not appear to be identified as part of the current supply of sports pitches within the document, but the site is identified as having 2 good quality tennis courts. The Playing Pitch Strategy and Action Plan identifies that, notwithstanding this omission, there is an adequate supply in both adult and mini football pitches within the settlement to meet existing deficiencies and growth. The only playing pitch requirements for the settlement are those extending to youth football, senior and junior rugby and cricket, none of which could physically be accommodated upon the area of land currently used for playing pitch purposes. In terms of tennis Court provision, the Lawn Tennis Association has identified Tring Tennis Club as a priority site and officers are aware that the club is keen to develop its own facilities to improve capacity. It is noted that the courts are private and not available for community use.

Two leisure proposals for additional pitches are incorporated in the Site Allocations DPD for Tring and are likely to deliver new pitches at LA5 (Site Allocation L/3) and Dunsley Farm (Site

Allocation L/4)

Officers would thus contend that the site is surplus to requirements for outdoor sport pitches and may meet E1. Furthermore the applicants CIL contribution could be utilised at these Site Allocations or on alternative provision in line with E4 although this falls outside of the planning application process.

In any event, the pitch is essentially located on private land and not available for community use. The land itself is limited in size and has little sporting value for alternative uses. Its loss may be considered to be outweighed by the benefits that the scheme delivers in terms of housing.

It should be noted that the developer has indicated that they are prepared to contribute for the loss of the sports pitches by way of a payment in lieu, however, legal advice to date is that this is not reasonable as the Council is unable to request further funding or alternative provision beyond the CIL contribution which would be made by the developer. Discussions with Sport England, the applicants and the Council's legal team are on-going and further clarification will be reported to the Committee.

#### Impact on Character of the Area

A key consideration is how the development responds to the prevalent character of the area and whether any harm results from the type, height, density and layout proposed. Policy CS11 of the adopted Core Strategy (Quality of Neighbourhood Design) states that within settlements and neighbourhoods, development should:

a) respect the typical density intended in an area and enhance spaces between buildings and general character; b) preserve attractive streetscapes and enhance any positive linkages between character areas; c) co-ordinate streetscape design between character areas; d) protect or enhance any positive linkages between character areas; e) incorporate natural surveillance to deter crime and the fear of crime; and f) avoid large areas dominated by car parking.

Secondly, policy CS12 (Quality of Site Design) states that on each site development should:

a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the street scene character; and g) respect adjoining neighbours in terms of:

i) layout; ii) security; iii) site coverage; iv) scale ;v) height; vi) bulk; vii) materials; and viii) landscaping and amenity space.

Also material to the consideration of this proposal is the Character Area Appraisal SPG for TCA1 Aylesbury Road together with TCA2 (Miswell Lane). It is considered that both these character areas encompasses the site and are relevant in defining the prevalent character surrounding. TCA1 character appraisal describes the area as having very low density on the western edge of the town leading out towards open countryside with strong semi-rural qualities, providing a transition from town to countryside. Within TCA1, the type of properties area mainly two storey, medium to large in size and generally the area possesses a linear structure based on the route of Aylesbury Road. The overall density within TCA1 is describes as in the very low range (less than 15 dwellings/ha). TCA1 sets out that the scope for residential development will not normally be permitted within this character area with the

exception of the convent and school sites (this development site). TCA2 is described as being predominantly two storeys, although bungalows are common. There is a three storey development at The Orchards, Longfield Road, although this is exceptional. In terms of size, it is generally small to medium and the area has evolved into a loose grid-type framework located between the High Street/Western Road and the Upper Icknield Way, linked together by Miswell Lane connecting to Cobbetts Ride, Goldfield Road, Barbers Walk, Longfield Road, Beaconsfield Road, Highfield Road and roads leading from them. Development has taken place successively by blocks of dwellings constructed together at certain times, creating groups of dwellings with identifiable design characteristics. In general, dwellings front onto the road with gardens front and rear, giving a degree of spaciousness to street scenes. Strong building lines give perspective views along roads. Spacing varies, but generally does not fall below the medium range (2m to 5m). Finally, within this character area, density varies throughout, but mainly within the low density range (15-25 dwellings/ha).

The following development principles are set out SPG for TCA1 and TCA2

#### TCA1

**Design:** Proposals for new development are encouraged to use the architectural themes and detailing present on existing Victorian and Edwardian dwellings in the area.

**Type:** Detached and semi-detached dwellings are appropriate and encouraged.

**Height:** Should not exceed two storeys.

**Size:** Moderate to large sized dwellings are appropriate. The scale and bulk of new development should be sympathetic to that of existing buildings (with the exception of larger structures at the Convent of St Francis de Sales).

**Layout:** The layout of the area should continue to be based on the linear route of Aylesbury Road. In this respect, new dwellings will be expected to front this road and be set back from it at a distance commensurate with other established dwellings, to maintain a wide, open visual impression from Aylesbury Road. Spacing should be provided in the wide range (5m to 10m).

**Density:** Should be compatible with the character within the existing density range, (less than 15 dwellings/ha).

#### TCA2

**Design:** Opportunities for variety, but should respect the shape, bulk and massing of nearby and adjacent development. Where development sites are located adjacent to established housing dating from the first half of the twentieth century, or constructed in a similar style and design, new development should follow its architectural themes, broad proportions and general design.

**Type:** A variety of dwelling types is acceptable, but should relate well in terms of the type, design, scale, bulk and layout of nearby and adjacent development.

**Height:** Should not normally exceed two storeys.

**Size:** Small to medium sized dwellings are appropriate. Large scale, bulky buildings will not normally be permitted.

**Layout:** The existing layout structure should be maintained. Dwellings should normally front the highway with gardens provided to their front and rear. The building line should be follows. Spacing should be provided at least within the medium range (2m to 5m).

**Density:** Should be maintained within the low range compatible with the existing character.

#### Area Based Policies 341

Supplementary Planning Guidance, May 2004

The proposed development seeks a total of 32 new dwellings comprised of generally semi-detached and terraced properties across the site. The layout has been derived as a result of the constrained levels across the site, need to retain the trees which are subject of a TPO, relationship to adjoining properties, maximising the density of the site in order to provide

maximum housing levels and taking reference from the character surrounding. Since the original pre-application and original submission, the overall layout and density has been altered somewhat. It is considered that the proposed development adheres with the quality of site design policies and the character area appraisals. Since the reduction of dwellings across the site, the density now is in the low range of 20 dwellings per Ha, and comprises a mix of small and mid-sized dwellings for family occupation. Each of the dwellings allows for a rear garden in keeping with the general character surrounding and comprises dwellinghouses as opposed to flats. The dwellings are two storey in height, however concern has been raised that they are much higher than the surrounding dwellings. The amended plans saw a reduction in the height of those proposed adjacent to Cherry Gardens and Abstacle Hill which now comprise chalet bungalows. It is not considered that the height of the remaining dwellings across the site would be of detriment to the character of the area, and this height is not considered to be of harm warranting a refusal.

#### Impact on Trees and Landscaping

The site comprises a bank of trees running adjacent to the Convent building which are subject of a TPO as well as lesser quality trees located in and around the development site. The layout and density of the scheme has been amended in order to avoid removing the trees which are subject to the TPO and it is considered that the proposed parking areas are such that limited harm would arise to the Root Protection of these Trees. Other trees of lesser quality and amenity value (which are not subject of a TPO) are to be removed from the in order to facilitate the housing development. The bank of trees adjacent to the access road are also to be retained which are considered to help preserve the transition of the development to the countryside beyond. This is considered an acceptable approach by the Tree officers and the case officer. Conditions will be imposed requiring more specific details of proposed landscaping and methods of demolition/building and other works to avoid future harm to the trees to be retained. Further to this, more details on landscaping provision between the end terrace properties adjacent to Cobbetts Ride will also be required in order to achieve a buffer from longer and immediately views.

#### Impact on Highway Safety

The existing pedestrian access from Longfield Road is to be removed and a pair of dwellings is proposed within this space fronting the Road. The existing access from Aylesbury Road is to be the main access route serving the development. Hertfordshire Highways were consulted on the highway safety aspects of the site and have not raised any objections subject to the imposition of conditions given the existing use of the site. Hertfordshire County Council as Highway Authority consider that the proposed development will only impact on the highway if the development fails to provide a safe means of access for both vehicular and other modes of transport and if there is insufficient off street parking space within the site. This includes visitor parking and servicing requirements too. The reuse of the existing access is acceptable to the highway authority. The applicant has stated in the TS and shown on the submitted plans that he can achieve the conditioned visibility splays for a 30mph road. The access drive and will be modified (subject to a legal Section 278 agreement for any off site works and the inclusion of a separate footpath within the site boundary) but will remain in private ownership due in part to the steep gradient that currently exists. Roads in Herts –Highway Design Guide, 3rd edition, section 4 Design Standards and Advice, section 1.8 Gradients, states that the minimum longitudinal gradient should be 1% and not exceed 5% (approximately 1:20.) A condition will be imposed requiring the aforementioned visibility splays.

In terms of parking provision, the applicant discusses this in the TS and compares the proposals allocation against the existing permitted/former use and other sites with a similar number of residential units. Using DBC's parking standards (DBC Local plan and the SPG) to determine the level of parking this site should attract, the applicant has used this maximum based standard to come to the figures mentioned above. The site sits within the borough

council's zone 4 for this assessment. In this case the applicant is now providing 64 parking spaces which is slightly down from the previous application but there are fewer units being constructed. Having regard to appendix 5 of the adopted local plan, the maximum amount of parking for the development would be 66. The scheme allows for 2 car parking spaces for dwelling which is considered adequate provision for the size, type and location of the family homes.

#### Maximum car parking standards compared to proposed

Size	Max standard	Max standard (total)	Proposed
12 x 2 bedroom	1.5spaces	18	16
18 x 3 bedroom	2.25	40.5	40
2 x 4 bedroom	3	8	8
32 dwellings	-	66	64

It is noted that particular concern has been raised in relation to parking along Longfield Road however two spaces (one contained within the garage) is adequate car parking provision for the site and type of dwellings proposed and indeed is in line or indeed in excess with the provision found elsewhere on the street. A condition removing permitted development rights for Class A of the General Permitted Development Order (prevent conversion of the garage without planning permission) will be imposed.

#### Impact on Neighbours

Due to the sensitive nature of the site due to the topography and relationship to neighbours, a key consideration is how the proposal deals with the surrounding neighbours in terms of privacy/light and visual impact. It is noted that a range of objections have been received on these grounds and the Town council remains concerns about neighbouring impact. In particular the Town Council has made some recommendations to overcome these issues:

- a. Replace plots H1 & H2 with a single dwelling. There was concern initially that a single dwelling would cause a loss of amenity through overlooking and this could be avoided by a pair of semi-detached houses. In practice the proposed solution makes the situation worse and had an additional dis-benefit by aggravating the parking problems in Longfield Road
- b. Plots H22 & H23. Clarify the measures to be taken vis a vis Cherry Gardens to reduce overlooking, to ensure effective screening, and to manage that screening.

Impact to each of the neighbouring properties has been considered at length and a summary of the impact and proposals is set out below:

#### Longfield Road

##### Letters of objection have been received from a number of residents along Longfield Road

The main concerns raised from residents along Longfield Road are how the new dwellings affect their privacy and car parking provision. Appendix 3 of the local plan sets out minimum distances to ensure adequate privacy between new dwellings and existing houses. In accordance with appendix 3, minimum of 23m is provided between all of the properties along Longfield Road and the new dwellings which is considered sufficient and in line with adopted policy to ensure that the new dwellings does not result in an unacceptable loss of privacy or overbearing impact. First floor windows of all three flank elevations facing Longfield Road are to be conditioned as obscure glazed windows. Concern has been raised about the height of the properties and whilst the proposed height is not considered to be detrimental due to the distance between Longfield and the development, the height of the nearest properties have



been lowered which is more in keeping.

#### Cherry Gardens (Numbers 7, 8 and 9)

#### Abstacle Hill (Numbers 5, 6 and 7)

A distance of 24m is between the rear to rear elevations of these properties and the proposed new dwellings adjacent.

#### Cobbetts Ride

##### 29 Cobbetts Ride

Distance of 25m between rear elevation of proposed terrace and dwelling. Number 29 is significantly lower than the site itself however given the existing school, it is not considered that the new dwellings would give rise to an unacceptable loss of privacy or overbearing impact.

##### 31 Cobbetts Ride

This dwelling comprises a number of principle windows near to the application site and as such concern is raised about the effect of the terrace. The end gable of the properties is located further than the existing school and whilst it is higher, it comprises a gabled roof to lessen the impact. The first floor window of the end gable is to be obscure glazed. It is not considered that the new dwelling would significantly compromise outlook or privacy beyond the existing relationship.

##### 35 Cobbetts Ride

A distance of 22m existing between the side elevation of the new dwelling and the rear of number 35. This distance is considered sufficient to ensure that it doesn't appear unduly overbearing or results in a loss of privacy. It is noted that the first floor window is to be obscure glazed.

#### Impact on Ecology

Given the nature of the site, whilst there are no recorded ecological records for the site, the buildings and trees have potential for local wildlife and species. This has been evidenced further by nearby residents who commented on the application proposals. The County Council ecologist has commented on the scheme and agrees that the site contains ecological value. In particular in terms of bats, the bat survey has shown evidence of roosts. It is considered however the submitted ecological surveys and reports adequately address the concerns which can be mitigated. Conditions requiring the mitigation measures to be followed, details of bird and bat boxes and lighting scheme shall be imposed.

#### Affordable Housing Provision

The scheme makes provision for 12 affordable Homes which is 37.5% of the 32 dwellings. This number is in excess of the 35% requirement outlined in policy CS19 of the adopted Core Strategy and is welcomed.

#### Archaeology Implications

The County Archaeologist has been consulted on the scheme and considers that the details and position of proposed development are such that it should be regarded as likely to have an impact on heritage assets with archaeological interest. This is because the proposed

development site lies on the outskirts of historic core of Tring, a medieval village. Evidence for prehistoric, Roman and medieval occupation is known from the wider vicinity, including the junction of two Roman Roads, Akeman Street and Viatores 173b. Although the archaeology team only have projected courses for these routes, there is good archaeological evidence in support of their existence. Akeman Street is projected to run along the current application sites southern boundary. It is common for structures and settlements contemporary to the roads to be located directly off from their routes. As such in accordance with policy CS27 of the adopted Core Strategy, it is considered reasonable and necessary to imposed conditions which will ensure that a programme of archaeological evaluation, investigation, and archived if necessary takes place on site.

#### Flood and Sustainable Drainage

The site is not located within a Flood Risk Area however given the size of development proposed, it is now compulsory to consider the flood risk and sustainable urban drainage of the scheme. Flooding and drainage has also been raised by residents commenting on the application and in particular in the area where the tennis courts are located. The Lead Local Flood Authority has been consulted on the scheme and has raised no objection having regard to the proposals put forward. They consider that the proposed drainage strategy is based on infiltration for the northern part of the time and attenuation and discharge southern catchment. Infiltration tests have been carried out and results provided within the FRA and the LLFA authority note that the site was previously discharging surface and foul water to the public foul sewers in Aylesbury Road. The LLFA acknowledge that Thames Water have been contacted and have stated that 50% reduction from existing flows is required. It will be conditioned that formal confirmation from Thames Water is attained by condition for the runoff discharge levels. For plot 24-26 and access road the drainage strategy is proposing to connect into the Thames surface water sewer and restricting surface water run-off to 12l/s. The LLFA consider this to be an acceptable solution. A condition will be imposed requiring the scheme to be implemented in accordance with the SUDS scheme provided and confirmation that Thames Water is satisfied with the proposals.

#### Refuse Collection and Fire and Rescue

Both DBC refuse team and Hertfordshire Fire and Rescue team were consulted on the proposals with particular regard to ensuring adequate accessibility to and from the site. The refuse team were originally concerned that due to the gradient and positioning of the access of Aylesbury Road, they would not safely be able to pick up and service the site. A number of discussions were held between the refuse team, the developer agents and Hertfordshire Highways which resulted in additional safety provisions being put forward to ensure that the access route was such that the refuse team were confident of safe service particularly during poor weather conditions. The refuse team and Hertfordshire Highways now raise no objection subject to the improvements being implemented to the access way. In terms of Hertfordshire Fire and Rescue team, they require provision for fire hydrants, or turning circles where the access is more than 20m long (which is the case here). Adequate space is provided to achieve fire hydrants and/or additional turning circle if required in order to meeting British Standards. As such a condition will be imposed requiring detailed provision for fire safety across the site.

#### Other Material Planning Considerations

The Town Council have sought information on the on-going management of the amenity areas. Typically, a management company is assigned to manage the amenity areas which is then legally obligated to each of the home owners through their registered title. Confirmation on the proposals can be requested through the landscaping condition attached to the grant of planning permission.

#### Community Infrastructure Levy (CIL)

The application site is situated within CIL Charging Zone 2 and as such, the proposal will be subject to a CIL rate liability of £150 per square mile unless any exemptions are applicable.

### Planning Obligations

A Section 106 Agreement is required to secure affordable Housing provision.

### **Referral to Secretary of State**

Due to the outstanding objection from Sport England, it is necessary to refer the application to the Secretary of State for Communities and Local Government for consideration as to whether the application should be called-in.

### RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager, Development Management and Planning with a view to approval subject to the SoS not intervening with a call in and completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 .
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

12 units of Affordable Housing

#### Suggested 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. Specific details of the following shall be submitted and development shall be carried out in accordance with the approved details:**

- **sample panels of brickwork;**
- **Sample of roof materials;**
- **Detailed scaled drawing of joinery;**
- **Details of windows heads and cills;**
- **rainwater goods;**
- **Details of rooflights**

Reason: In the interests of the visual amenities of the area, enhance the relationship to neighbouring properties and to enhance the ecological potential of the site in accordance with policy CS12 of the adopted Core Strategy and 99 of the local plan.

- 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 and boundary treatments;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- External lighting.
- means of managing/maintaining landscaped areas.

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 in accordance with policy CS12 of the adopted Core Strategy.

- 4 **Prior to the commencement of any works a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority.**

The plan shall include details of:

- on site parking for construction workers for the duration of the construction period;
- wheel cleaning facilities associated with the proposal;
- A scheme for construction methodology including the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.

The scheme shall be implemented in accordance with the agreed Construction Management Plan.

Reason: In the interests of maintaining highway efficiency and safety and pedestrian safety in accordance with policy CS8 of the adopted Core Strategy and 'saved' policy 61 of the Local Plan.

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

**Schedule 2 Part 1 Classes A, B, 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, avoiding harm to neighbouring properties by loss of privacy and visual

impact and, avoiding increased size in dwellings requiring further parking provision in accordance with policies CS8 and CS12 of the adopted Core Strategy.

- 6 **The windows at first floor level in the flank elevations of plots H.3, H.15 and H.16 hereby permitted shall be non opening below a height of 1.7m from finished floor level and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in accordance with policy CS12 of the adopted Core Strategy.

- 7 **Notwithstanding the information submitted detailed full layout and elevation plans of the proposed ramps, refuse area and covered cycle storage area and any other structures shall be submitted to and approved in writing by the Local Planning Authority prior to construction of these outbuildings.**

Reason: To ensure a satisfactory appearance to the development, and to preserve residential amenity; in accordance with policy CS12 of the Core Strategy (2013) and saved appendix 3 of the Local Plan (1991).

- 8 **Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) visibility splays measuring 43 x 2.4 metres shall be provided to each side of both the accesses off Aylesbury Road and Longfield Road and such splays 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 in accordance with policy CS8 of the adopted Core Strategy.

- 9 **The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted PHASE 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey report. Details of location and type of bird and bat boxes shall be submitted and approved by the LPA together with details of their installation, demolition and migration prior to the first demolition of any buildings on the site.**

Reason: In the interests of biodiversity and in accordance with policy CS29 of the adopted Core Strategy.

- 10 **Prior to occupation, a lighting design strategy for biodiversity as recommended in the submitted PHASE 1 STUDY, shall be submitted to and approved in writing by the local planning authority. The strategy shall:**  
a) **identify those areas/features on site that are particularly sensitive for identified bat populations and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and**  
b) **show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.**

**All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.**

Reason: To protect bat movement corridors and compensatory roosting features as identified in the submitted ecological report in accordance with policy CS29 of the adopted Core Strategy.

- 11 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**

- 1.The programme and methodology of site investigation and recording**
- 2.The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with policy CS27 of the adopted Core Strategy

- 12 **i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 11.**
- ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (11) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with policy CS27 of the adopted Core Strategy

- 13 **The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (JNP reference M41452-FRA001 Dated Dec 2015) and the mitigation measures outlined within.**

**The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

Reason: To ensure the structural integrity of existing flood defences and reduce the risk of flooding to the proposed development and future occupants in line with policy CS31, the National Planning Policy Framework and Planning Practice Guidance.

- 14 **Notwithstanding the details provided, a full scheme showing how the development will make adequate provision for access routes and Turning facilities for Hertfordshire Fire and Rescue vehicles and/or Fire Hydrants on site in order to ensure that the site complies with British Standards without compromising the approved layout of the scheme. The approved layout shall**

**be implemented before the first occupation of the development hereby permitted and provision retained thereafter.**

Reason: In order to ensure that the development comprises with British Standards BS9999:2008 at the Interim without having impacts on the planned layout of the development affecting the retained trees , landscaping and parking layout in accordance with policies CS8 and CS12 of the adopted Core Strategy and policy 99 of the local plan.

- 15 **No development shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 16 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (17d) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

- a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - (i) human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

**This must be conducted in accordance with DEFRA and the Environment**

Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**(b) Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

17 **(c) Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**(d) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (16) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (16), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (17).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the adopted Core Strategy.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:



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

**TH/NSA/15 PLoc.1  
TH/NSA/15 PL01  
TH/NSA/15 PL02B  
TH/NSA/15 PL03B  
TH/NSA/15 PL04B  
TH/NSA/15 PL06A  
TH/NSA/15 PL07B  
TH/NSA/15 PL08A  
TH/NSA/15 PL09A  
TH/NSA/15 PL10A  
TH/NSA/15 PL11A  
TH/NSA/15 PL12A  
TH/NSA/15 PL13B  
TH/NSA/15 PL16A  
TH/NSA/15 PL17A  
TH/NSA/15 PL18A  
TH/NSA/15 PL19A  
TH/NSA/15 PL20A  
TH/NSA/15 PL21A  
TH/NSA/15 PL22A  
TH/NSA/15 PL23A  
TH/NSA/15 PL24A  
TH/NSA/15 PL25B  
TH/NSA/15 PL26A  
TH/NSA/15 PL27A**

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

NOTES AND INFORMATIVES

A) HIGHWAYS

AN1) Where works are required within the public highway to facilitate an improved or amended vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before any works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, and Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### B) ECOLOGY

It is therefore important to check for active nests before any repairs to roofs and soffits are carried out during the breeding season.

If demolition is to be undertaken within the breeding season, Starlings are protected under the Wildlife and Countryside Act 1981, which makes it illegal to intentionally kill, injure or take a starling, or to take, damage or destroy an active nest or its contents. Preventing the birds from gaining access to their nests may also be viewed as illegal by the courts. (Ref: RSPB).

#### C) ENVIRONMENTAL HEALTH

Noise on Construction/Demolition Sites - The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

Construction of hours of working – plant & machinery - In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays.

Dust - Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, Produced in partnership by the Greater London Authority and London Councils.

Asbestos - Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

Bonfires - Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted