

4/01679/15/MOA - PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 25 HOUSES (4 X 4 BED 10 X 3 BED AND 11 X 2 BED) WITH GARAGING, PARKING AND NEW ESTATE ROAD - OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT LAYOUT AND ACCESS..

LAND R/O 71 - 87A AND, 89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1.

APPLICANT: E. J Waterhouse & Sons Ltd.

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The application proposes the construction of 25 houses to the rear of 71 to 87A and 89 Sunnyhill Road with access and layout for determination. An appeal in 2012 for 13 dwellings on part of the site was allowed by the Inspector who considered that there would be no harm to highway safety as a result of the introduction of an access in close proximity to a steep section of Melsted Road and close to a sharp bend. In particular, the Inspector was satisfied that in wet or dry conditions an errant vehicle would not be likely to collide with vehicles associated with the new access, or with pedestrians, and that, subject to planning conditions, there would be no adverse harm to highway and pedestrian safety in inclement weather conditions including snow and ice. He also noted that the various safety improvements would reduce the potential for vehicle collisions in snow and ice.

The proposal, as before, incorporates under-carriageway heating elements and back up systems to minimise danger on the steep access road during times of snow or ice. A management company would be formed to manage the system. The Highway Authority raise no objections to the proposal given that the appeal Inspector accepts the principle of under-road heating as a solution to the severe gradient of the access road, and given the significant safety improvements incorporated both on and off-site to mitigate the impact of a junction at this point. The proposal is considered acceptable in layout and access terms and will accord with parking standards. There would be no material harm to adjoining residential occupiers. It would be designed to meet Code level 3 plus 5% CO2 reductions. The proposal provides satisfactory evidence that there will be no harm to European Protected Species and the applicants are willing to complete an s106 unilateral undertaking securing contributions to affordable housing, highway improvements and sustainable transport.

Site Description

The site is L shaped and extends to 0.65 hectares, with a relatively small frontage to Sunnyhill Road and the majority of the site sitting behind Nos. 71 to 87A. It is sited approximately 0.5 km to the west of the town centre on the western side of Sunnyhill Road, close to a sharp bend with Melsted Road, in the Hammerfield North area of the town.

The site is located adjacent to open space known as Gravelhill Spring that consists of a densely wooded area to the north, allotments to the west and an element of recreational space. A public right of way runs along the northern boundary of the site between Sunnyhill Road and Warners End within the aforementioned wooded area, which is also a designated nature reserve.

Part of the site comprises a large 1930s detached, two-storey, gable-ended dwelling directly fronting Sunnyhill Road. It is served by a very large residential curtilage to the

rear with significant trees to its northern and western boundaries. These trees are subject to a Tree Preservation Order. Land levels across the site drop approximately 10-metres between the front (eastern) and rear (western) boundaries of the site. The site also comprises garden land to the rear of Nos. 71 and 87A Sunnyhill Road, the western boundaries to which are defined by mature hedges and trees.

Proposal

Outline permission is sought for the demolition of No. 89 Sunnyhill Road and the erection of 25 detached, semi-detached and terraced residential units (4 x 4 bed 10 x 3 bed and 11 x 2 bed) together with associated gardens, landscaping, car parking, garages and access road from Sunnyhill Road. All matters are reserved apart from access and layout.

The details submitted in respect of access which relate to that part of the site comprising No. 89 Sunnyhill Road are virtually identical to those submitted under the previous application 4/00522/12/MOA and include proposals for under carriageway heating and back up generators. The details of layout are also very similar to those previously submitted and approved but now involve additional dwellings served by an extended access, and the omission of the originally approved block of 4 flats in favour of houses.

In addition to a location plan, site survey, layout plan and street scenes, the application is supported by a Design & Access Statement, a Tree Survey and Arboricultural Plan, a Bat Survey, a Health and Safety Review, a Development Access Design Report, a Road Performance in Wet Conditions Assessment Report, a letter from Strada regarding the under carriageway heating, and a Development Access plan.

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Janice Marshall.

Planning History

- | | |
|----------------|---|
| 4/00611/14/FUL | DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO THREE- BED DWELLINGS
Withdrawn
16/05/2014 |
| 4/00552/12/MOA | CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME)
Refused
27/11/2012

Appeal allowed March 2013 |
| 4/00542/11/MOA | CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME)
Refused
14/09/2011 |
| 4/00561/10/MOA | CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD |

Refused
30/06/2010

4/00403/07/PRE RESIDENTIAL DEVELOPMENT
Unknown
25/04/2013

4/00984/92/4 TWO DETACHED DWELLINGS
Refused
11/03/1993

4/00827/91/4 TWO DETACHED DWELLINGS AND ACCESS DRIVE (OUTLINE)
Refused
09/08/1991

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Circular 1/2006, 05/2005
Manual for Streets

Hertfordshire Highway Authority

Roads in Hertfordshire, A Guide for New developments, June 2011

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of 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
CS26 - Green Infrastructure
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS33 - Hemel Hempstead Urban Design Principles
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 51, 54, 58, 61, 62, 63, 99, 100, 102, 111, 129
Appendices 1 (*to be updated through the CPlan sustainability checklist*), 3, 5 and 6

Supplementary Planning Guidance/Documents

Environmental Guidelines

Residential Character Area HCA9: Hammerfield North

Accessibility Zones for the Application of Car Parking Standards July 2002

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Sustainable Development Advice Note

Planning Obligations SPD April 2011

Affordable Housing SPD 2013

Advice Notes

Sustainable Development Advice Note (March 2011) *Note: This is in the process of being updated to reflect the content of the adopted Core Strategy*

Refuse Storage Guidance Note February 2015

Summary of Representations

Strategic Housing

Having considered the particular issues with developing this site, the extant permission on the first part of the site and imminent planning policy changes regarding affordable housing, would accept the offer of £163,500 as an affordable housing commuted sum. This would be payable at commencement of development.

Response to the viability report:

1. The applicants construction costs are based on BCIS rates plus 15% for external works and infrastructure. There is also an additional £230,000 included in the viability report for abnormal costs. The construction cost is higher than the Council would expect. We therefore require further evidence to support this and supporting information to confirm the work listed in the abnormal costs schedule is required.
2. The Council believes the applicant can achieve higher sales values. The house prices used as comparisons are for smaller properties than the proposed units and do not take into account the premium for new build.
3. The total capital value of the affordable housing units is lower than the Council would expect. The applicant has stated that they would sell the affordable housing units to a registered provider, this should be reflected in the viability appraisal.
4. The Council requires the applicant to provide evidence of the existing use value through a RICS approved valuation.
5. Sales fees are stated as 3.5%, further evidence is require.
6. The applicant should provide further details of the Misc and arrangement fees.

Initial comments:

To meet the affordable housing policy requirements 35% of the dwellings should be agreed for affordable housing. Therefore 9 affordable housing units should be agreed for affordable housing on this site. 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.

Conservation and Design

Layout:

- Unit 7 could better terminate the view into the site
- Terminating the streetscene with the garage serving 19 and 26 is not visually acceptable
- The garage to 87 Sunnyhill Road would be better sited within the site and an external door provided to the garden

House Types:

- These are seeking to emulate Victorian town houses and are lacking in correct detailing. Sash windows and proper canted bays would improve the scheme significantly. Also taller corbelled chimneys would give emphasis to a better roofscape
- Traditional fanlights need to be provided. What is shown is confusing
- Unit 6 would benefit from a ground floor bay window to articulate the corner

Hertfordshire Highways

Raises no objection subject to conditions covering:

1 i) Roads, footways, and on-site water drainage, ii) Access arrangements in accordance with those shown in principle on approved plan 12002/101 Rev C, iii) Parking provision in accordance with adopted standard and iv) Turning areas.

2) Visibility splays.

3) Stage 2 Road Safety Audit for the proposed highway improvements and access junction.

4) Street Lighting scheme.

5) Construction Management Plan

6) Scheme for the parking of bicycles.

Informatives covering:

Storage of materials within the site, construction standards for works within the highway, road deposits and mud.

S106 agreement to secure financial contributions towards sustainable transport initiatives, bus stop upgrades and traffic regulation order.

S278 Agreement to secure works within the highway boundary.

Based on the proposed scale of the development, the level of assessment is considered to be appropriate and is consistent with Roads in Hertfordshire and the National Planning Policy Framework (NPPF).

Access: Sunnyhill Road has a gradient of approximately 1 in 50 in the vicinity of the site frontage and Melsted Road is approximately 1 in 7.

The proposed access road is designed to adoptable standards with a turning head at the end of the cul-de-sac. It is not intended that the access road will be adopted.

HCC raised issues associated with the severe longitudinal gradient of the proposed access road during previous applications for the site. The Planning Inspectorate Appeal Decision (APP/A1910/A/11/2160924) accepted that under-carriageway heating provides an adequate solution for both vehicle and pedestrian access. As stated in our response to the previous application (4/00552/12/MOA), HCC accepts that under-carriageway heating will mitigate any issues with the severe longitudinal gradient of the proposed access road.

Visibility: The submitted plan (12002/101) indicates that visibility splays of 2.4m x 43m are achievable within highway land (to the south). This is considered appropriate for a 30mph road and due to the right-hand bend and the steep gradient of Melsted Road, vehicle speeds are likely to be below 30mph in the vicinity of the site.

The extent of the highway boundary on the eastern side of Sunnyhill Road is not shown and the drawing does not demonstrate that the visibility splay is achievable within highway land. The applicant will need to provide revised visibility splay drawing illustrating the existing highway boundary (including any existing fences and structures) to demonstrate that the proposed visibility is achievable. This should be secured via a condition.

Highway Improvements: As part of providing the proposed access junction, the following improvements to the local highway are proposed by the applicant: • High friction surfacing on Melsted Road; • Additional gullies along the steep section of Melsted Road; • Additional gullies on Sunnyhill Road between the proposed access and Melsted Road; • Improvements to the existing allotment access with increased turning radii and deflection from the main carriageway; • Additional pedestrian space and guardrails to the north of the existing allotment access; • Bollards to the north of the proposed access to deflect vehicles; • Tactile pavers and drop kerbs across the proposed access and the existing allotment access; and • Improved road markings along Sunnyhill Road and Melsted Road including double yellow lines. These will need to be secured through a s278 agreement.

Impact on Highway Network: The number of vehicle trips generated by the proposed 26 dwellings (now 25) is unlikely to have a significant impact on the local highway network. As a result, a full analysis of the impact of trips generated by the proposed development is not required.

Road Safety Collision data held by HCC indicate there have been no recorded collisions on Sunnyhill Road or Melsted Road within the last 5 years.

Road Safety Audit: An independent Road Safety Audit (RSA) was carried out by TMS Consultancy on behalf of the applicant in February 2012. The initial detailed design for the new access junction was submitted to TMS Consultancy along with the Planning Inspector's appeal decision. The RSA noted the following problems / issues:

Item 2.1 – Melsted Road/ Sunnyhill Road - Potential loss of control type vehicle conflicts. High friction anti-skid surfacing will be provided on the bend of Melsted Road and Sunnyhill Road and this will be continued up to the crest of Melsted Road opposite number 36. High friction anti-skid surfacing will also be provided along the proposed development access to provide additional skid resistance during wet weather conditions.

Item 2.2 - Development Access Junction onto Sunnyhill Road - Potential hazard for vehicles. The proposed ramp near the junction of the access road with Sunnyhill Road has been omitted from the design so that it does not provide an additional obstacle for vehicles on the steep up-hill access road.

Item 2.3 – Development Access (Footway) - Potential hazard to pedestrians. The proposed footway on the south side of the development access road will also feature a gradient of 1:7, which may be inaccessible to pedestrians with visual and mobility impairments. Handrails will be provided along the footways within the development. The footway on the northern side of the access will terminate at the pedestrian crossing point.

Item 2.4 – Development Junction and Allotment Access - Potential hazard to pedestrians. Pedestrian crossing points at the development access and across the allotment access are designed to ensure gradients of the tactile paving do not exceed 1 in 12 and are laid flush where they meet the kerb line.

Item 2.5 – Development Junction and Allotment Access - Potential hazard to vehicles. Skid resistant lids to service chambers will be provided within the bellmouth entrances of both the proposed development access and the allotment access.

Item 2.6 – Development Access Road - Potential hazard to pedestrians / drivers. The proposed generator of the under carriageway heating will be located outside of the footway and any visibility splay. The generator should also be located where a maintenance vehicle can park without causing an obstruction to passing vehicles.

Item 2.7 (number not used)

Item 2.8 – Development Junction onto Sunnyhill Road - Darkness related hazards to all road users. A detailed street lighting scheme will be provided to ensure the junction is correctly illuminated.

All the recommendations of the RSA have been accepted and included within the improved detailed design.

Interim Safety Audit: In 2012, HCC Safety Audit Team carried out an Interim Safety Audit (ISA). This is not a formal RSA but a review of the applicant's proposed design and the RSA carried out by TMS.

The ISA noted the following responses to the problems/ issues raised in the RSA: •

Item 2.1 - The problems identified are an existing problem with the current local highway network. The proposed high-friction surfacing is welcomed but may become a maintenance issue due to the unusually severe road geometry. • Item 2.2 - Agree with RSA comments. • Item 2.3 - Agree with RSA comments. Surface texture is required to provide additional grip for pedestrians on the steep footway. • Item 2.4 - Agree with RSA comments. Pedestrian crossings should be installed in accordance with DfT Guidance. • Item 2.5 - Agree with RSA comments. • Item 2.6 - Agree with RSA comments. • Item 2.8 - Agree with RSA comments.

The following additional problems / issues were identified in the ISA:

Item 3.1 - Junction of Access Road with Sunnyhill Road - Potential Vehicle conflicts. The ISA noted that the introduction of a new side road junction at this location would aggravate traffic movements on the existing poor road geometry on Sunnyhill Road/ Melsted Road. The ISA noted that there are limited mitigating measures that could be incorporated into the new road layout to reduce the risk of collisions as a result of the additional turning movements to and from the new development access.

The ISA recommended that double yellow lines are provided on the access road junction, and on Sunnyhill Road and Melsted Road to improve visibility and reduce potential conflicts. Double yellow lines have been incorporated into the submitted plan (12002/101 Rev C). The double yellow lines will require a Traffic Regulation Order (TRO) and should be included within the s106 agreement.

Item 3.2 - Junction of Allotment Access Road with Sunnyhill Road - Safety Fence. The ISA recommended the use of bollards rather than a pedestrian safety fence. This has been incorporated into the submitted plans (12002/101).

The problems/ issues identified in the RSA and the ISA have been resolved or included in the revised highway and access design. The ISA noted that the majority of the problems/ issues were Stage 1 RSA comments and an approved Stage 2 RSA is required. As a result, a Stage 2 RSA should be secured as a condition.

Parking: The proposed development includes a total of 52 car parking spaces within the site. This is a ratio of two car parking spaces per unit. This is consistent with the maximum parking standards for residential developments required by DBC.

The layout and provision of car parking should be submitted for approval of DBC (in consultation with HCC) as part of the reserved measures.

The proposal does not outline any cycle parking that will be provided within the site. A scheme for cycle parking within the site should be secured via a condition.

Accessibility: The site is approximately 1600m from the centre of Hemel Hempstead (Marlowes), but the topography of the adjacent area may discourage some residents from walking and cycling. The DAS states that residents of this development will be reliant on private vehicle transport to get to and from shops and services. There are also several schools in the vicinity and the footpath link through to Warners End Road reduces the walking distance.

The nearest bus stops are located approximately 120m away on Warners End Road and are accessible via a footpath link where at the Sunnyhill Road/ Melsted Road

junction. The eastbound bus stop is a half layby design while the westbound bus stop consists of a flagpole but no bus cage road markings. Neither of the stops have easy access kerbs or shelters.

The proposed development will generate additional trips via public transport. The applicant acknowledges that there is limited scope for improvement to the walking and cycling network. However measures to encourage the use of sustainable transport options are required to ensure the development is sustainable. As a result, the eastbound and westbound stops on Warners End Road should be upgraded with easy access kerbs.

Travel Plan: Based on the proposed number of residential dwellings, a Travel Plan is not required.

Planning Obligations: HCC's Planning Obligation Guidance (2008) implements a two-strand approach to planning obligations in order to address the immediate impacts of the new development (first strand), and the cumulative impacts of all development on non-car networks (second strand). The financial contributions required should be secured via a s106 agreement. First Strand - A financial contribution of £8,000 is required to upgrade the existing bus stops on Warners End Road as a result of the new development. This should be secured via a s106 agreement. Second Strand - There is a standard charge for residential development based on the number of bedrooms provided in each unit. Based on the proposed composition of the development, a contribution of £27,000 will be required. This should be secured via a s106 agreement. The contributions would be set aside as a contribution towards making improvements to the roundabout at the junction of Warners End Road, the B487 Queensway and the A4146 Leighton Buzzard Road. This is the main connection between the site and the local road network leading to the strategic network. It lies 625 metres to the east of the site. The need for it to be able to cope with planned development in the area was identified in computer traffic modelling carried out by consultants SKM Colin Buchanan for Dacorum Borough Council in 2013. The local road network is likely to suffer from unacceptable levels of congestion if the roundabout is not improved to cope with projected levels of development.

Construction: The submitted documents do not provide any details about the construction of the proposed residential units. Due to noted issues with the gradient of the proposed access road, and the substandard geometry of the local highway, a Construction Management Plan (CMP) is required to identify the most appropriate route for construction vehicles, ensure construction vehicles parked on-street do not obstruct the visibility of motorists, or damage the highway during construction.

Summary: Hertfordshire County Council (HCC), as Highways authority, has no objection to the principle of the development, subject to the conditions / contributions detailed within the response.

HCC Planning Obligations Officer

Any comments received will be reported at the meeting.

Trees and Woodlands

Comments on revised details:

Of those trees it is intended to remove the vast majority are cat C and U. It's not sensible to try to retain trees of this poor quality. Four cat B trees are due for removal due to their position. The only cat A trees are to be retained.

Minor cutting back of tree growth to facilitate development is acceptable.

The use of 'no-dig' techniques within the RPAs of trees 7, 8 and 9 is welcomed, as is the siting of the services trench away from established vegetation.

The shorter-term retention of tree 58, a Chestnut, to provide established canopy cover within the site is acceptable, with subsequent pruning or removal agreed due to condition as necessary.

Tree planting location proposals are acceptable. Detail of species, planting size and specification, and maintenance should be submitted for assessment.

Initial comments:

The main submitted document for consideration by Tree & Woodlands should be an Arboricultural Report, submitted in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction: Recommendations'. A document conforming to this standard has not been submitted and the impact of proposed development on site trees cannot therefore be determined.

An arboricultural survey, reference DS10061001, was carried out on 17th June 2010 and so is both not up to date and references an old British Standard, BS5837:2005. Changes to the British Standard between 2005 and 2012 mean that the submitted survey is not valid. Site trees would need resurveying against current standard, BS5837:2012.

Once that document has been submitted, the impact of proposed development on trees can be assessed.

Without knowing the impact upon site trees, the following is provided for information only:

Current documentation indicates that new tree planting is intended with the limited retention of existing trees, some protected by TPO. Throughout the proposed development, the relationship between trees, property and roads is poor.

Almost every new or retained tree is located too close to highway surfaces or property boundaries, leading to future conflict between people, property, hard surfacing and trees / tree roots; the likely result being the removal of trees.

The new proposed access road junction with Sunnyhill Road will impact upon the health of nearby trees (drawing 12002 101 Rev C) and along the northern site boundary. It is also probable that tree pruning will be required prior to the enabling phase of development and that significant stem and root damage will occur during construction.

Rather than agree protective measures that are likely to be infringed or ignored, it

would be more realistic to identify selected trees for removal, certainly along the northern boundary, to provide space for demolition and construction. A more widespread replanting scheme can be agreed and installed post-development.

More space should be provided around proposed planting locations to allow for future branch and root growth.

Public Rights of Way Officer

This site is crossed by Hemel Hempstead public footpath 24.

We have, in the past, had Herts CC Officers assess the legal line of this path and it was found to be obstructed by fencing from number 89 Sunnyhill Road. A diversion will be required unless adequate provision can be found to accommodate the legal extent of this path.

Hertfordshire Ecology

Any comments on the revised survey will be reported at the meeting.

Initial comments:

There is a local wildlife site adjacent to the site. The bat reports concludes that it is unlikely that bats are using the onsite buildings for roosting. Given the report was carried out 4 years ago the results are invalid and out of date. An updated bat survey should be required prior to permission being granted.

HMWT

Despite the fact that the submitted bat survey is nearly 3 years out of date, I do not think that it is likely that the building will have been colonised in the intervening time.

The bat survey recommends the inclusion of bat and bird boxes in the development. NPPF para 118 states: 'opportunities to incorporate biodiversity in and around developments should be encouraged'

Due to the surrounding habitats this development proposal is highly suitable for bat and bird features being incorporated into the development. Integrated bat and bird boxes should be incorporated into the brickwork of some the proposed buildings. The most suitable models are Habibat bat boxes and Eco-surv Swift boxes. A condition is recommended.

HCC Crime Prevention Advisor (in summary)

Comments on revised plans:

Having reviewed my previous comments, my updated comments are:

As regards my comment regarding Secured by Design, my comments still apply.

As regards my comment re rear garden access gates, I now see they are fitted, so no longer applies.

As regards my comment re trellis topping, my comment was based on what are garages which I thought were terraced dwellings, so my comment no longer applies

Initial comments:

Secured by Design part 2 physical security:

To alleviate any concerns regarding security, I would look for the development to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard. Building to the physical security of Secured by Design, which is the police approved minimum security standard, has been shown consistently to reduce the potential for burglary by 50% to 75%.

Rear Garden Access Alleyway:

These should be secured with a full height gate and able to be locked and unlocked from either side, so residents can enter and egress with their cycles and leave their rear garden secure.

Layout:

As regards layout I am content with the proposed layout on the basis of information supplied. It is unfortunate that there is the driveway though to the rear gardens of 87 & 87A, but I understand why this is there. As mitigation rear garden boundaries of new housing should have additional 0.3m trellis on top of the rear garden 1.8 fences. Also as regards plot 22, consideration could be given to a landing window overlooking the side access roadway.

Environmental Health

Advises that any permission should include conditions covering piling method statement, and informatives covering noise on construction sites, construction hours, dust and bonfires.

HCC Minerals and Waste

Recommends condition re Site Waste Management Plan.

Affinity Water

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

Refers to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses. Recommends that the standard contamination condition be applied if permission is granted.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement (in summary)

Ward Councillor, 12 Wrensfeld - Objects:

The issue of the site opening out onto the very difficult and steep corner at the junction of Sunnyhill Road and Melsted Road caused immense difficulties with the previous applications. As a result of this difficulty, a number of highway safety matters were included as conditions to the granting of the permission for 4/00552/12. This development is double the number of properties previously granted on appeal (4/00552/12) and totals 72 bedrooms. I raise doubts as to the adequacy of the junction onto Sunnyhill Road in view of the considerable increase in units. I also question whether the sight line is sufficient at the corner where plots 6, 7 and 8 are located.

The Design & Access Statement advises that there are 2 parking spaces for each of the houses, with no frontage parking bays proposed. Bearing in mind there are no visitor parking spaces and almost certainly the larger houses will have more than 2 cars, it will mean that there will be greater pressure of parking in Sunnyhill and Melsted Roads. Both those roads have parking pressures as several of the properties (especially in Sunnyhill Road) do not have off-street parking. For the same reason, there would be parking on the internal road. However, the internal road is of modest width and I question whether there is sufficient space for manoeuvring and passing.

The proposed development is out of keeping with the locality. It is at variance to the housing styles and densities of the immediate neighbourhood. Whilst Sunnyhill Road and Melsted Road comprise a variance of housing styles and densities ranging from detached to linked family houses, all properties, including the linked houses, have gardens of a size which give an air of spaciousness. That is not the case with this development. The development is too cramped.

Should permission be granted, it is essential that none of the road safety provisions relating to the junction of Sunnyhill Road and Melsted Road, which were conditions of the planning permission for 4/00552/12 (construction of 13 dwellings at 89 Sunnyhill Road, Hemel Hempstead) be diluted.

9, 13, 21, 22, 34, 42, 51, 53, 58, 61, 67, 69, 70, 75, 77, 78, 81, 83, 87A, 89, 92 Sunnyhill Road, 8, 14, 20, 24, 25A, 28, 32, 34, 36 Melstead Road - Object:

Traffic / access

- Inadequate parking
- Lack of visitor parking

- Garages not wide enough to serve as parking spaces
- Additional on-street parking on Sunnyhill and Melsted Roads
- Additional parking congestion in Sunnyhill Road
- Increase in annual trips of some 57,000
- Inadequate visibility
- No plan showing visibility splays
- Obstruction to visibility by parked cars
- Additional road safety concerns at the junction
- Additional potential for road traffic collisions
- Danger to pedestrians / children at new junction
- Dangerous junction which is not addressed by updated report
- Increased skid danger on proposed access road and Melstead Road
- Emergency and waste vehicles will not be able to negotiate the access road in winter
- No safety audit work undertaken to review intensification of junction
- Development Access Design Report should be updated to relate to 26 dwellings
- How will construction traffic gain access?
- Road should be adopted and built to adoptable standards
- Access should be taken from a roundabout at the dip in Warners End Road
- Swept path plan for refuse vehicle should be provided
- If permission is granted, residents should be given parking permits

Layout

- Overdevelopment
- Density not in keeping - too dense / too many houses / too cramped
- 2 bed properties out of keeping with area

Residential amenities

- Loss of privacy contrary to Human Rights Act Protocol 1, Article 1 and 8
- Loss of privacy to occupants of the development, contrary to Human Rights Act
- Visual intrusion to No. 75 Sunnyhill Road
- Loss of privacy / security to No. 73 Sunnyhill Road
- Loss of outlook and privacy to No. 67 Sunnyhill Road
- Increased noise and disturbance, vibration and pollution from road traffic
- Loss of trees providing privacy to No. 87A Sunnyhill Road
- Do not want a gate at bottom of No. 87A Sunnyhill Road
- Overlooking / loss of privacy / visual intrusion to No. 77 Sunnyhill Road
- Light pollution
- Loss of value
- Noise and disturbance from construction works

Other matters

- Tree survey should be updated to take account of current scheme
- Some of the trees should be preserved
- Ecological survey required
- Bat survey should be updated
- Disturbance to wildlife
- Badgers setts located within gardens of Nos. 59/61 Sunnyhill Road
- Harm to protected badgers and slow worms

- No details of how the amenity value and physical features of the allotments will be maintained
- Phase 1 Site Investigation should be requested
- Who will pay for the under-carriageway heating?
- Impact on allotment tenants
- Impact on Gravel Spring nature reserve
- Impact on local schools and infrastructure
- No consultation by developer
- Inadequate sewerage capacity
- Construction works should be controlled by condition

Considerations

Policy and Principle

The site is located within the urban area of Hemel Hempstead wherein, under Policies CS1 and CS4 of the Core Strategy residential development is acceptable in principle subject to complying with all other relevant policy criteria. In accordance with the Character Appraisal (HCA9) plot amalgamation may be appropriate on the western side of Sunnyhill Road where rear gardens to houses fronting the road are of sufficient length to allow housing that meets the requirements of the Development Principles to be achieved.

Outline permission was granted on appeal for residential development comprising 13 dwellings to the rear of 89 Sunnyhill Road in March 2013. This is still extant. The principle of residential development has therefore been accepted. The current application includes further land to the rear of 71 to 87A Sunnyhill Road, thereby providing a larger comprehensive development site.

Policy CS17 encourages the development of housing to meet the district housing allocation. Saved Policy 10 of the Dacorum Borough Local Plan 1991-2011 encourages the use of urban land to be optimised.

Policies CS10, 11, 12 and 13 of the Core Strategy are overarching policies applicable to all development which seek a high quality of design in all development proposals. These are relevant to any residential development of this site.

The key issues in this case relate to the impact of the proposals on highway safety and the acceptability of the development in layout terms, including impact on character of the area, residential amenities and trees / ecology, and the implications in terms of affordable housing provision and social and physical infrastructure requirements.

Highway and Access Considerations

The application is in outline with access and layout for determination at this stage.

The previous application (4/00552/12/MOA) was refused by the Development Control Committee, against officer recommendation, for the following reason:

"The proposed access at the junction of Sunnyhill Road and Melsted Road is unsuitable to provide access to the development due to the increase in highway movements at this awkward junction leading to conditions detrimental to highway

safety at times of snow and ice. Whilst noting the findings and recommendations of the safety audit report and the proposals for under carriageway heating, failsafe systems and skid resistant surfacing to the access road, but only skid resistant surfacing to the public highways of Melsted and Sunnyhill Roads, the Local Planning Authority is not satisfied that the proposals adequately address the safety performance of Melsted and Sunnyhill Roads in these adverse conditions. The proposal thus fails to comply with Policies 11(f) and (g), 51 and 61 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Council's emerging Core Strategy."

Appeal decision - At the subsequent appeal, the Inspector considered the main issue to be the impact of the proposal on highway and pedestrian safety in conditions of snow and ice. He noted that the roads in the area are steep. He also noted that pedestrian footfall is high in part due to the local school at Warners End Road but that the scheme before him had been subject to a road safety audit and several additional highway and pedestrian-related safety features.

Despite this he noted that the Council considered that the proposed access road would not be suitable at times of snow and ice because the safety audit only covered a limited scenario of a fully iced up road where a vehicle loses traction at the top of Melsted Road and results in a straight line skid to the bottom of the road, as opposed to the intermediate scenario of a road being partially iced up and vehicles partially negotiating the bend before losing traction resulting in a collision scenario with vehicles emerging from the new access or pedestrians on the footway.

However, the Inspector was satisfied that the safety auditor would have considered the intermediate scenario. She noted that the likelihood of getting a partially iced up or snowy Melsted Road is very remote but nevertheless if it occurred the appellant's highway experts consider it would appear most likely that vehicles would end up north of the access bellmouth where there would be vehicle deflection bollards which is the location where anecdotal evidence relied on by the Council indicates that errant vehicles have ended up.

The Inspector was therefore satisfied that in wet or dry conditions an errant vehicle would not be likely to collide with vehicles associated with the new access, or with pedestrians, and that, subject to planning conditions, there would be no adverse harm to highway and pedestrian safety in inclement weather conditions including snow and ice. He also noted that the various safety improvements would reduce the potential for vehicle collisions in snow and ice.

On other matters, The Inspector did not consider there would be any harm to the character of the area from part of the proposal incorporating apartments as opposed to houses.

Discussion - All of the design principles that were fundamental to the eventual acceptability of the previous appeal decision have been incorporated into the current scheme and include the following:

- Offsite highway improvements to Melsted and Sunnyhill Roads comprising high friction surfacing, additional gullies, improvements to the allotment access with increased turning radii and deflection from the main carriageway, additional pedestrian space and guardrails to the north of the allotment access, bollards to the north of the proposed access to deflect vehicles, tactile pavers and drop kerbs

across the proposed access and allotment access, and improved road markings along Sunnyhill Road and Melsted Road including double yellow lines.

- Shared surface access road designed to adoptable standards
- Gradient of access road slightly improved due to proposed diversion of sewer
- Under carriageway heating with two tier back up provision and standby generator
- Anti-skid road surface
- Separate pavement with handrail

The Highway Authority raises no objection on highway grounds, subject to conditions and informatives. It accepts that under-carriageway heating will mitigate any issues with the severe longitudinal gradient of the proposed access road. It has advised that the number of vehicle trips generated by the proposed 26 dwellings (now 25) is unlikely to have a significant impact on the local highway network. It has noted that all the recommendations of the Road Safety Audit (RSA) have been accepted and included within the improved detailed design. It has noted that all the problems / issues identified in the RSA and Interim Safety Audit (ISA) have been resolved or included in the revised highway and access design. The ISA noted that the majority of the problems/ issues were Stage 1 RSA comments and an approved Stage 2 RSA is required. As a result, the HA has recommended that a Stage 2 RSA should be secured by condition. It has also noted that the offsite highway improvements will need to be secured by a s278 agreement with the Highway Authority. A Grampian condition is recommended with regards to these off-site works.

With regards to visibility, the submitted plan (12002/101) indicates that visibility splays of 2.4m x 43m are achievable within highway land (to the south). The HA considers this appropriate for a 30mph road and due to the right-hand bend and the steep gradient of Melsted Road, vehicle speeds are likely to be below 30mph in the vicinity of the site. However, the HA notes that the extent of the highway boundary on the eastern side of Sunnyhill Road is not shown and the drawing does not demonstrate that the visibility splay is achievable within highway land. Additional details (Abington Plans 12002/101 rev D and 15066/101) have been submitted which indicate the requested visibility splays together with refuse vehicle swept paths at the hammerhead. However, the details of visibility are not considered satisfactory to the HA and it is therefore recommended that the details be secured by condition.

Parking - Parking provision should accord with parking standards as assessed against saved Policy 58 and Appendix 5 of the Borough Plan. Amended plans increase the amount of parking in response to officer concerns. The site falls within Zone 4 where the full quantum of parking should be met. 51 parking spaces are required, and 56 are provided (including garages). The proposal therefore prima face complies with the standard, although the distribution is such that the 2 bed properties are technically over-provided whilst four of the 3-bed properties would be marginally under-provided by 0.25 spaces each. In addition, some of the dwellings have to rely upon remote garages and hardstandings for their parking which could encourage an element of on-street parking as residents seek appropriate surveillance. However, it is not considered so serious that a refusal could be justified in this case.

Garages would comprise a significant proportion of the overall provision and a number of residents have raised concerns that these may not be used for parking. However, in response it has been confirmed that the garages would meet an internal width of 2.7 metres and that there is sufficient space across the building frontages to accommodate this dimension. This internal width is considered reasonable to ensure that garages

can be used for parking, although it would not be possible to mitigate against the use of garages for domestic storage. However, conditions would be expedient to ensure that the parking provision meets minimum dimensions and is at all times retained for this purpose and not converted to living accommodation. The layout provides access for parking to the rear of 87 Sunnyhill Road via the new estate road which will help alleviate on-street parking on Sunnyhill Road.

As layout is for consideration at this stage, it is not considered reasonable to defer the layout and provision of car parking to the reserved matters stage as sought by the Highway Authority. A communal cycle store was initially proposed. However, this was considered likely to present both security and long term maintenance issues and considered unnecessary for houses unless no garage or shed is provided. As garages are proposed for most of the houses, this is considered sufficient for cycle storage in accordance with Appendix 5. However, further details of cycle storage will need to be provided by condition in relation the 4 dwellings without garaging.

The Highway Authority has requested that measures to encourage the use of sustainable transport options are required to ensure the development is sustainable and improvements to the eastbound and westbound bus stops on Warners End Road are identified for upgrading with easy access kerbs. Improvements to the roundabout at the junction of Warners End Road, the B487 Queensway and the A4146 Leighton Buzzard Road are also identified and requested to be secured by a s106 planning obligation. However, strategic and local transport proposals should normally be sought through CIL, unless the proposals directly result from any site requiring a Transport Assessment in accordance with the *Dacorum Borough Council - Regulation 123 List*. We are therefore seeking further justification for the request and an update will be provided at the meeting.

Subject to the above, the proposal is considered to accord with Policies CS8, 12 and saved Policy 58.

Layout

Layout is a matter for determination at this stage.

Amended plans reduce the number of dwellings from 26 to 25 as the applicant decided that one less unit would improve the visual appearance of the building frontage across the rear of the site and its contribution to the scheme. This is welcome and will ensure reasonable spacing between dwellings.

Gardens on the western side of Sunnyhill Road are identified within the Policy Statement for the Hammersmith North Character Appraisal as appropriate for residential development comprising plot amalgamation where rear gardens are of sufficient length to allow housing that meets the requirements of the Development Principles. The existing gardens to properties comprised in the application site are roughly 65 to 75 metres deep and therefore considered to have good potential for backland development.

The Residential Character Appraisal Hammerfield (HCA 9) notes that the area has a medium density consisting of a variety of architectural ages and designs, possessing little unifying character throughout. The Character Appraisal notes the following development principles:

- Design: No special requirements.
- Type: All types are acceptable, although the resultant scale and mass of new proposals should respect that of adjoining and nearby development.
- Height: Should not normally exceed two storeys in height, except for cases where the proposal will adjoin three storey development and the character and appearance of the area is not harmed.
- Size: Small to medium sized dwellings are acceptable and appropriate.
- Layout: Variety in layout is acceptable. Where a clear building line exists, then this should be followed. Spacing should be provided at least within the medium range (2m - 5m).
- Density: Development should be provided in the medium density range (30 - 35 dwellings/ha).

The proposal adopts a layout that generally has a direct relationship with the street, which promotes safety, security and a more vibrant public realm and street face. The layout takes care to avoid a continuous block of 2-storey development along the boundary with the allotments and has been avoided by incorporating garages with lower roofscapes between the dwellings which will also help retain views of the allotments behind and the hillside beyond. Spacing at first floors would accord with the Development Principles. Height is not for consideration at this stage but the illustrative street scenes indicate that heights will accord with the Development Principles. The scheme provides a mix of accommodation sizes to reflect the prevailing character of the area. The previously approved flatted development has been omitted in favour of detached, link detached and semi-detached dwellings, it is said in response to previous concerns by residents that flatted development was not welcomed.

The proposed density at 37 dph is above the expected density of 25 - 35 dph in the Development Principles. A number of concerns have been raised by residents to the small size of gardens and the cramped layout of the development. It was also noted that the siting of Plot 19 hard up to the pavement would result in a rather urban form of development which would not necessarily be in keeping with the mature and spacious setting created by the treed surroundings and allotments. Furthermore, it is noted that a number of the plots have rear gardens somewhat below the minimum 11.5 metre standard in Appendix 3 which is a concern in relation to providing a reasonable margin to retained trees as the lack of suitable distance could result in pressure to remove trees and / or be impractical to request suitable replacement tree planting. A number of other detailed layout issues have been raised, inter alia, in respect of bin storage, private pedestrian access to rear gardens and provision of active frontages. Revised plans address most of these issues, although rear garden depths remain in many cases sub-standard, although it is not considered that it raises any particular privacy concerns. As regards the relationship to trees, no concerns have been raised by the Tree Officer and, on balance, therefore, it would be difficult to raise objections to the layout on this ground. However, it would be expedient to ensure control over future extensions for those plots backing onto the allotments in the interests ensuring a good spacing with trees on that boundary and the best chance for their future survival and retention.

The layout is therefore considered acceptable for approval and would comply with Policies CS10, 11, 12 and 13.

Design and Appearance

Design and appearance forms part of the reserved matters. However, information has been provided in the form of a layout plan, some illustrative street scenes and through discussion in the Design and Access Statement whereby design can be considered to a limited degree.

The site is located within Hammerfield North (HCA9) which is described in the Residential Character Appraisal (RCA) as a medium density residential area featuring a variety of architectural ages and designs but possessing little unifying character throughout. In terms of height the RCA points out that the area is predominately two-storey but with numerous three-storey examples, such as at Glendale, Glenview Road and Greenhills Court. Size is in the medium range, which is also the case for density, being 25 - 35 dwellings per hectare throughout.

As described above, the existing street is mixed in character of varying architectural forms and merit from traditional street terraces, early to mid C20 detached properties, later semi-detached properties and infill development from all periods. The street has a generally suburban quality being characterised by buildings with traditional proportions, two storey in height, set within landscaped gardens and having a close to medium setback from the road.

The proposed scheme is stated to be traditional in appearance with conventional housing frontages designed in accordance with CABE recommendations. In general terms, bearing in mind also that the new estate road will largely not be seen in the context of Sunnyhill or Melsted Roads, the architectural form adopted in the illustrative drawings is considered to be an acceptable approach with the use of traditional detailing and proportions associated with the older houses in the immediate context. Importantly, positive articulation is shown with the introduction of traditional gable roof-pitches, strong eaves overhang, bay windows, chimneys, projecting front gables, vertical fenestrations and a staggered built form following the topography of the site.

Overall, it is considered that a scheme for the design and appearance of the proposal would be likely to integrate with the wider context successfully.

Land Optimisation and Density

The extended site, enabling development of a number of gardens, would comply with saved Policy 10 that seeks a coordinated and comprehensive approach to development by ensuring that opportunities for development in the immediate area are not missed.

The number of dwelling units is set down in the description as 25. The impact of density can therefore be considered at this stage.

Saved Policy 10 of the Local Plan seeks to secure the optimum use of land in the long-term by requiring all development to meet a number of criteria. Inter alia, general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan and, in particular, building development should make optimum use of the land available, whether in terms of site coverage or height.

Saved Policy 21 of the Local Plan states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare but higher densities will generally be encouraged in accessible locations within the town centre. However, the national

indicative minimum density of 30 dwellings per hectare was deleted from paragraph 47 of the now superseded PPS3, and NPPF no longer refers to a minimum. Therefore, there is no requirement to ensure that developments meet minimum density threshold as stipulated under Policy 21. Consequently, the issue is more focussed towards considering whether the density is compatible with the surrounding context. The Character Appraisal HCA 9 notes that new development should adopt a density between 25-35 dwellings per hectare. The proposal has 37 dwellings per hectare which, whilst slightly above the stipulated maximum, is on balance not considered to result in any material harm to the character of the area or other interests of acknowledged importance. Therefore, on balance, the proposal is considered to optimise the use of land in accordance with Policy 10.

Affordable Housing

Under Policy CS19 the threshold for providing affordable housing on site is 10 dwellings or 0.3 hectares. The proposal, at 25 dwellings, would therefore require the provision of affordable housing in kind at 35% of the dwellings, or 9 units.

The Design and Access Statement accompanying the application states that the location of the proposed development does not lend itself well to the provision of on-site affordable housing. The applicants claim that residents will be reliant on private vehicles to get to shops and services, which are located some 30 minutes walk from the development. The applicants have therefore instructed consultants to assess the financial viability of providing an off-site commuted payment instead of on-site affordable housing.

We see no reason in principle why on-site affordable housing should not be provided in this case as we do not accept that the site is in a poor location for affordable housing. Accessibility to shops and services is much better than indicated by the applicants. For example, the site is close to primary and secondary schools, about 600 metres from Warners End local centre and around 15 minutes walk from the town centre. Also, it is close to bus services which run along Warners End Road. It is not considered that the incline of the access road should be a significant deterrant to the provision of affordable housing, nor do we accept the implication that those in affordable housing do not have access to a car. If this were the case, then many sites in the Borough would be ruled out for affordable housing.

The above said, the Council's Strategic Housing team has considered the applicant's viability case and has accepted the commuted sum offer of £163,000 (equivalent to the subsidy on 2 affordable units) in this case on the basis that there are substantial additional costs to the development of the site on the basis of the under-carriageway heating system and the topography of the site, both of which add substantially to construction costs. Any comments from Strategic Housing will be provided at the meeting.

Impact on Trees and Landscaping

The landscaping of the site is reserved. However, the impact on existing trees needs to be considered as part of this application given that layout is for determination.

Information has been provided in the form of the layout plan and illustrative street scenes whereby the impact on trees and landscaping can be considered to a limited

degree. An arboricultural survey and implications assessment has been submitted which allows consideration of existing trees.

There are a great number of trees throughout the site and boundaries of varying maturity and condition. 91 individual trees and 22 groups of trees were surveyed of which some 41 individual trees and 12 groups are proposed to be removed to facilitate the development or for sound arboricultural management.

The proposed layout retains the majority of mature boundary tree vegetation which will be reinforced with new planting where necessary.

The Tree Officer has raised no objection to the layout subject to details of a landscaping scheme being submitted for assessment, noting that all category A trees (G6 - Field Maples) within the survey are to be retained. Only 5 category B trees or groups are to be removed. The vast majority of trees to be removed are category C and U which the Tree Officer has advised is not sensible to retain.

In terms of landscaping the proposal offers an excellent opportunity for a high level of planting, details of which should be sought under the reserved matters to the current application. The Tree Officer has confirmed that the tree planting locations are acceptable. Details should include proposals for tree protection fencing.

Consequently and in-principle, the layout would not have an adverse impact on any significant trees. However, there are still some issues that would need to be picked up at the reserved matters stage.

Impact on Neighbours

The impact on residential amenities needs to be considered as part of this application given that layout is for determination. The impact of height, scale, window locations needs to be anticipated to some extent as these are for later determination. As well as layout, information has been provided in the form of illustrative elevations and through comments in the Design and Access Statement whereby residential amenity can be considered to a degree.

A number of objectors raise concerns with regards to overlooking, loss of privacy and visual intrusion.

With regards to No. 87A Sunnyhill Road, whilst there would be some overlooking of the rear garden from Plots 3 and 4, this would not affect the area immediately to the rear of the dwelling where the occupants would be expected to spend time sitting but rather an area some 13 metres and more from the rear-most wall. Oblique overlooking would occur over a distance of some 18 or so metres and in these terms the relationship is considered not to be harmful.

With regards to Nos. 75 to 87 Sunnyhill Road, there would be no overlooking from Plots 22 or 23 which would flank onto the rear aspect of these dwellings at a distance of some 19 to 24 metres. Whilst noting the concerns about visual impact, given this distance and the topography whereby Plots 22 and 23 would be set at a level some 7 metres lower than the affected dwellings, it is not considered that a refusal could be substantiated on grounds of overbearing appearance or visual intrusion. Soft landscaping and appropriate boundary treatment will help mitigate any overlooking and

visual impact.

Whilst mention has been made that rear garden depths are in a number of cases below standard, importantly, there would be no below-standard back to back distances within the development or affecting neighbouring development.

There would be no infringement of the 25-degree line taken from any nearest facing windows of neighbouring residential properties. It is also considered that given the circumstances of the site, an appropriate roof form, height and scale of residential buildings can be designed such that the development would not affect any light reaching any windows serving neighbouring residential properties.

Loss of value is not a material planning consideration.

Noise and disturbance from construction works will be controlled under other legislation.

The potential for light pollution is noted and it is recommended that details of lighting (including any street lighting as required by the Highway Authority) be required under the landscaping details.

Crime Prevention and Safer Places

This is a material planning consideration, although no details have been provided with the application. That said, the perimeter block layout would comply with recognised good practice urban design in terms of limiting opportunities for crime by ensuring public areas are well overlooked and private areas are secure and not easily breached by following the principle of public fronts and private backs. The Police Crime Prevention Officer has advised that he is content with the layout, although has noted that the driveway through to the rear of No. 87 and 87A is unfortunate. Revised plans now omit access to No. 87A as it is understood that the owner did not want this. A number of recommendations are suggested regarding additional security measures and Secured by Design part 2 accreditation is sought. The applicants have been advised but it is recommended that details of crime prevention / lighting measures be secured by condition. Subject to this the scheme would comply with Policy CS12.

Sustainability

Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy.

The application should be accompanied by a Sustainability Statement and Energy Statement as required by Para 18.22 of the Core Strategy and Policy CS29. This should be completed on-line through C-Plan. On-line statements have not been submitted in this case. The principal sustainability credential of this proposal is that it is re-developing an existing site and making more efficient use of land for housing in a sustainable location. Whilst accepting that the introduction of under-road heating is not sustainable per se, this should be considered in the context of its use on a limited number of days in any one year, and balanced against the safety improvements that enable the land to be developed for much needed housing in a sustainable urban location that would otherwise have to take place in the countryside thereby encouraging more car journeys.

Given that the proposal is new build, there are many sustainability measures that can be introduced. A brief sustainability statement is contained within the submitted Design and Access Statement which appears to indicate that the proposal will look to target Level 3 (plus 5% CO₂ reductions) of the Code for Sustainable Homes and that solar panels will be installed on south facing roof slopes in association with conventional condensing boilers. It is also stated that low levels of water use will be achieved, materials will be sourced locally, timber will be from renewable sources!, surface water will be cambered to allow runoff into the ground and a site waste management plan (SWMP) will be produced.

The above measures are welcomed as far as they go but are somewhat sketchy and do not cover all aspects of sustainability that would be picked up if the online sustainability and energy statements had been prepared.

The applicant's agent has confirmed that, at this outline stage, without a set of detailed house plans for each dwelling, the applicant's energy assessors are unable to produce a viable C-Plan submission. However, they have confirmed, based on experience, that compliance with Table 10 of the Core Strategy (i.e. level 3 or equivalent) plus 5% CO₂ reductions will be achievable. On the above basis it is recommended that these details be sought by condition together with details of SUDS, solar panels and a Site Waste Management Plan.

Impact on Ecology and Wildlife

It is noted that several concerns have been expressed covering the impact on the local ecology. Hertfordshire Ecology has noted that it has evidence of bats in this area of Hemel Hempstead. An internal and external bat inspection of the property was conducted on the 28th of June 2011 by Skilled Ecology Consultancy Ltd and no signs or evidence of bats was observed. However, in view of the fact that the bat survey is nearly 4 years old, Herts Ecology has advised that an update should be provided before permission is granted. We also advised the applicant to carry out an additional survey for the presence of other protected species such as badgers.

The site is located adjacent to a Local Wildlife Site, Gravel Hill Spring Wood, and a number of residents have mentioned the possible impact on badgers, slow worms and other fauna and flora protected under the Wildlife and Countryside Act 1981. However, the proposals will not directly impact on the LWS and there is no evidence of badger setts or slow worms actually inhabiting the site.

Hertfordshire Ecology advised on a previous application that if badgers are actually on the site, a consultant may be required to advise but if they are simply using the area for foraging then precautions re on-site works may be required. In any event badgers are not European Protected Species (EPS) so any surveys can be done after determination by condition. Otherwise an informative that reminds the applicants that badgers may be in the area, are protected and that precautions may be required to avoid disturbance or harm, would be advisable.

An extended phase 1 ecological habitat survey was conducted by Hone Ecology on 14th October 2015. The survey results indicate that the mature trees have the potential to support nesting birds and therefore works to remove trees should be undertaken

outside the nesting season. A single fruit tree trunk was identified with potential to support roosting bats but none were in evidence at time of survey. Therefore, a watching brief during felling is recommended. The dwelling to be demolished had no features suitable for bats. The site has a low potential for amphibians, reptiles and hazel dormice and no evidence of badger activity or setts was found. Domestic dogs contribute to a lack of mammal activity. Tree protection is recommended along the northern and western boundaries to prevent damage to trees. Enhancements across the site should include replacement native trees and plants and placement of bat roost boxes on one of the many trees to be retained.

Appropriate conditions and informatives are recommended to cover the above.

Social and Physical Infrastructure

The proposal for 25 dwellings would generate additional social and physical infrastructure requirements and therefore, in accordance with saved Policy 13 of the Local Plan and Policies CS23 and 35 of the Core Strategy, the Council can seek financial contributions towards the reasonable public facilities, services and infrastructure that the development would generate. These should be sought through an s106 planning obligation.

A number of discussions have taken place previously with the applicants on financial contributions towards social and physical infrastructure. However, since then CIL has been introduced, and therefore the majority of these financial contributions fall away. Subject to the further justification being sought from the Highway Authority and clarification from the CIL officer (an update for which will be provided at the meeting), the only contributions that can legitimately be requested under s106 are the highway contributions to the skid resistant surfacing on the adopted highway in Melsted Road, and the affordable housing commuted sum. The applicant has agreed these contributions and is preparing a s106 unilateral undertaking. Until this is received and accepted the recommendation is to delegate with a view to approval subject to the completion of a s106 planning obligation.

Other Material Planning Considerations

The Footpaths Officer has advised that Hemel Hempstead Footpath 24 which runs along the northern boundary of the site appears to lie within the application site according to the definitive map. He therefore advises that a footpath diversion order will be required. In practical terms, the actual footpath used will not change. An informative is recommended should planning permission be granted.

The matter of access to the footpath and dumping of garden waste could be controlled by appropriate means of enclosure as part of the *reserved matters/landscaping details*.

The Scientific Officer recommends the standard contamination condition be applied to this development should permission be granted.

The Minerals and Waste Team has recommended conditions covering construction waste recycling.

RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager Development Management and Planning with a view to approval subject to the 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:
 - Financial contribution of at least £163,500 to be used by Dacorum Borough Council for the provision of affordable housing within its district.
 - Financial contribution towards the maintenance of the skid-resistant surfacing on the adopted highway of £12,000.
 - Provision of fire hydrants.
3. That the following draft conditions be agreed:

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

- 1 **Approval of the details of the appearance and scale of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2 **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 3 **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 4 **No development shall take place until samples of the materials proposed to be used on the external walls and roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 5 **The details of appearance to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include the physical infrastructure associated with any renewable energy measures. The development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance and functioning of the development in accordance with saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS11, CS12, CS26 and CS29 of the Dacorum Core Strategy September 2013 and saved Policy 18 of the Dacorum Borough Local Plan 1991-2011.

- 6 **The details to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- **hard surfacing materials, which shall include the footpath and carriageway;**
- **means of enclosure, which shall include enclosure to prevent private access to Hemel Hempstead Footpath 24 from the site;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (to include structurally diverse habitat and local species of provenance), noting species, plant sizes and proposed numbers/densities where appropriate;**
- **measures for biodiversity enhancement, including swift and bat boxes;**
- **programme of management for the soft planting;**
- **proposed finished levels or contours;**
- **external lighting;**
- **secure cycle storage facilities for those dwellings without garages;**
- **back-up generator;**
- **pedestrian handrail;**
- **minor artefacts and structures (e.g. furniture, refuse or other storage units, signs etc.);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines) including heating strips, indicating lines, manholes, supports etc;**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The trees, shrubs and

grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS10, 11, 12, 13 and saved Policy 100 of the Dacorum Borough Local Plan 1991-2011.

- 7 Prior to the commencement of the development (including demolition works), the trees shown for retention on the approved Arboricultural Impact Plan contained within the Tree Survey Report & Arboricultural Impact Plan prepared by Patrick Stileman Ltd shall be protected during the whole period of site demolition, excavation and construction in accordance with details to be submitted to and approved in writing by the local planning authority. The details of protection shall include a no-dig cellular confinement road construction detail and the siting of any service trenches on the side of the access road furthest from trees bordering the site's northern boundary.**

Reason: In order to ensure that damage does not occur to the trees during demolition works and building operations in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, demolition and buildings works would potentially result in harm to the health and survival of trees to the detriment of the visual amenities of the development and area.

- 8 The details of scale to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 Notwithstanding any details submitted with the application, no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it shall include:**

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- (a) human health;
- (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- (c) adjoining land;
- (d) groundwater and surface waters; and,
- (e) ecological systems.
- (f) archeological sites and ancient monuments;

(iii) 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'.

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 Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 10 **No development shall take place until 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 environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposed preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site does 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. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

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 Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 11 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to**

the local planning authority for its written approval.

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 Dacorum Core Strategy September 2013.

- 12 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 9, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 10. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 11.**

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 Dacorum Core Strategy September 2013.

- 13 **Notwithstanding any details submitted, no development shall take place until a sustainability statement and an energy statement which has been completed on-line through the carbon compliance toolkit, C-Plan, shall have been submitted to and approved in writing by the local planning authority. The Statements shall demonstrate compliance with Table 10 of the Dacorum Core Strategy (i.e. level 3 or equivalent) plus 5% CO₂ reductions. The statements shall be submitted for approval concurrently with the first of the reserved matters to be submitted. The development shall be carried out in accordance with the details approved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of accompanying Policy CS29 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note March 2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby limiting the available options for

designing in sustainability measures.

- 14 **No dwelling shall be occupied until a post construction review to formally demonstrate achievement of the energy performance target approved under Condition 13 shall have been submitted to and approved in writing by the local planning authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of accompanying Policy CS29 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note March 2011.

- 15 **No development shall take place until plans and details of the measures for sustainable drainage and water conservation, and of sustainable materials sourcing shall have been submitted to and approved in writing by the local planning authority. The details shall include clear arrangements for the ongoing maintenance of the SUDS over the lifetime of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The development shall be carried out in accordance with the details approved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note March 2011 and to prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policies CS29 and 31 of the Dacorum Core Strategy September 2013 Plan. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials and measures potentially ordered and used, thereby limiting the available options for designing in sustainability measures.

- 16 **No development / demolition shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, 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. The details are required before commencement of development as if they are deferred until after the development has begun, the plans and measures will already have been agreed and finalised, and the works commenced, thereby limiting the available options for designing in sustainable waste management.

- 17 **The development shall be designed to meet *Secured by Design* standards and no development shall take place until details of the physical measures to design out crime shall have been submitted to and approved in writing by the local planning authority. The**

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

Reason: To design out crime in the interests of ensuring a secure residential environment and a sustainable development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials and measures potentially ordered and used, thereby limiting the available options for designing in crime prevention measures.

- 18 **No development shall take place until a Stage 2 Road Safety Audit for the proposed highway improvements and access junction shall have been completed and submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and recommendations therein.**

Reason: In the interests of highway safety in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, the materials ordered and works potentially carried out, thereby limiting the available options for designing a safe access and public highway.

- 19 **No part of the development shall be occupied until the off-site highway works identified in the approved Development Access Design Report by Abington Consulting Engineers and shown on Drg. No. 12002/101D shall have been completed. This condition shall not be considered discharged until written confirmation of the completion of the works has been submitted to and approved by the local planning authority.**

Reason: To ensure the adequate and satisfactory provision of a safe access and approaches to the access prior to first occupation of the development in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011. The works are required before commencement of development on site to ensure certainty that the works will be completed.

- 20 **The development hereby permitted shall not be occupied until the skid-resistant surface shown on Drg. No. 12002/101D shall have been provided in accordance with a PSV (Polished Stone Value) of 75 and a target SRV (Skid Resistant Value) of 80 as set out in the email from Ian Brazier (Abington Consulting Engineers) dated 15/10/12.**

Reason: To ensure the adequate and satisfactory provision of a safe access and egress to the site in wet conditions in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

21 **No development shall take place until full details (in the form of engineering specification scaled drawings and / or written specifications) shall have been submitted to and approved in writing by the local planning authority to illustrate the following:**

- i) Roads, footways, and associated surface water drainage;**
- ii) Access arrangements in accordance with those shown in principle on approved plan 12002/101 Rev D;**
- iii) Turning areas;**
- iv) Street lighting scheme;**
- v) Visibility splays at the junction with the highway.**

The development shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety and to ensure that the junction of Sunnyhill Road / Melsted Road and the proposed access junction are correctly illuminated in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials and works potentially carried out, thereby limiting the available options for designing a safe access and public highway.

22 **All car parking spaces shall be a minimum of 2.4 metres wide x 4.8 metres deep, and all garages shall have an internal width of at least 2.7 metres and a depth of at least 4.8 metres.**

Reason: For the avoidance of doubt and to ensure the satisfactory provision for car parking in accordance with Policy CS12 of the Dacorum Core Strategy September 2015 and saved Policy 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

23 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking (including garages) and circulation together with the access road shown on Drawing Nos. SRH/001 rev I, 12002/101D and the details of electric under carriageway heating shown on Drawing No. SRH/04 shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of a safe access and off-street vehicle parking facilities in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

24 **The development hereby permitted shall not be occupied until visibility splays measuring 2.4 x 43 metres shall have been provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction (on land within the applicant's control) between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 25 **The development (including demolition) hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include details of:**

- **Construction vehicle numbers, type, routing;**
 - a. **Traffic management requirements;**
 - b. **Construction and storage compounds (including areas designated for car parking);**
 - c. **Siting and details of wheel washing facilities;**
 - d. **Cleaning of site entrances, site tracks and the adjacent public highway;**
 - e. **Timing of construction activities to avoid school pick up/drop off times;**
 - f. **The management of crossings of the public highway and other public rights of way;**
 - g. **Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in compliance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development because the measures are required to be put in place to control activities from the start of works on site.

- 26 **Before any new access or crossover hereby permitted is first brought into use any existing access / crossover not incorporated into the development hereby permitted shall be stopped up and closed by removing the vehicle access / crossover, raising the kerb and reinstating the footway surface to the same line, level and detail as the adjoining footway verge and highway boundary**

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 27 **No part of the development shall be occupied until details of a management company (to oversee the management and running of the communal parts of the development, including the under-carriageway and footway heating and the skid-resistant surfacing) together with a full list of objectives and the standards to be achieved, shall have been submitted to and approved in writing by the local planning authority. The details shall include a timetable for the inspection and replacement / maintenance of the skid-resistant surfacing and under-carriageway / footway heating. The development shall be maintained in accordance with the objectives and specifications approved and the company shall**

be permanently retained to manage the estate unless otherwise agreed in writing by the local planning authority under this condition.

Reason: To ensure appropriate means are in place for the long term maintenance of the communal areas and facilities in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51, 54 and 100 of the Dacorum Borough Local Plan 1991-2011.

- 28 **The development shall be carried out in accordance with the recommendations contained within the approved Extended Phase 1 Ecological Habitat Survey Report by Hone Ecology.**

Reason: To minimise impacts on biodiversity and incorporate positive measures to support wildlife in accordance with Policy CS29 of the Dacorum Core Strategy September 2013.

- 29 **If piling is considered the most appropriate method of foundation construction, no development shall take place until a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.**

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 30 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no external lighting shall be installed on the site or affixed to any buildings on the site and no development falling within the following classes shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1, Classes A and E

Reason: To enable the local planning authority to retain control over the development in the interests of limiting the impact of extensions / reduced garden depths on trees and / or light pollution on nature conservation and the adjoining Local Wildlife Site in accordance with Policy CS10, 12 and 13 of the Dacorum Core Strategy September 2013 and saved Policies 99 and 102 of the Dacorum Borough Local Plan 1991-2011 and NPPF guidance.

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

**Location Plan
A43-15 - Site Survey
C0710 - Site Survey
SHR/001 rev I
12002/101 rev D**

SRH/04 rev B

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

INFORMATIVES:

European Protected Species Licence

Bats and their roosts remain protected at all times under National and European law. If bats or any evidence for them is discovered during the course of any works, all works must stop immediately and advice sought as to how to proceed from one of the following:

- h.** A bat consultant;
 - The UK Bat Helpline: 0845 1300 228;
 - Natural England: 0845 6014523 or
 - Herts & Middlesex Bat Group: www.hmbg.org.uk

The applicant is advised that should the presence of bats within trees or buildings on the development site become apparent, Natural England will need to be consulted and a European Protected Species licence obtained prior to any re/commencement of work. The licence application will need to include a *Method Statement* with the *results of the surveys*, a *Mitigation Strategy and Works Schedule* stating how it is proposed to accommodate each species of bat within the development.

All bats and their roosts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If bats are present it is illegal to intentionally or recklessly kill, injure or take any individuals or to deliberately capture or disturb individuals. It is an offence to intentionally or recklessly damage or destroy a roost, to obstruct a roost, and to disturb an individual whilst occupying the roost.

Ways to achieve biodiversity gain

- Features identified in ecological surveys as of particular value for wildlife, such as mature tree lines, hedgerows or ponds, should be retained, protected and enhanced where possible;
- Opportunities for wildlife can be integrated into new buildings, through the installation of bird and bat boxes or bat lofts, or the creation of high quality green roofs;

- Landscaping can be designed to benefit wildlife, through creating structural and habitat diversity and use of native, wildlife-friendly plant species. Including fruit, seed and nut bearing species and nectar source plants will help attract insects and birds. Creation of ponds, dead wood habitats and loggeries provides further habitat diversity, enhancing the potential to support amphibians, invertebrates and small mammals.
- Retained, enhanced and newly created habitats and habitat features should be appropriately managed in the long term so as to maintain and improve their ecological value. Habitat management plans should be used where required.
- Sustainable Drainage Systems (SuDS) should be considered as part of the new development. The sustainable drainage scheme should be designed, wherever practicable, to encourage wildlife and contribute to biodiversity enhancement.

Drainage

Thames Water advise that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.

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 Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Contamination

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

<http://www.dacorum.gov.uk/default.aspx?page=2247>

Access and Facilities

- Access for fire fighting vehicles should be in accordance with Section 5 of The Building Regulations 2000 Approved Document B (ADB).
1. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.

2. 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

3. Water supplies should be provided in accordance with BS 9999.
4. The Fire Service would consider the following hydrant provision adequate:
 5. 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.
 - Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with Section 5 of Approved Document B.
- In addition, buildings fitted with fire mains must have a suitable hydrant sited within 8m of the hard standing facility provided for the fire service pumping appliance.

Hemel Hempstead Public Footpath 24

Hertfordshire County Council Officers have in the past assessed the legal line of this path and it was found to be obstructed by fencing from number 89 Sunnyhill Road. A diversion will be required unless adequate provision can be found to accommodate the legal extent of this path.

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. 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.

Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of by 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 wood should burning be permitted.

Ground Water Source Protection

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".