

ANNEX A

4/02202/11/FUL - REPLACEMENT DWELLING.
32 CASTLE HILL, BERKHAMSTED, HP4 1HE.
APPLICANT: MR AND MRS COOPER-ROLFE.
[Case Officer - Mark Staincliffe] [Grid Ref - SP 99252 08605]

Summary

The application is recommended for approval.

The site is located in an area where residential development is acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the street scene or the setting of the Chilterns Area of Outstanding Natural Beauty. The amenity of adjoining neighbours would not be adversely affected in terms of loss of sunlight, daylight or privacy. The details of this scheme accord with the development principles for this area and planning guidelines and car parking within the site is adequate. The proposal therefore accord with Policies 2, 4, 11, 97 and Appendix 5 of the Borough Plan.

Site Description

The application site is located to the northern side of Castle Hill, and comprises a single storey residential dwelling. The area is characterised by large detached dwellings set back from the highway in substantially sized plots. The rear gardens to the northern side of Castle Hill back onto the Green Belt and Chilterns Area of Outstanding Natural Beauty.

Proposal

Permission is sought for the demolition of the existing single storey dwelling and the construction of a modern two/three storey dwelling.

Referral to Committee

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

Planning History

No relevant planning history.

Policies

National Policy Guidance

PPS1, PPG2, PPS3 & PPS7

Circular 11/95

Draft NPPF

East of England Plan

Policies SS1, ENV6, ENV7 and ENG1

Dacorum Borough Local Plan

Policies 1, 2, 4, 9, 11, 13, 58, 97, 118, 122, 123, and 124

Appendices 1, 3 & 5
Supplementary Planning Guidance
Environmental Guidelines
Residential Character Area BCA 13 Castle Hill
Water Conservation & Sustainable Drainage
Energy Efficiency & Conservation
Advice Note on Achieving Sustainable Development through Sustainability Statements
Accessibility Zones for the Application of Parking Standards
Pre-Submission Draft of the DBC Core Strategy
Policies CS1, CS4, CS5, CS12, CS29, CS31, CS32

Representations

Berkhamsted Town Council

The Town Council have objected for the following reasons:

- To the proposed design which is incongruous and out of character with the more traditional design of the properties in Castle Hill
- Height, bulk, scale and extensive roofscape
- Adverse impact on the amenity of neighbouring properties, particularly number 34
- Adverse impact on the long views from the Area of Outstanding Natural Beauty
Contrary to Policies 4, 11, 96, 97 Dacorum Borough Local Plan

Hertfordshire Highways

No comments received

The Berkhamsted Citizens Association

Whilst not objecting in principle to the replacement of the current bungalow with a house, wishes to object to the design of the replacement due to its impact on the adjacent AONB. The BCA considers it is possible to design an eco-friendly house in a style which more readily complements the AONB it overlooks.

Trees and Woodlands

No comments received

Hertfordshire County Council Archaeological Officer

The site lies within Area of Archaeological Significance No.21, as described in the Local Plan. This notes that the area contains a number of important prehistoric, Roman and medieval sites, including a Scheduled Roman building (SM HT88) and the Scheduled medieval castle (SM20626), both within 350m of the development site. In addition the Hertfordshire Historic Environment Record records evidence for Roman, medieval and post-medieval occupation in this area.

The details and position of the proposed development are such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

- 1. The archaeological monitoring of all groundworks associated with the proposed development*
- 2. A contingency for the rapid archaeological investigation of any remains encountered during the monitoring programme*
- 3. The analysis of the results of the archaeological work and the production of a report*

Contaminated Land Officer

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

Local Residents

There have been both letters of objection and letters of support from local residents. These have centred on a number of issues most notably: the design of the new dwelling; the scale and design of development; loss of sunlight and daylight; overlooking; and impact on the character and appearance of the street scene.

These are summarised by address where this has been provided:

21 Castle Hill- Support

*Interesting and dramatic building which will enhance Castle Hill
Various styles of houses already in Castle Hill, this will add to the variety
The size is not out of keeping with the other large houses*

19 Castle Hill- Support/Concern

*High-quality design proposed
Proposal will treat the neighbourhood well
The owners should be required to provide some planting in the front garden in keeping with the rest of the road*

The Lodge, Castle Hill- Support

*Plans look rather attractive
The proposed property will be in keeping with neighbouring properties
Sympathetic design*

Old Steading, Berkhamsted Place- Support

*The proposed building will be great
Berkhamsted needs to be regarded as modern and dynamic
There is no particular style of building on Castle Hill that this interferes with
Recent extensions and upgrades have significantly changed individual properties to no detriment*

12 Park View Rd- Support

*Surprised to see the negative comments
The proposed design is of a very high quality
Architects have taken into account many of the relevant constraints.
Particular care appears to have been taken to respect the AONB.*

Sedum roof will look very pleasant.

Sloping roof-lines are interesting and allow at least some of the building to rise up from the ground so that the property does not present a wide vertical facing wall to the fields.

Dwelling fits very well with the diversity of sizes and styles of existing properties in Castle Hill.

High quality development and should be encouraged in Berkhamsted.

18 Castle Hill- Support

The development will add considerable value to Castle Hill as a whole in many ways

It is very much in keeping from a volume and quality perspective with the majority of other existing houses on the street

It's more contemporary design is a very subjective matter of taste

A more modern design is entirely appropriate in this setting

It will add much needed architectural interest to the area (rather than another fairly dull rectangular box)

The size, shape and materials being proposed for this new house will blend in well

3 Castle Hill- Support

The road would benefit from the interesting design and contemporary feel of the house

The design has taken into consideration the AONB that is backs onto to

20 Castle Hill- Support

Strongly in favour of the proposed development

The road is a mixture of various designs ranging from 1935, to 1950's boxes awaiting development and developments which are over sized in the majority of cases.

The design of No.32 is different but would seem to be designed to be fitting in with the plot.

Unreasonable if the neighbours, both having their properties developed to the maximum, should object to 32

The design of No. 32 is about 3000 square feet and designed professionally to be within the parameters of the plot, using local materials and taking advantage of natural solar energy

I see no reason why the road should have yet another box design when the design of No.32 is up to date and interesting.

34 Castle Hill- Object

Excessive building density alongside our home

The proposal will block virtually all Easterly light to our property

The front and middle of the Western elevation has been kept low, however the rear third floor is much higher resulting in loss of sunlight/daylight to the rear of the property and garden

The side elevations are sheer, unrelieved by any pitch

The only lounge window will be virtually blocked, and the majority of the light to the master bedroom and the sun room denied from dawn until noon

The third floor and resulting height of the building, combined with over-looking terraces will result in both the rear and front being very intrusive to our home and gardens

The proposed footprint is closer to our home.

The larger footprint and vertical side walls are out of character with the north side of Castle Hill

The Application site plan contains an error that makes the distance shown larger than it will actually be, by about half a metre

The application extends further to the front and rear than the existing very low bungalow and is up to two floors higher.

*The proposal will visually intrude on the very special rear outlook as seen from our property
The proposal will have an adverse impact on the AONB*

24 Castle Hill- Object

Innovative design but not in keeping with the rest of the road or local area.

Castle Hill has pitched roofs so it will undoubtedly stand and not for the right reasons.

Eliza Hermann- Object

Incompatibility with character of Castle Hill

The proposed design is in striking contrast to all other dwellings in the area

The rooflines in particular – from all four sides – stand out from everything else around them

The two sides and the rear of the proposed building are comprised of very large flat vertical expanses, with very little visual relief

The bulk and mass of the proposed design are very prominent, particularly when viewed from the Chilterns Area of Outstanding Natural Beauty

It is unclear from the proposal to what degree the existing landscaping would be maintained or new landscaping introduced

23 Castle Hill- Object

There is no other 3 storey , flat roofed building in Castle Hill

It is totally out of character with the local style of architecture of Castle Hill

It is highly likely to devalue other homes in the immediate vicinity

In an area of outstanding natural beauty, from a distance the rectangular section will look rather like a crematorium chimney

22 Castle Hill- Object

Incompatible with character of Castle Hill

The proposed design fails to preserve the character of the area, it is a contrast to all other dwellings in the area and is overbearing in nature from the rear.

The chosen building materials are not used locally

None of the surrounding properties are built with flint or have a slate roof

The proposed development has an adverse impact on the long views from an AONB.

The rear skyline is very prominent to the AONB and the historic approaches to Berkhamsted Castle

The policy fails to comply with policy 11, 96 and 97 of the local plan

Mr Peniket- Object

Out of character with the other properties in the road

Front elevation is different from that of any other property in the road, and is inappropriate

The North elevation, which like other properties, can be seen both from neighbouring gardens and across the valley, is unsightly.

The rectangular brick vertical elevation at the rear gives the building an office-block-like shape

The valley is one of the most beautiful places in the Berkhamsted area and all development here should be sensitive to the setting.

The height of the proposed North elevation is also significantly higher than the adjoining property

The footprint also appears to be larger than those of neighbouring properties.

The design makes extensive use of flint and slate these are completely inconsistent with all other development in the road.

The proposed dwelling will be visually intrusive.

36 Castle Hill- Object

A family home would be better than the existing bungalow.

The planned new build would extend a long way back from the existing building line created between no's 34 and 30.

It is very close to the boundary line with no 34 and from the west it will be a very tall, bland, rectangular brick block projecting out beyond that line.

Even more worrying is the proposed view from the AONB to the Castle Hill Skyline.

From the rear - facing out to the AONB there will be a very large rectangular brick block, very close to the neighbouring property, no 34, with its top at least halfway up the pitch of no 34's roof.

There is no 'softening' at all of its visual impact.

The proposed building will use a sedum roof, which would help to create a more harmonious look, but from the possibly more sensitive rear view (AONB) there is no use of such softening material - just the overlarge brick rectangle.

If the proposed building was moved away from no 34 and the third storey was removed to allow the creation of a much softer outline and sedum roofing used on a 'softening' pitched area instead, I think a much more acceptable proposal would be on the table.

28 Castle Hill- Object

The development is out of character with the houses in the street

The back is a great ugly slab of concrete, which rises to an inordinate height and destroys the privacy of the surrounding gardens of at least 4 houses

The development destroys the look in an area of outstanding natural beauty.

Pilgrims, Shenstone Hill- Object

Out of keeping with other properties in the street

The development would materially worsen the view from the AONB

It further enlarges the footprint of the bungalow.

30 Castle Hill- Object

The property is inappropriate in the Street Scene.

All properties in the road are of a similar style and they lack distinction because they lack such an individual design.

The proposed property is of modern design and this will stand out. This will be evident from a number of view points including Castle Hill, New Road and Boxwell Road.

The property will be a visual intrusion in the road and on the landscape (AONB)

The property is not appropriate for the location.

The proposed property will be overbearing and will look imposing due to the proposed three stories and its elevated position

Due to the buildings excessive height at one end of the plot and the location the new build will overlook a number of properties in the road.

Overlooking will be from the windows of the rear and from the garden. This will mean loss of privacy in the garden and in the front garden.

Currently overlooked by the bungalow, the proposed scheme would add to this lack of privacy

Ravensthorpe- Object

It is in the wrong place!

It is totally out of character with the rest of the road.

It will be visible from Shenstone Hill and the Retirement Village and is a monolithic tower.

It will be the first three storied building in the Road and will open the door to further high development.

Amended Plans

36 Castle Hill- Object

In the absence of any easily discovered changes, my original objection still stands

Considerations

Policy and Principle

The site is located within the urban area of Berkhamsted, wherein the demolition of an existing dwelling and construction of a new dwelling is acceptable in principle. The dwelling would be positioned in a similar location to the existing dwelling, is of an acceptable design and will have no significant detrimental impact on the amenity of the neighbours. The proposal therefore accord with Policies 2,4,11,97 and Appendix 5 of the Borough Plan.

Impact on Green Belt

The rear boundary of the site is located adjacent to the Green Belt boundary. The proposed replacement dwelling is in excess of 34m from this boundary. The proposed dwelling is a similar distance from the green belt boundary as other properties located on the Northern side of Castle Hill.

It is important to note that the property is not located within the Green Belt. However development close to the boundary with the Green Belt must be assessed in accordance with paragraph 3.15 of PPG2:

'The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.'

When taking this into consideration the distance from the Green Belt boundary, the existing property on site and the size, proximity and design of other properties within the street the proposal is considered to be acceptable. It is accepted that the mass, bulk and built form of the proposal is an increase on the existing property but on balance, and when seen in context with the surrounding residential properties, the proposal is considered to have no

significant detrimental impact on the openness of the Green Belt and conforms with PPG2 and policy 4 of the DBLP.

Quality of Design

The application site is located within BCA13: Castle Hill of the Area Based Policies supplementary planning document. This document states that there are no special requirements for new housing designs providing any new property is detached and follows the existing layout structure.

The application design and access statement provides a thorough assessment of the the character of the surrounding area and the rationale in terms of the design concept. The statement concludes that there are a variety of house styles and forms , generally two to three storeys set in generous plots. The proposed modern and contemporary dwelling follows the general heights, spacing and positions of neighbouring dwellings and retains the characteristic large front and rear gardens. The striking design will feature a combination of common traditional materials such as stock brick and knapped flint with a more modern sustainable green roof. The form and orientation of the house has been carefully considered to maximise on passive, energy efficient design , benefitting from solar gain from the south, thermal mass to the northwest/northeast, natural cross ventilation and good natural light. Although the design of the property will clearly be quite different to others in the street it is considered that it will not be harmful to the streetscene and in quality and scale terms certainly more appropriate than the existing bungalow.

As is quite common with modern design there is a mixed response from local residents. The Draft National Planning Policy Framework states 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Although visual appearance and the architecture of individual buildings are important factors, securing high quality and inclusive design goes beyond aesthetic considerations'.

Although it is accepted the design of the property will clearly be quite different to others in the street it is considered that it will not be harmful to the streetscene and in quality and scale terms certainly more appropriate than the existing bungalow.

Impact on Street Scene

The issue of design and the properties impact on the character of the street scene are addressed above. However, the size, scale and massing of any development can have an impact on the character of the area.

The street is characterised by large detached dwellings with spacings in the region of 2m to 5m and the building line has generally been maintained. The proposed development maintains the spacing and projects no further forward than the front elevation of number 30 Castle Hill.

Properties within the street are traditional two storey dwellings, many of which have accommodation within their roofs. When viewed from Castle Hill (South elevation) it is clear

to see that the property has been partially submerged into the ground and has not been built to the original contours of the site. When viewed from the street the property sits comfortably between the existing two dwellings and in no way dominates in terms of height, mass or bulk.

The proposed dwelling is modern in design and would complement the visual appearance and character of the street.

It is important to note that the height of the proposed dwelling has been reduced by 0.5m. Measured in plan form the property proposed, at its highest point, measures 9.6m this is only 0.4m taller than number 34, however if the measurements are taken from what would be the original ground level, the dwelling would measure between 7.6m and 8m. Plan number 301 and 302 clearly demonstrate that the proposed dwelling maintains and respects the existing stagger in the street and is a similar height to number 34 Castle Hill.

It is considered that the proposed property, though of a different design, maintains the characteristics of the street scene.

Loss of Sunlight/Daylight

When taking into consideration the existing site situation and the site orientation, it is considered that the proposed development will result in no significant loss of sunlight or daylight to numbers 30 and 34 Castle Hill. It is noted that No. 34 has a window at ground floor level on its side elevation and two windows at first floor on the side elevation. One window at first floor level provides natural light to a bathroom, limited weight should be given to this as it is a non habitable room. The other two windows on this elevation are secondary windows to existing habitable rooms. It is accepted that natural light to these two windows will be reduced (more so to the first floor than second floor), however, the existing window at first floor level to the rear elevation of No. 34 provides the primary natural light source for the first floor bedroom and the front windows provide natural light for the living room at ground floor level.

Site layout planning for daylight and sunlight : A guide to good practice is produced by Building Research Establishment and supersedes the 1971 Department of the Environment document 'Sunlight and daylight' which is now withdrawn, the main aim of the document is the same- to help to ensure good conditions in the local environment, considered broadly, with enough sunlight and daylight on or between buildings for good interior and exterior conditions.

The report states:

An obstruction to sunlight may become an issue if:

- Some part of a new development is situated within 90 degrees of due south of a main window wall of an existing building and*
- In the section drawn perpendicular to this existing window wall, the new development subtends an angle greater than 25 degrees to the horizontal measured from a point 2m above the ground.*

As none of the above apply to either number 30 or 34 it is concluded that there will be no significant loss of sunlight that would result in a reason for refusal.

The 45 degree approach is used to assess loss of daylight. The elevation of the window wall is taken and a line is drawn diagonally down at an angle of 45 degrees away from the top corner of the proposed development. The plan is taken and a line is drawn diagonally back at an angle of 45 degrees towards the window wall from the end of the proposed development. If the centre of a main window of the next door property lies on the extension side of both of these 45 degree lines then the development may well cause a significant reduction in the skylight received by the window.

As the proposal passes the above tests the development would not result in any significant loss of daylight for number 30 or 34 Castle Hill. Issues regarding loss of sunlight and daylight have been raised by other properties within the street. When taking into consideration the front to front separation (in excess of 30m) and the height difference between the proposed and existing elevations it is considered that there will be no significant loss of sunlight/daylight for these properties.

Overbearing Impact on Neighbours

The Dacorum Borough Local Plan provides no guidance on determining if a proposal would have an overbearing impact on adjoining properties. Determining if development will have an overbearing impact on adjoining properties is therefore determined on a case by case basis. Objections have been raised by the owners of number 34 as they feel that the proposal would have an overbearing impact on them. As a result of objections raised by the adjoining property the applicant has carried out the following alterations:

- Height of the second floor at the rear has been building reduced by 0.5m*
- The house has been moved away from the boundary with number 34 by 300mm.*
- The house has been moved forward towards the street so it protrudes less at the rear*

The 2/3 storey element of the proposal projects approximately 1.5m past the rear elevation of number 34, is in excess of 1.5m from the boundary and in excess of 3m from the side elevation of No. 34. It is considered that the proposal will have no significant overbearing impact on number 34.

It is also important to consider the developments impact on number 30. The proposed development will extend past the rear elevation of number 30 by approximately 3m, at its highest point this projection will measure 3m in height. This projection is of a similar depth and height to the existing flank wall of the bungalow. It is considered that the rear projection will have no significant overbearing impact on number 30.

To the front, the proposed development will extend no further forward then the existing front elevation of number 30. It is accepted that the flank wall of the proposed development will be partially visible from the first floor bedroom of number 30. However, when taking into consideration the existing outlook from the window to the East, the fact that the room is a first floor bedroom and that the development is approximately 3m from this window it is considered that the proposal will not be overbearing on number 30.

Overlooking

An objection has been raised regarding overlooking. It is noted that there are windows located on the Eastern and Western elevations immediately adjacent to these boundaries. The submitted plans state that these windows will be fitted with obscured glazing. For the avoidance of doubt a planning condition is proposed to ensure that the windows are fitted with obscured glazing and fixed shut. As there are currently no windows at first floor level in the property it is necessary and reasonable to apply this condition to ensure that no overlooking takes place.

A condition will also be required to ensure that a window at second floor level on the eastern elevation of the bedroom is fitted with obscured glazing to ensure that there is no overlooking from this window. Due to the height and location of the window the overlooking would be quite considerable and significantly worse than the level of overlooking and perceived overlooking of the rear garden of number 30.

An objection has also been raised in relation to overlooking of front and rear gardens as a result of windows at first and second floor. It is considered that fully opening windows to the front and rear of the property are acceptable. A significant level of overlooking and natural surveillance already occurs from existing properties within the street. The level of overlooking will not be significantly worse than the existing situation and a refusal on these grounds would be unjustified in planning terms.

Accuracy of Plans

Concerns were raised by the owner of 34 Castle Hill in relation to the accuracy of the plans submitted, with particular reference to the boundary between number 34 and 32. Discussions have taken place between the owner's architect and the Council in relation to the accuracy of the plans submitted. The architect has informed the Council that a measured topographical survey was produced by APR Services Ltd on the Architects behalf. This survey was submitted as part of the original planning application and is marked as drawing number 001.

Having visited the site and taken measurements from the existing western elevation of number 32 to the existing retaining wall and from this retaining wall to the existing boundary fence, Officers are satisfied that the plans submitted are an accurate representation of the existing site.

The applicant has signed ownership certificate A, thereby confirming that the land outlined in red is within their ownership. As stated above, the agent has confirmed that a site survey has been undertaken and are satisfied that the plans are accurate. There is no evidence before the Council to suggest that any of the plans are inaccurate.

Additional amended plans have been received due to a slight inaccuracy in plan numbers 301 C, 302 C and 305B as to the separation between the proposed dwelling and the adjoining properties. The amended plans resolve the inaccuracy and the proposed spacings are now correct and accurately represent the measurements shown on the site plan and ground floor plan.

Sustainability

The statement submitted with the application suggests that the dwelling would be sustainable and would reduce carbon emissions by 10% beyond that required by Part L of the building regulations. All materials used will have a high BRE greenguide score and natural materials such as a sedum roof, wooden windows and FSC certified timber will be used.

Officers are satisfied that the development accords with policy 1 and appendix 1 of the DBLP.

Highway Safety

No concerns have been raised by Hertfordshire Highways regarding highway safety.

Permitted Development

It is proposed to remove Class A permitted development rights. It is considered that removal of class A permitted development rights meets the tests of circular 11/95.

Class A could allow large extensions to this property without the need for planning permission.

Not only could such extensions have an adverse impact on the character and appearance of the property they could also result in extensions that would result in loss of sunlight and daylight and could also have an overbearing impact on the two adjoining properties.

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

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

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

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

**BER 101 Revision C
BER 102 Revision C,
BER 103 Revision C
BER 104 Revision C
BER 105 Revision A
BER 106 Revision A
BER 202 Revision C
BER 203 Revision C,
BER 300 Revision B
BER 301Revision D**

BER 302 Revision D

BER 303 Revision D

BER 304 Revision C

BER 305 Revision C

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

3 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.

Reason: To ensure a satisfactory appearance to the development.

4 All hard and soft landscape works to the development hereby approved shall be carried out in accordance with the details specified on the approved drawings. The works shall be carried out prior to the occupation of any part of the development.

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

5 The window(s) at first floor level in the east and west elevations of the development hereby permitted shall be non opening and shall be permanently fitted with obscured glass.

Reason: In the interests of the amenity of adjoining residents.

6 The window at second floor level in the eastern elevation of bedroom 1 of the development hereby permitted shall be non opening and shall be permanently fitted with obscured glass.

Reason: In the interests of the amenity of adjoining residents.

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

Schedule 2 Part 1 Classes A

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

8 No development shall take place until the applicant, or their agents or successors in title, has/have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence.

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

(a) Site Characterisation

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

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

(ii) an assessment of the potential risks to:

- human health,**
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
- adjoining land,**
- groundwaters and surface waters,**
- ecological systems,**
- 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'.

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

(d) Reporting of Unexpected Contamination

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

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

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 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

INFORMATIVE:

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>

British Waterways

The applicant/developer is advised to contact Principal Waterway engineer Neil Owen on 01908 302575, in order to ensure that any necessary consents are obtained and the works compliant with the current British Waterways' Code of Practice for Works affecting British Waterways".

Thames Water

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. They can be contacted on 0845 850 2777.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance. The site is located in an area where residential development is acceptable in principle in accordance with Policy 2 of the Borough Plan. The proposal will be a high quality development which will not harm the character of the area. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 2, 9, 10, 11, 13, 18, 21, 58, 106 and 107

Appendices 3, 5 and 7

Supplementary Planning Guidance

Development in Residential Areas