

Annex to Item 5.2 4/00552/12/MOA- 89 Sunnyhill Road, Hemel Hempstead

Addendum Sheet from 1st Sept 2011

4/00542/11/MOA – 89 Sunnyhill Road, Hemel Hempstead (page 40)

Additional Neighbour Responses

61 and 63 Sunnyhill Road – Objects:

- *A badger sett/s exists in the rear garden to 61 and 63 Sunnyhill Road and the development could directly affect their foraging area / route to foraging area.*
- *The fact that the road may not be adopted by HCC does not alleviate Dacorum Council of its responsibility for the potential hazard and risk to life this junction would bring.*
- *Places the responsibility for ensuring children's and adults safety along this road on the Council's doorstep. Sunnyhill Road is a primary route for children attending Gade Valley JMI and Cavendish School.*

Additional Consultation Response

Herts Biological Records Centre - With regards to any badgers/slow worms, recommends that if badgers are actually on site, a consultant may be required to advise. 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 so any surveys can be done after determination by Condition. Otherwise, an informative that reminds the applicant that badgers may be in the area, are protected and precautions may be required to avoid disturbance or harm. Its then up to the applicant to engage a consultant if they think it is needed.

Additional Condition

No development shall take place until details of a survey of the site for the presence of badgers/slow worms or their foraging area has been carried out and the results of the survey, together with any recommendations for protection of their habitat or mitigation of the impact of the development on their access routes shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the details as approved.

Reason: To ensure the protection of badgers/slow worms and their habitats in accordance with Policy 102 of the Dacorum Borough Local Plan 1991-2011 and the Protection of Badgers Act 1992.

Recommendation remains the same:

Delegated with a view to approval subject to the completion of a s.106 agreement.

Committee Report from 1st September 2011

**4/00542/11/MOA - CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME).
89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA.**

Summary

The application is recommended for approval. The application is a resubmission following a dismissed appeal in 2010 on grounds that the access gradient would cause conditions of highway and pedestrian danger despite proposals for under carriageway heating and the road being private. The revised scheme seeks to address specific concerns in respect of the reliability of the system by proposing a number of failsafe measures, including extending the heating system to the footway. A safety analysis of surrounding roads has also been submitted. Amended plans also address a number of issues raised by officers in respect of the open character of the valley bottom, the adequacy of amenity space serving the block of flats, and the convenience of the parking bays serving Plots 1, 2 and 3. This has had a consequential benefit in smoothing out the bend at the bottom of the site. In addition, revised plans double the number of speed limiter rumble strips to four. Whilst Hertfordshire Highways advise that the proposed road gradient as proposed is unacceptable should the road be offered for adoption, the formal response is that the access arrangement is considered acceptable subject to conditions and a contribution to sustainable transport. The proposal is considered acceptable in layout and access terms and will not have any adverse impact on adjoining residential occupiers. It would be designed to meet Code level 3. The proposal provides satisfactory evidence that there will be no harm to any bats and the application is accompanied by a signed s106 unilateral undertaking.

Site Description

The site extends to 0.36 hectares and is roughly rectangular in shape, tapering towards the road frontage. It is sited to the west of the town centre located on the western side of Sunnyhill Road, close to a sharp bend with Melsted Road, in a residential area known as Hammerfield North.

The site is located adjacent to open space known as Gravelhill Spring that consists of a dense 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.

The site comprises of 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 densely sited on the northern boundary. Land levels across the site drop approximately 10-metres between the front (eastern) and rear (western) boundaries of the site.

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. It describes the area covering all ages largely as having a variety of architectural forms with no unifying design features. This variety also seeps into the type of units and relationship with the streetscape. 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.

Proposal

The application is a resubmission following dismissal of a previous appeal on highway gradient related grounds.

The planning application seeks outline permission for the demolition of the existing dwelling and construction of seven dwellings and six apartments with a new access road. All matters are reserved apart from access and layout. However, the details submitted also include aspects of elevation, scale, height, mass, and landscaping, on which further details will be required.

The detail submitted seeks to introduce a new estate road having access to Sunnyhill Road from the north eastern corner of the site. It will be a 4.8 metre wide access road with 6 metre kerb radii and pram crossings at its junction with Sunnyhill Road. The new estate road would run parallel with the northern boundary until the midway point of the site, where it turns to the south leading to the southern boundary, thereby creating an L-shaped road layout. At the turning point a hammerhead will be introduced to enable refuse and emergency vehicles to exit in forward gear. The entire road layout has a drop in level, from one end to the other, of about 10 metres. The applicants confirm in their Design and Access Statement that the new estate road will be exactly a 1 in 7 gradient throughout its length. It is also noted that the house driveways together with the access under the archway serving the six apartments would be at a shallower gradient of 1 in 10. Given the steep gradient, the applicants' propose the introduction of under-road heating that will be installed along the entire length and width of the access road and hammerhead. The under-road heating would be activated when the temperature drops to 4 degrees centigrade. In addition, the access road will be surfaced with slip resistant block paving.

In terms of layout, the proposed dwellings would be positioned to front the existing and the new access road. Plots 12 & 13 would front Sunnyhill Road, replicating the existing build line of the adjacent properties (i.e. No 87 Sunnyhill Road); plots 1, 2 & 3 sit further down the site fronting the access road with their front elevations facing the north; plots 4 & 5 and flats 6 to 11 sit at the bottom of the site with their rear aspects facing the existing rear boundary.

The architectural approach is indicated to be traditional with steeply pitched roofs, brick and tile, low eaves, bay windows, arched window heads, expressed window cills, chimneys and projecting front gables. These accord with amendments negotiated by the planning officer on the previous application.

	Standard/Guideline	Proposal
Density	30 – 35 dwellings per hectare	36 dwellings per hectare
Parking	1.5 spaces maximum per dwelling	1.5 spaces per unit
Garden	A rear garden depth of 11.5 metres. For flats, an amenity area to the rear at least equal to the footprint of the building for two storey development, increasing with building height.	The dwelling houses are served by a rear garden depth ranging from 11 metres to 18 metres. The block of flats has no communal area. The ground floor flats are served by small private gardens

Referral to Committee

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

Planning History

4/00561/10/MO CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS
A AND ACCESS ROAD
Refused
30/06/2010

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

Draft National Planning Policy Framework
PPS1, PPS3, PPS9, PPG13
Circular 11/95, 1/2006, 05/2005
Manual for Streets

Herts County Highways

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

East of England Plan

Policies SS1, ENV6, ENV7, ENG1

Dacorum Borough Local Plan

Policies 1, 9, 10, 11, 13, 51, 54, 58, 61, 62, 63, 99, 100, 102, 111, 113, 122, 124, 129
Appendices 1, 3, 5, 6, 8

Supplementary Planning Guidance

Environmental Guidelines

Residential Character Area HCA9: Hammerfield North

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Representations

Hertfordshire Highways (in summary)

As it stands the proposed internal road/footway gradient shown on the submitted plans, is 14%. This is unacceptable gradient should the road be offered for adoption.

Roads in Herts 3 – a guide for new developments clearly states the maximum degree of gradient any new road should be 5%.

All the other previous applications to develop this site have been refused by the LPA and subsequently supported by the Inspector(s) at appeal because of the principle of avoiding steep gradients and the problems it creates.

However, the road in question is not to be offered for adoption and as such, the highway authority's role as a consultee on this particular issue is only one of providing advice not recommendations.

To mitigate the steep gradient the agent has put forward professional surveys, opinions and a safety analysis of the surrounding highway network. In addition, the applicant is proposing to install a robust mechanism of under carriageway/footway heating. The highway authority has no experience of the effectiveness or reliability of these types of measures.

Concerning the safety comparisons made of other similar steep roads in the surrounding area, in response the highway authority would claim that these are clearly existing roads and as a result suffer from the problems of steep gradients that we are trying to avoid in the future.

In this case, the access arrangement is considered to be acceptable. Therefore, the formal response will be that the highway authority does not wish to restrict planning permission being granted subject to the normal construction conditions.

A contribution towards sustainable transport is also requested.

If the LPA are minded to refuse this application, they should be mindful that at any ensuing appeal the role of the highway authority might be questioned. The inspectorate may not take the highway authority's evidence into account, although it should be noted that we are happy to prepare evidence in support of our design guidance and if necessary appear in the process on behalf of the planning authority.

Hertfordshire Biological Records Centre (in summary)

We have no ecological records from within the application site, which is an existing house and large garden. The development will impact upon the large garden which is important in helping buffering the adjacent woodland Wildlife Site area of Gravel Hill Spring. However, it is not possible to demonstrate that the proposals will be damaging to the extent that they would represent a constraint.

We do have records of bats and bat roosts within this area on Hemel Hempstead to the east and west.

Given that the proposals will involve the demolition of the existing property at 89 Sunnyhil Road, I consider that there is a reasonable likelihood of bats being present and therefore affected by the proposals.

For these reasons I advise that an initial inspection for bats is undertaken to assess the roof space affected and any other evidence and provide advice accordingly. This information should be provided prior to permission being granted to enable European Protected Species Legislation to be properly applied as part of the planning process if required. We advise that the application should not be determined until such information is made available.

An initial inspection for bats can be carried out at any time of the year. If the presence of bats is confirmed further evening emergence and dawn re-entry surveys to record flying bats

will also be required and these can only be carried out when bats are active from April to mid October.

However, if your Council is minded to grant planning permission without the above information, the applicant should be informed that this does not absolve them from complying with the relevant law protecting species (Circular 06/2005). Consequently whilst your Council could impose a condition, we cannot support such an approach which is not consistent with Natural England's Standing Advice.

Any trees or shrubs that may need to be cleared due to the proposals should not be cleared within the bird breeding season April – end Sept.

Comments on additional details

The outline report seems fine; you may wish to place an informative on any approval given the loft space was not accessed, but other evidence suggests it may not be used. Recommendations are sensible in this respect.

Contaminated Land Officer (in summary)

The site is located within the vicinity of potentially contaminative former land uses. Consequently consideration should be made to the potential for contamination to affect the development. I recommend that the standard contamination condition be applied to this development should permission be granted.

Thames Water (in summary)

Waste Comments

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.

Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company.

HCC Planning Obligations Officer (in summary)

Requests financial contributions (figures in accordance with the HCC Toolkit) for the following:

Primary Education
Nursery Education
Childcare
Youth
Libraries

Also requests fire hydrant provision.

HCC Minerals and Waste Team (in summary)

Recommends the imposition of condition(s) to deal with the sustainable management of waste and advises that a Site Waste Management Plan (SWMP) is required by law for all projects worth more than £300,000.

Trees and Woodlands

I had detailed conversations with the applicant's Arboricultural consultant last year and am satisfied that the proposal causes minimum damage to the trees on Council owned land. I have no further comments to make as the proposals remain unchanged.

Previous comments

"I have now received a comprehensive Arboricultural report from the applicant's consultant Patrick Stileman. While I still have some concerns about damage to tree roots on adjacent Council owned land, I consider the recommendations of the report to be technically sound and acceptable to us. I recommend that the three dimensional cellular confinement system used in no-dig system should be installed before any vehicles are allowed to access the site. I have no further concerns provided recommendations of the Arboricultural report are fully implemented."

Strategic Planning and Regeneration

The original application was refused on highway safety grounds. It was dismissed at appeal on the same basis. However, it would appear that the original layout was satisfactory. Providing there is no significant changes to this, no comments are made in respect of the layout.

Herts Police Crime Prevention Officer (in summary)

The Design and Access Statement, whilst mentioning Level 3 of the Code for Sustainable Home, no other mention is made of Crime and Disorder or any means of crime prevention. I appreciate this is an outline application but even at this early stage it would be useful to have further information.

Reference is made to PPS1 and PPS3 with regards to creating safe, accessible and sustainable environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.

There is a clear and demonstrable link between designing out crime and the issues around sustainability.

Whilst I appreciate the main thrust of some of the information submitted relates to ensuring the new roadway is passable in winter due to the very steep incline I would like some indication of the physical security which is being implemented within the development.

I will be looking for this development to be designed and constructed to Secured By Design standards.

Rights of Way

The site appears to include Public Footpath Hemel Hempstead 24 along its northern boundary. Having spoken with Herts CC it is possible that the path should be within the boundary of Gravelhill Spring, which abuts the development site to the north (this is the location of the current used route). However, without an investigation by HCC the definitive map has to be regarded as correct. Hence the development would require a footpath diversion order to proceed.

The impact of 13 dwellings replacing number 89 Sunnyhill Road is likely to be detrimental to users of Gravelhill Spring and the allotment site, i.e. noise, additional traffic, visual. Currently the site is relatively peaceful, particularly considering its location (residential properties, Warners End Road etc).

A barrier, in keeping with the location, with no private access from the estate would be desirable from then point of view of helping to prevent erosion of the hedgebank in GravelHill Spring, waste being dumped (particularly garden waste) in the wood/on the footpath.

Environmental Health - Noise Pollution & Housing

Any comments received will be reported at the meeting.

Three Valleys Water PLC

Any comments received will be reported at the meeting.

Hertfordshire Fire and Rescue

Any comments received will be reported at the meeting.

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

21, 22, 29, 53, 63, 70, 74, 76, 78, 81, 86, 87, 88, 89, 92, 94 Sunnyhill Road

14, 16, 32, 34, 36 Melsted Rd

Highbanks, Glendale - Object:

- (a)** *Adverse impact on highway and pedestrian safety as a result of increased traffic on a narrow and dangerous corner. There have been numerous accidents especially in bad weather resulting in the Police closing the road*
- (b)** *More cars will be hazardous for school children*
- (c)** *The proposed access is inappropriate given the gradients of surrounding roads especially in icy conditions and will make matters worse*
- (d)** *If the access was of correct gradient there would be no need for expensive under carriageway heating*
- (e)** *Insufficient car parking for the flats which will impact on surrounding roads*
- (f)** *Poor access for construction traffic and would lead to additional safety issues*
- (g)** *Where will contractors park?*

- The roads are also not on the Hertfordshire County Council salting route, which, due to the gradient of the roads, has led to several accidents and near misses over recent winters. Any increase in traffic would make these problems significantly worse
 - Anti freeze heating is proposed for the new road but whilst that may work for that section, traffic leaving the new estate from the 6m flat area would be joining the unheated Melsted and Sunnyhill Roads leading to increased danger. The question remains what happens if the heating system fails?
 - More difficulty for emergency services to access properties
 - The increased density of housing would put an additional strain on resources such as electricity, gas water, refuse collection, road repairs, policing, local schools etc.
- (l) Gardens were removed from the brown field category last year by the Government to prevent development where local people object
- (m) Access Should be off Warner's End Road through the woodland
- (n) Strain on existing infrastructure
- (o) Blot on this green oasis of woodland
- (p) Adverse implications on ecology and wildlife
- (q) Density too high
- (r) Loss of value
- (s) Flats not in keeping
- (t) Previous application in 1991 was refused for two dwellings as the site was considered not of sufficient size
- (u) This may be the start of a larger development from the end of the access road
- (v) Boundary treatment should be by way of soft planting not fences
- (w) No waste storage shown
- (x) Under road heating can only be effective if maintenance and payment for power is guaranteed. Suitable management company should be required by condition / s106
- (y) Adoption of the proposed access road will be essential if its extension to provide additional residential development is to be encouraged
- (z) Overdevelopment
- (aa) Why is the present trend of demolishing single dwellings and building multiple dwellings being allowed to continue in this borough which is already overpopulated with no regard for local inhabitants or their wishes
- (bb) Will the residents want to pay for the under-road heating running costs when required for a period of months, especially if Sunnyhill Road is impassable
- (cc) Reports of few accidents in Anne Mallory's report merely means that accidents go unreported, not that it is safe
- (dd) The suggestion that the new access road will provide an escape road will be of no comfort to cars coming in the opposite direction
- If this proposal is granted permission, this could lead to the potential for several other developments along similar lines to those proposed being promoted in the gardens of other properties along Sunnyhill Road.

Considerations

This application was deferred at the meeting of 30th June 2011 to await further clarification from Hertfordshire Highways on its highway objection.

Policy and Principle

The site is located within the urban area of Hemel Hempstead wherein, under Policies 2 and 9 of the Local Plan, residential development is acceptable in principle subject to complying with all other relevant policy criteria.

Policy 10 states that "general building development should be designed to achieve the maximum density consistent with the character of the area, surrounding land uses and other environmental policies in the plan. PPS3 refers to residential development and encourages the efficient and effective use of urban land that is compatible with the character of the area.

In addition, the recent statements from the CLG highlighting amendments to PPS3 should be noted:

- *private residential gardens are now excluded from the definition of previously developed land in Annex B.*
- *the national indicative minimum density of 30 dwellings per hectare is deleted from paragraph 47.*

Consequently, it is considered that Policy 11 and the Residential Character Area (RCA) hold greater material weight when assessing the proposal. Whilst private residential gardens have been excluded from the definition of previously developed land, they still remain (in this case) part of the urban area of Hemel Hempstead. Private residential gardens have not been given the same status as Green Belt and / or Open Land designations, where such classifications adopt a presumption against development. Therefore, it can safely be concluded that the principle of developing private residential gardens is not unacceptable. However, the RCA has greater relevance given the additional layers of detail that are provided to enable a thorough assessment of whether a proposal is consistent with the character of the area, which now seems to be the primary consideration when assessing whether the principle is acceptable. This will be considered in detail below.

The main 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 and residential amenities.

Highway and Access Consideration

Although the application is in outline, the applicants' have indicated that access and layout is for determination at this stage. In accordance with Department for Communities and Local Government Circular 1/2006 all matters relating to accessibility to and within the application site for vehicles, cycles and pedestrians in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding network should be considered and assessed by the Highway and Planning Authorities.

The application is a resubmission following dismissal of a previous appeal proposal (4/00561/10/MOA) on highway gradient related grounds despite the proposals for under carriageway heating in times of ice and snow. In considering the appeal proposal the Inspector concluded that three matters in particular influenced his decision not to take a flexible approach to adopted highway authority design/safety standards on maximum permissible gradients. These were:

- *"... technical, engineering solutions to potential highways safety problems can and sometimes do fail: one such failure here (e.g. in the long term operation and reliability of the proposed subsurface heating system) could have serious consequences if a road accident were to occur as a direct result.*
- *The site access would be located almost immediately onto a sharp, right angled bend ... and moreover at a point where the 2 roads (Sunnyhill and Melstead) are not level. These are both factors which make this particular site inherently more difficult and risky to access than one fronting a straight and level section of carriageway.*
- *Weather conditions in this and in other recent winters have brought much ice and snow*

and freezing fog with obviously increased hazards for drivers and pedestrians, particularly on steeply sloping road surfaces. Despite ... global warming, there is no certainty that southern England will not continue to experience unusually cold winter conditions at times in the future."

The applicants have submitted additional information since that decision to address the issues raised by the Inspector which were "focused on the fact that technologies can and sometimes do fail and a failure could be prejudicial to highway safety". To address this issue the applicants consultants, Strada, have produced an in depth report on the strategies to overcome the potential scenarios involved in a system failure. A three tier failsafe system is proposed such that the chances of failure are said to be negligible. Failsafe technologies include such aspects as a back up generator in case of power cut, duplicated under footway heating strips, duplication of all regulators and sensors, separate switched breakers for each strip. The heating cables are said to have an excellent service record; in the majority of cases where damage has been reported, this has been due to the structure of the carriageway failing causing damage to the cables. A 10 year warranty is provided against manufacturing fault in the cables.

To address concerns raised by the Inspector in respect of the junction with Sunnyhill Road and Melstead Road, it is also proposed to extend the system to fully heat the 6 metre level platform at the top of the access road. The under road electric heating system would also be applied to the footway with back up heating strips should one fail.

Furthermore, it is also confirmed that the system is specifically designed to withstand extreme winter temperatures, being regularly installed in northern European countries such as Scandinavia. The applicants' therefore submit that the heating system, together with anti skidkeyblok paved surface and three tier backup system would overcome the Inspector's concerns, noting that no other concerns were raised by Herts Highways.

Whilst acknowledging that the gradient is in excess of the ideal maximum in Roads in Hertfordshire - A Design Guide for New Development, June 2001", the applicants' state that this should be weighed against the following:

- This is previously developed land within a part of the town characterised by similar gradients that has not prevented their development during the past 100 years.*
- The only level access to the site was cut off by the decision to grant permission for Glendale some years ago.*
- Under-road heating will be installed and activated below 4 degrees centigrade and slip resistant block paving applied to the road and footway.*
- Whilst remaining private the proposed road and turning head will be designed to adoptable standards and all vehicles will have no difficulty in negotiating the 1:7 slope as evidenced in and around the surrounding area.*
- There will be clear and uninterrupted visibility at the junction with Sunnyhill Road and no driveways accessing onto the road.*
- Level pedestrian approach in accordance with Part M of the Building Regulations can be made to the entrance of each dwelling.*

The Area Highways Development Control Manager has evaluated the amended details and provided his response in a letter dated 8th August 2011. This supersedes the previous highway comments recommending refusal. He states that the proposed gradient of 1:7 (14%) is unacceptable for an adopted road and is contrary to advice in Roads in Hertfordshire - A Guide for New Developments which states that the maximum acceptable gradient for a new road is 1:20 (5%). However, he notes that as the road is not being offered for adoption, the formal response of the highway authority is that it does not wish to restrict the grant of

planning permission in this case, and that the actual means of access from Sunnyhill Road is considered acceptable.

Whilst noting the rather guarded comments of the highways officer in respect of the mitigating measures being proposed and the safety comparisons with similar roads, which are said to be offered in an advisory capacity rather than as recommendations, it is clear that it would now be inadvisable in the circumstances for officers to recommend refusal of the application on highway grounds. As stated in the letter, the role of the highway authority might be questioned at any ensuing appeal and could leave the authority open to costs as it would be unable to defend the decision properly despite the previous dismissed appeal against the background of it being a private road.

In the above respect it should be noted that whilst it is accepted that the highway authority has no experience of the effectiveness or reliability of under carriageway heating, the design with this feature would clearly be better than that of surrounding roads. Furthermore, we are advised that existing roads suffer from the problems of steep gradients, yet despite requests to HCC this has not been backed up with any clear evidence. An assessment of accident statistics from surrounding roads, on the other hand, which was carried out by the applicant's consultants, Mallory Health and Safety Consultants Ltd, indicates that there is no clear link between gradient and accidents. Moreover, there would appear to be no obvious alternative way of accessing the site. A number of options have been considered in previous years, including the option of a switch back road, Alpine style. However, from an urban design perspective such a proposal would be considered unacceptable in the context of the rectilinear pattern of roads in the area. We are not aware of any practicable alternative access to this land. Access from the end of Glendale which would have provided a relatively flat approach was prevented by the development of houses here many years ago. Access between 71 and 75 Sunnyhill may be an option but the hillside here is no shallower even if agreement could be reached with landowners. It should also be noted that the development of the site would provide much needed housing that may defer release of Green Belt land.

In the circumstances, given the lengths to which the applicants have gone to mitigate the alleged safety issues of a steep access road, and given the lack of any substantive objection from the highway authority, it is considered that from a highway safety perspective, the application is now acceptable for approval.

Layout

Layout is a matter for determination at this stage.

Policy 11 states that development will not be permitted unless it is appropriate in terms of layout, site coverage, design, scale, bulk, height, materials and landscaping on the site itself, in relation to adjoining property and in the context of longer views. Development should also respect the townscape, density and general character of the area and avoid harm to the surrounding neighbourhood and adjoining properties through for example, visual intrusion, loss of privacy, loss of sunlight, loss of daylight, noise disturbance or pollution. There should be sufficient parking and the traffic generated should neither compromise the safe and free flow of traffic on the existing road network nor have a detrimental impact on the safety of other road users or on the amenity of the area. There should be reasonable facilities for access by people with disabilities. It should avoid harm arising from pollution in all its forms, including air, water, noise and light pollution. In particular, there should be no detrimental effect on air quality in sensitive areas.

The RCA 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).*

It is considered that the proposal takes on board many of the characteristics of the surrounding area, adapting them to suit the constraints of the site (i.e. trunk sewer, trees on northern boundary, steep slope), and planning requirements. The proposal has adopted a layout that has a direct relationship with the street, which promotes safety, security and a more vibrant public realm and street face. The height and design is in line with best practice as promoted by CABE's By Design in terms of promoting continuity and enclosure. The road layout also enables potential development of neighbouring gardens therefore complying with Policy 10 (see below).

Amended plans address a couple of important issues noted in respect of:

- 1. the lack of a private communal amenity area to the rear of the apartment block, contrary to Appendix 3 of the Borough Plan which seeks an area at least equal to the footprint of the building for two storey developments, and increasing with building height.*
- 2. the inconvenient siting of parking bays for Plots 1, 2 and 3 combined into the parking court serving the apartment block, and thereby likely to lead to on-street parking opposite the flats or more than likely on the steep access road to the detriment of its safe use.*

The amended plans relocate three parking spaces from the flatted development into two laybys alongside the access road, thereby both improving their convenience to the three units concerned and at the same time providing a larger amenity area for the block of flats. The proposal would also have the added advantage of ironing out the bend at the bottom of the hill whilst also better reflecting the open character of the valley bottom at this point. Whilst arguably not fully according with the letter of Appendix 3 in terms of the quantum of functional private amenity space serving the flats, and whilst noting that one car parking space for Plots 1, 2 and 3 would still effectively be located within the flats courtyard area, on balance, the amended plans are considered an improvement to the overall scheme in terms of layout, amount of amenity space and convenience of car parking serving Plots 1, 2 and 3. It should also be recognised that no objections were raised to layout on the previous application. The proposals are therefore considered acceptable for approval and would comply with Policy 11 and related guidance.

Impact on Street Scene

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

The existing street is very mixed in appearance with very simple plain designs of no particular architectural merit. The street has a suburban quality being characterised by buildings with traditional proportions set within landscaped gardens having a medium setback from the road. It is considered that the suburban quality of the street should be reinforced in the architectural detailing and built form of any proposed development. This is particularly important in light of some infill development that has taken place in recent times mainly in the form of flats raising to a height of 3-storeys.

In general terms the architectural form adopted is considered to be an acceptable approach with the use of traditional detailing and proportions associated with the older town houses in the immediate context. Importantly, positive articulation has been achieved by introducing 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 the design and appearance of the proposal will integrate with the wider context successfully.

Land Optimisation and Density

The road layout would enable potential development of neighbouring gardens therefore complying with Policy 10 that requires a coordinated and comprehensive approach to development by ensuring that opportunities for development in the immediate area are not missed.

The number of dwellings units is set down in the description as 13. The impact of density can therefore be considered at this stage.

Local planning authorities should avoid the inefficient use of land and support high densities, which are more likely to sustain local services and public transport and avoid social exclusion. 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.

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 has been deleted from paragraph 47 of PPS3. 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 notes that new development should adopt a density between 25-35 dwellings per hectare. The proposal has 36 dwellings per hectare which, on balance, is considered to be acceptable.

Affordable Housing

Under Policy 20 the threshold is 25 dwellings or 0.5 hectares. In terms of PPS3 the requirement is a minimum threshold of 15 dwellings. The proposal, at 13 dwellings, falls under the threshold and therefore would not require affordable housing as part of the mix.

Impact on Trees and Landscaping

The landscaping of the site is reserved. However, information has been provided in the form of the layout plan, illustrative elevations and through comments in the Design and Access Statement whereby the impact on trees can be considered to a limited degree. An arboricultural report has also been submitted.

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 Trees and Woodlands Officer has confirmed that the comments made on the previous application still stand in respect of the current proposal. He considers the recommendations of the report to be technically sound and acceptable. He recommends that the three dimensional cellular confinement system used in no-dig system should be installed before any vehicles are allowed to access the site. Details of planting etc will be required by condition.

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.

With regard to the layout and built form and its relationship to adjoining residential properties, it is considered that there would be no adverse impact on the amenities currently enjoyed by the occupants of those properties. The Inspector dealing with the previous appeal proposal raised no issues in this regard.

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.

In terms of privacy there would be no implications given the circumstances of the site (topography/trees), angles involved and distances from existing properties.

In terms of amenity of future occupants, each dwelling would be served by a private garden and the flats by an amenity area. The new build would provide for bin storage but needs to allow for secure cycle storage for the flats. Details should be required under the landscaping details.

Crime Prevention and Safer Places

This is a material planning consideration. However, no details have been provided within the Design and Access Statement. 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 written to the applicants agent separately requesting that crime prevention measures be addressed. However, details to date have not been received. Members will be updated on any information received at the meeting.

Detailed consideration of crime prevention and lighting may need to form part of the reserved matters to the current application.

Sustainability

The proposed development is re-developing an existing site and making more efficient use of land for housing in a sustainable location. The Design and Access Statement indicates that the proposal will meet Level 3 of the Code for Sustainable Homes. Compliance with this should be conditioned together with a requirement that details of energy and water conservation be approved as part of the reserved matters given that no specific information has been provided. The developer should be required to certify compliance as a condition.

Section 106

A number of discussions have taken place with the applicants on financial contributions and the following sums have been agreed and a unilateral undertaking signed:

- *Financial contribution of £5,239 towards Hemel 2020 project - Marlowespedestrianised area.*
- *Financial contributions towards open space, allotments, natural green space, outdoor sports pitches, cycle networks in accordance with the DBC adopted Planning Obligations SPD April 2011.*
- *Financial contributions towards primary education, nursery education, childcare services, youth services and library services in accordance with Table 2 of the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008 "*
- *Provision of fire hydrants.*
- *Sustainable transport contribution.*
- *S106 monitoring contribution based on 6% of total contributions.*

However, this has not been agreed by Legal Services who is still awaiting evidence of title from the applicant's solicitors.

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. However there does appear to be some doubt about this particularly given that the footpath as currently used appears to fall within Gravelhill Spring and runs alongside but not within the current garden to No. 89. Given the doubt, 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.

It is noted that several concerns have been expressed covering other considerations, such as the impact on the local ecology. The Hertfordshire Biological Records Centre 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. No signs or evidence of bats was observed and internal access for bats into the loft space was not possible.

The pitched roof was slate tiled and only the very occasional slate had slipped or was damaged. Therefore, potential for access for bats under the tiles was very limited and no droppings or other evidence of bats were noted around these tiles.

The trees were inspected for bats and no signs or evidence of bats was noted and potential for roosting in trees on the site was low.

Therefore, it was considered unlikely that bats were using the house or trees on the site for roosting and it was considered unlikely that bats would be significantly impacted by the proposed development.

No further bat surveys or mitigation were considered necessary.

Precautionary measures are recommended such as:

- Hand removal of the tiles;*
- Demolition and tree removal (if necessary) outside of the most important times of year for bats (summer and winter);*
- External lighting reduction (as far as safely possible) for the new development to minimise disturbance to locally foraging bats;*
- If at any stage during works, bats or evidence of bats (droppings) are observed, works on the site should stop and an ecologist called for advice.*

Based on the bat survey results, there is no need for further testing against the 3 derogation tests in the Habitats Directive.

Conclusions

The principle of residential development and the overall layout of the proposal is considered acceptable. Whilst Hertfordshire Highways advise that the access gradient does not comply with its normal standards for adoptable roads, given that the road is not to be adopted, and given the significant safety improvements incorporated to mitigate the impact of excess gradient in this case, Hertfordshire Highways recommends that the actual point of access is acceptable to it and that it does not therefore wish to restrict the grant of planning permission. The lack of a formal highway objection is a material consideration that, on balance, given the acceptability of layout and other material considerations in this case, and the fact that the only reason for refusal last time was on highway safety grounds, leads to the conclusion that permission for the development should not be withheld on this site.

RECOMMENDATIONS

1. That the application be *DELEGATED* to the Group Manager Development Management 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 £5,239 towards Hemel 2020 project - Marlowespedestrianised area.
- Financial contributions towards open space, allotments, natural green space, outdoor sports pitches, cycle networks in accordance with the DBC adopted Planning Obligations SPD April 2011.
- Financial contributions towards primary education, nursery education, childcare services, youth services and library services in accordance with Table 2 of the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008"
- Provision of fire hydrants.
- Financial contribution towards sustainable transport.
- S106 monitoring contribution based on 6% of total contributions.

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

RECOMMENDATION- That determination of the application be **DELEGATED** to the Senior Manager, Development Management, following the expiry of the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

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

- 5 **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, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **secure cycle storage facilities;**
- **back-up generator;**
- **pedestrian handrail;**
- **minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting 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 11 and 100 of the Dacorum Borough Local Plan 1991-2011.

- 6 **No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**

- **A full tree survey of all trees within the site and those outside that may be affected by this development in accordance with the B S 5837:2005.**
- **Arboricultural Implications Assessment (AIA) in accordance with B S 5837:2005.**

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

Reason: To ensure the retention of important trees and a satisfactory appearance to the development in accordance with Policies 11 and 99 of the Dacorum Borough Local Plan 1991-2011.

- 7 **No development shall take place until 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 shall have been submitted to and approved in writing by the local planning authority. 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 11 of the Dacorum Borough Local Plan 1991-2011..

- 8 **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 (c) 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:

- **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,**
- (iii) **adjoining land,**
 - **groundwaters and surface waters,**
 - **ecological systems,**
 - **archeological sites and ancient monuments;**

- ***an appraisal of remedial options, and proposal of the preferred option(s).***

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

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

(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.

- 9 **The development shall be designed to meet level 3 of the Code for Sustainable Homes and notwithstanding any details submitted, no development shall take place until plans and details of the measures for energy efficiency and conservation, 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 development shall be carried out in accordance with the details approved and no dwelling shall be occupied until a final Code Certificate has been issued and provided to the local planning authority certifying that Level 3 has been achieved under the Code for Sustainable Homes.**

Reason: To ensure the sustainable development of the site in accordance with Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance.

- 10 **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.

- 11 **Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the local planning authority of the measures to be taken in the design, construction, operation and decommissioning of the development to: minimise the amount of waste generated; to re-use or recycle suitable waste materials generated; to minimise the pollution potential of unavoidable waste, including appropriate remediation measures for any contaminated land; to treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area in accordance with Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 12 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking and circulation together with the access road shown on Drawing No. SRH/01D and the details of electric under carriageway heating identified in the report from Strada Associates Ltd 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.

- 13 **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 undercarriageway and footway heating, shall**

have been submitted to and approved in writing by the local planning authority. 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 11, 51, 54 and 100 of the Dacorum Borough Local Plan 1991-2011.

- 14 **No development shall take place until details of a survey of the site for the presence of badgers/slow worms or their foraging area has been carried out and the results of the survey, together with any recommendations for protection of their habitat or mitigation of the impact of the development shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the details as approved.**

Reason: To ensure the protection of badgers/slow worms and their habitats in accordance with Policy 102 of the Dacorum Borough Local Plan 1991-2011.

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

**SRH/01D
SRH/102B
C0710**

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

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 within the urban area of Hemel Hempstead wherein, under Policies 2 and 9 of the Local Plan, residential development is acceptable in principle subject to complying with relevant policy criteria. The means of access and the overall layout of the proposal is considered acceptable. The road layout would enable potential development of neighbouring gardens therefore complying with Policy 10 of the Borough Plan. Whilst the access gradient does not comply with the normal standards for adoptable roads, given that the road is not to be adopted, and given the significant safety improvements incorporated to mitigate the impact of excess gradient, Hertfordshire Highways has recommended that it does not wish to restrict the grant of planning permission in this case. The amenity of adjoining neighbours would not be adversely affected. Car parking, landscaping and private amenity space within the site is adequate. There would be no material impact on ecology and the proposal would comply with sustainable development principles. The proposals therefore accord with Policies 1 and 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 1, 9, 10, 11, 13, 51, 54, 58, 61, 62, 63, 99, 100, 102, 111, 113, 122, 124, 129

Appendices 1, 3, 5, 6, 8

Supplementary Planning Guidance

Environmental Guidelines

Residential Character Area HCA9: Hammerfield North

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

INFORMATIVES:

Bats

The applicant is advised that, in accordance with the bat survey carried out by Skilled Ecology Consultancy Ltd, precautionary measures are recommended such as:

- *Hand removal of the tiles;*
- *Demolition and tree removal (if necessary) outside of the most important times of year for bats (summer and winter);*
- (iii) *External lighting reduction (as far as safely possible) for the new development to minimise disturbance to locally foraging bats;*
- *If at any stage during works, bats or evidence of bats (droppings) are observed, works on the site should stop and an ecologist called for advice.*

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>

Details of design

The applicant is advised that the details to be submitted in accordance with condition 1 should include details of the design, appearance and materials for all windows and doors (including typical vertical cross sections through the openings at a scale 1:20), eaves, fascias and bargeboards.