

<b>4/00478/18/FUL</b>	<b>DEMOLITION OF EXISTING BUILDINGS / STRUCTURES AND THE DEVELOPMENT OF THE SITE TO PROVIDE THREE NEW DWELLINGS</b>
<b>Site Address</b>	<b>APPLEDORE, KINGSHILL WAY, BERKHAMSTED, HP4 3TP</b>
<b>Applicant</b>	<b>Mr Haydon, Appledore</b>
<b>Case Officer</b>	<b>Elsbeth Palmer</b>
<b>Referral to Committee</b>	<b>Due to contrary view of Berkhamsted Town Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 This application seeks full planning permission for demolition of existing dwelling and the development of the site to provide three new four bedroom detached dwellings with attached double garages and off street parking for one vehicle.

2.2 The site is located within a designated residential area of Berkhamsted wherein the principle of development is acceptable in accordance with Policies CS4 and CS17 of the Core Strategy (2013).

2.3 Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas. This proposal seeks to optimise the use of urban land.

2.4 There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety and the site would be enhanced by additional planting and landscaping. The design and form of the development would be in character with the area which is already diverse.

## **3. Site Description**

3.1 The site lies on the northern side of Kingshill Way, a residential area of Berkhamsted and comprises a large two storey detached dwelling set back from the main road, on a large plot of land. The site is located approximately 100 m from the junction with Kings Road and Shootersway. Access is gained via a private road off Kingshill Way.

3.2 The site is bounded by well established trees and a tall hedge line between the site and Hillcrest on the western side. The plots immediately to the west and north contain large houses on large plots but the private road leads onto a more modern and higher density residential area containing large dwellings on much smaller plots.

## **4. Proposal**

4.1 The proposed development is for demolition of existing buildings/structures and the development of the site to provide three new four bedroom detached dwellings with attached double garages and off street parking for one vehicle.

4.2 The proposed dwellings will have access from the private road with a new access constructed to the north of the site near to the boundary with Little Hey. The new houses will have their rear gardens facing Kingshill Way. Each dwelling will have parking for

## **5. Relevant Planning History**

None.

## **6. Policies**

### 6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

### 6.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, CS8, CS9, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS23, CS28, CS29, CS30, CS31, CS32 and CS35

### 6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 58 and 111

Appendices 3,5 and 7.

### 6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area BCA12 Shootersway
- Water Conservation & Sustainable Drainage (June 2005)

### 6.5 Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **7. Constraints**

- HALTON DOTTED BLACK
- 10.7M AIR DIR LIMIT
- CIL1

## **8. Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix 1

### Neighbour notification/site notice responses

8.2 There were none.

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Layout, Design and Scale
- Amenity Space
- Impact on neighbours

- Impact on Street Scene
- Impact on Trees and Landscaping
- Ecology
- Impact on Highway Safety and Parking
- CIL

### Policy and Principle

9.2 Core Strategy (2013) Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

9.3 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

9.4 Policy CS 18 states that new housing will provide a choice of homes which will comprise a range of housing types and sizes.

9.5 The application site is located within an urban area in the existing town of Berkhamsted. As such the infrastructure in the immediate area has been developed to provide good transport links for existing land uses. There are also services and facilities available within close proximity of the site.

9.6 The site is approximately 0.2 hectare which is similar to the plots to the west of the site. The National Film Archive across the road to the south has been redeveloped into flats with cottages fronting Kingshill Way. Little Hey to the north is a much larger plot. The land further to the north and east comprises large dwellings on much smaller plots.

9.7 Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). As such, the development would be located in a sustainable location and seeks to optimise the use of previously developed land, the proposal is in accordance with Policies CS1, CS4 and CS17,CS18 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (1991) and the NPPF (2012).

### Layout, Design and Scale

9.8 The proposed development will be three, two storey detached dwellings with attached double garages facing north-east. The dwellings will have a large rear garden which will be bounded by the well established tree line along Kingshill Way.

9.10 The access to the site will come off the existing private road which serves a fairly recent residential development north-east of the site.

9.11 The design of the development will be contemporary with reference to traditional forms and materials. The houses have been designed to allow abundant natural light and low carbon footprint in fabric and services.

9.12 The layout of the proposed development is linear following the line of the Little Hey boundary, not the main road boundary. This follows the alignment of 1 and 2 Old Meadow Close to the east of the site and the recent development down the cul-de-sac to the north of the site.

9.13 The site is located in an area where there is a range of densities and architectural types. The Nation Film Archive across Kingshill Way and the cottages that front the main road are all

traditional in design. The existing houses to the west of the site are more modern large detached properties on large plots. To the east of the site are large modern detached two storey dwellings on much smaller plots (Old Meadow Close) and then the most recent development to the north where the dwellings are similar to the current development in that they are large two storey detached dwellings with smaller plots.

9.14 The proposed development will be in character with the surrounding area in terms of layout, design and scale and will therefore comply with CS 11 and CS 12.

#### Amenity Space

9.15 Each dwelling has a large garden to the rear of the property which more than meets the 11.5 minimum depth.

#### Impact on Neighbours

9.16 In order to ensure that there will be no loss of privacy for the existing neighbour Hillcrest and the residents of the proposed development a condition will be set requiring that all first floor windows in side elevations are obscure glazed or above eye level.

9.17 The distance between the front elevation of the new dwellings and Little Hey to the north well exceeds the 23m minimum depth and is a front to side relationship.

9.18 There will be no significant loss of sunlight and daylight for the adjacent neighbour.

#### Impact on Street Scene

9.19 Paragraph 60 of the NPPF states that, *'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. It is, however, proper to seek to promote or reinforce local distinctiveness*

9.20 In addition, paragraph 64 of the NPPF states that *'permission should be refused for development of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

9.21 Core Strategy (2013), Policies, CS1, CS4, CS10, CS11 and CS12 highlight the importance of good design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the Saved Local Plan (2004) Policies' of 10, 18 and 21.

9.22 Size, mass, height and appearance have been discussed in the previous section.

9.23 The site falls within residential character area BCA12 Shootersway which is characterised by mainly very low density development (< 15 dph but typically 6-8 dph) dominated by informal heavy landscaping. The layout in this area is largely informal, often in cul-de-sacs and houses tend to be large and of varied design.

9.24 The proposed design and layout is consistent with the recently approved residential development to the north-east of the site, as well as other residential sites in the area around Kings Road. The development of the site for 3 dwellings would result in a net site density of 15 dph which although greater than the density range set out in the Development Principles for this

character area and less than that set out in Policy 21, it is nevertheless compatible with the actual density for the area and would not cause harm to its character. The site to the NE has a density of 10.5 dph. The proposal would optimise the use of the site in accordance with Policy 10 and would not prevent further development opportunities in the area.

9.25 As this site is located in an area of wide variety in terms of density it is considered that the proposed density is acceptable.

9.26 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

9.27 Based on the above the proposed development complies with the relevant sections of the NPPF and Saved Policy 10 of the Local Plan (2004).

9.28 The proposed development will only be just visible from Kingshill Way with the set back from the frontage and the well established tree line along this main road providing a visual buffer between the street scene and the development. The development will not have a negative impact on the street scene of Kingshill Way.

#### Impact on Trees and Landscaping

9.29 The trees along Kingshill Way are significant and well established. They will be maintained as part of the development and protected during construction. The existing trees along the northern boundary will also be maintained. The vegetation along the private access road is to be removed and replanted and additional landscaping will be placed to the front of new plot numbers 2 and 3 and an additional tree between new plot numbers 1 and 2.

9.30 Comments from Trees and Woodlands is outstanding but will be either added to the addendum or reported to the members at the meeting.

#### Ecology

9.31 A Bat Survey - Emergence and Re-Entry was requested by Hertfordshire Ecology who are now satisfied that the proposal will not have a detrimental impact on local ecology.

#### Impact on Highway Safety and Parking Provision

9.32 Policy CS12 of the Core Strategy seeks to ensure developments have sufficient parking provision. In accordance with the NPPF, authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles.

9.33 Appendix 5 of the Local Plan lists Parking Standards for the Borough. A four bedroom dwelling requires 3 spaces. The proposal includes provision for 3 car parking spaces per dwelling.

9.34 The proposal meets the parking standards, it is not therefore considered that the scheme would have a significant impact upon local parking provision. As such, it is considered that the parking provision is acceptable and in accordance with Core Strategy Policy CS12.

9.35 The County Council as Highway Authority have raised no objection to the proposal subject

to conditions. The Highway Authority are satisfied that the car movements associated with the development would not result in an adverse impact on the existing road network and is unlikely to have an adverse impact on the safety or operation of the junction.

## CIL

9.36 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The development of 3 new dwellings will be CIL liable.

## Response to Neighbour comments

9.37 There were no neighbour comments.

## **10. Conclusions**

10.1 The impacts of the proposal have been taken into consideration, along with representations received from consultees. The proposal is considered acceptable in terms of design, impact on street scene and neighbours.

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

No	Condition
1	<p><b>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</b></p> <p>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.</p>
2	<p><b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b></p> <p><b>11026-L-00-LP site location plan</b>  <b>11026-L-00-20 existing block plan</b>  <b>11026-L-00-28 site plan- landscaping</b>  <b>11026-L-00-21 proposed block plan</b>  <b>11026-L-00-23 proposed plot 1 elevations</b>  <b>11026-L-00-25 proposed plot 2 elevations</b>  <b>11026-L-00-27 proposed plot 3 elevations</b>  <b>11026-L-00-22 plot 1 floor plans</b>  <b>11026-L-00-24 plot 2 floor plans</b>  <b>11026-L-00-26 plot 3 floor plans</b>  <b>design and access statement</b>  <b>Bat Survey - Preliminary Roost Assessment</b>  <b>Bat Survey - Emergence and Re-Entry</b>  <b>CIL</b></p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p><b>No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.</b></p>

	<p>Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The Construction Management Plan shall include details of:</p> <ul style="list-style-type: none"> <li>a) Construction vehicle numbers, type, routing</li> <li>b) Traffic management requirements</li> <li>c) Construction and storage compounds (including areas designated for car parking)</li> <li>d) Siting and details of wheel washing facilities</li> <li>e) Cleaning of site entrances, site tracks and the adjacent public highway</li> <li>f) Timing of construction activities to avoid school pick up/drop off times</li> <li>g) Provision of sufficient on-site parking prior to commencement of construction activities</li> <li>h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.</li> </ul> <p>Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8.</p>
4	<p><b>Notwithstanding the details shown on the approved plans the windows at first floor level in the west elevation of plot 3 hereby permitted shall be permanently fitted with obscured glass or have a cill height of not less than 1.6 m above internal floor level unless otherwise agreed in writing by the local planning authority.</b></p> <p>Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to comply with CS 12.</p>
5	<p><b>No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</b></p> <p>Reason: To ensure a satisfactory appearance to the development.</p>
6	<p><b>No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</b></p> <ul style="list-style-type: none"> <li>hard surfacing materials;</li> <li>means of enclosure;</li> <li>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;</li> <li>trees to be retained and measures for their protection during construction works;</li> <li>proposed finished levels or contours;</li> <li>car parking layouts and other vehicle and pedestrian access and circulation areas;</li> <li>minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);</li> <li>proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);</li> </ul>

	<p><b>retained historic landscape features and proposals for restoration, where relevant.</b></p> <p><b>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</b></p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.</p>
7	<p><b>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:</b></p> <p><b>Schedule 2 Part 1 Classes A, B, C, E, F and G</b>  <b>Part 2 Classes A and B</b></p> <p>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 and to comply with CS 11 and 12.</p>
	<p>Informatives:</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>Ecology</p> <p>Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.</p> <p>In the unlikely event that badgers are discovered during construction works, works should stop immediately and advice sought from an appropriately qualified and experienced Ecologist as to how to proceed.'</p> <p>To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.</p> <p>Any excavations that need to be left overnight should be covered or fitted with mammal ramps (a reinforced plywood board &gt;60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. Any open pipework must be covered at the end of each working day to prevent animals entering / becoming trapped.</p>



	<p><b>Environmental Health</b></p> <p><b>Un-expected Contaminated Land Informative</b>  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 with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.</p> <p><b>Construction Hours of Working – (Plant &amp; Machinery) Informative</b>  In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.</p> <p><b>Construction/Demolition Dust Informative</b>  Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>In addition, the applicant must ensure any concern with an asbestos release during demolition work where this is applicable is adequately addressed.</p> <p><b>Noise on Construction/Demolition Sites Informative</b>  The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p> <p><b>Highways</b></p> <p>1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:  <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047.</p> <p>2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website  <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047.</p>
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**Appendix 1**

**Consultation responses**

## Berkhamsted Town Council

Objects to the proposal.

The site is situated in Berkhamsted Character Area 12: Shootersway. In this part of Kingshill Way housing density is low and the Committee is of the view that the proposals would compromise the low density, spacious, semi-rural features described in BCA12.

## Hertfordshire Ecology

### Comments dated 18/6/18

Following identification of potential roosting features during a daytime inspection on 28 March 2018, and the assessment of the property to have moderate potential to support roosting bats, two nocturnal surveys were undertaken on 31 May and 15 June to determine presence or likely absence of bats in the building proposed for demolition. No bats were recorded emerging or re-entering the buildings on site; however Common Pipistrelle bat flight activity was recorded across the site.

As no roosts were confirmed at the property, it can be demolished without risk of harming bats.

I consider the LPA now has sufficient information on bats to determine this application prior to determination, and satisfy their obligations under the Conservation of Habitats and Species Regulations 2017. As bats are known to be in the area, they may be affected by increased lighting from the new dwellings.

Consequently, I would recommend a further **Informative** is added to any permission granted: *“Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.”*

### Comments dated 21/5/18

The Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site, which is a detached two storey residential dwelling with large garden. The property is located in an area of low density housing with plenty of mature trees, hedgerows and fields in close proximity. There are records of badgers in the area (mainly road casualties from the A41 315m to the south).

As well as protected species (for example badgers), Priority species (such as hedgehogs) should also be considered if they are likely to be present and affected by the development. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.

### Native planting

I am pleased to see that trees and hedgerows will be retained where possible. Ten new trees and native beech hedgerows are proposed.

### Badgers and Hedgehogs

It is possible that badgers and hedgehogs will be in the area and I advise a precautionary approach to site clearance works is adopted. Consequently, I advise the following **Informatives** are added to any permission granted:

*“In the unlikely event that badgers are discovered during construction works, works should stop immediately and advice sought from an appropriately qualified and experienced Ecologist as to how to proceed.”*

*“To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.”*

*“Any excavations that need to be left overnight should be covered or fitted with mammal ramps (a reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. Any open pipework must be covered at the end of each working day to prevent animals entering / becoming trapped.”*

#### Bats

A bat report has been submitted in support of this application – *Preliminary Bat Roost Assessment* by Arbtech, 3 May 2018. A daytime inspection on 28 March 2018 found no bats or evidence of bats; however, the building had potential bat roosting features amongst raised flashing on the porch roof and chimney and a gap under a ridge tile. Consequently, the house was assessed to have *moderate* potential to support roosting bats. Following Bat Conservation Trust best practice guidelines, 2 follow-up dusk emergence / dawn re-entry surveys are recommended to further inform any use of the building by bats, and to provide appropriate mitigation to safeguard bats if present and affected.

Dusk emergence / dawn re-entry surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. Ideally, they should be at least two weeks apart. We are now within the optimum time of year to undertake these nocturnal surveys and consequently they can start now.

**Until the follow-up surveys are undertaken, the LPA does not have enough information regarding the impact on bats in a building identified to have moderate bat roosting potential. As bats are European Protected Species (EPS) this information is required to be submitted to the Local Planning Authority *prior to determination*, so it can fully consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017.**

It should be noted that if bats will be affected by the proposals, appropriate mitigation measures must be carried out under the legal constraints of an EPS development licence obtained from Natural England. I have no reason to believe that a licence will not be issued. Natural England will require a number of nocturnal activity surveys for a licence to be issued, consequently these need to be factored in to any development timescale.

**Currently there is insufficient information on bats to determine this application. Once the requested information has been provided, I can advise the LPA as necessary.**

#### Herts and Middlesex Wildlife Trust

Objection: Bat survey required before application can be determined. Once a suitable survey has been submitted and approved, the objection will be withdrawn provided any required actions are applied in the planning approval.

The design of the building is extremely suitable for bats, it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. If present the development would result in breaches of the legislation protecting bats and their roosts. Therefore there is a reasonable likelihood that bats may be present.

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.

#### Environmental Health

Please be advised that we have no objection to the proposed development in relation to Air Quality and Land Contamination subject to a condition requiring a Construction Management Plan and several informatives.

#### Conservation and Design

Overall, the scheme involves a reasonably balanced approach to this site, with a clean, relatively simple design approach and the tree screen being fully retained. It is slightly odd that the houses face away from the road, when it is argued that the houses sit comfortably with the neighbours. The attic storeys are not shown on the plans and the use of the winged gables implies more usage than just 'storage'; however the introduction of the gables does help to the enliven the 'rear' elevations.

#### HCC - Development Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum CIL Zone 1 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

#### HCC - Highways

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

not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to the setting of several informatives.

#### Building Control

No comment.

#### Trees and Woodlands

There are two rows of mixed trees and shrubs along boundaries with Kingshill Way and on South Eastern boundary. These trees have considerable amenity value and help screening the site and also can act as a noise barrier against the noisy and busy Kingshill Way. These trees are worthy of retention and I recommend that the applicant submits a tree survey report to include a full tree survey and tree protection measures.

## **Appendix 2**

### **Neighbour notification/site notice responses**

**None.**

